

By: Hull

H.B. No. 1086

A BILL TO BE ENTITLED

1 AN ACT

2 relating to court orders to aid an investigation by the Department
3 of Family and Protective Services.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 261.303, Family Code, is amended by
6 amending Subsection (b) and adding Subsections (b-1) and (b-2) to
7 read as follows:

8 (b) If admission to the home, school, or any place where the
9 child may be cannot be obtained, and if ~~[then for good cause shown]~~
10 the court having family law jurisdiction has probable cause to
11 believe that an order is necessary to protect the child from abuse
12 or neglect, then the court shall order the parent, the person
13 responsible for the care of the children, or the person in charge of
14 any place where the child may be to allow entrance for the
15 interview, examination, and investigation.

16 (b-1) A hearing for an order under Subsection (b) may not be
17 ex parte unless the court has probable cause to believe that an
18 immediate risk to the physical health or safety of the child makes
19 it impracticable to hold a full hearing.

20 (b-2) A court that holds an ex parte hearing authorized by
21 Subsection (b-1) shall prepare and keep a record of the hearing in
22 the form of an audio recording. On request of a party to the suit,
23 the court shall provide a copy of the record of an ex parte hearing
24 to the party.

1 SECTION 2. The changes in law made by this Act apply only to
2 a suit filed by the Department of Family and Protective Services on
3 or after the effective date of this Act. A suit filed by the
4 department before that date is governed by the law in effect on the
5 date the suit was filed, and the former law is continued in effect
6 for that purpose.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.