

By: Hull

H.B. No. 1087

Substitute the following for H.B. No. 1087:

By: Dutton

C.S.H.B. No. 1087

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the contents of a petition in certain suits affecting
3 the parent-child relationship.

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

5 SECTION 1. Section 262.101, Family Code, is amended to read
6 as follows:

7 Sec. 262.101. FILING PETITION BEFORE TAKING POSSESSION OF
8 CHILD. (a) An original suit filed by a governmental entity that
9 requests permission to take possession of a child without prior
10 notice and a hearing must be supported by an affidavit sworn to by a
11 person with personal knowledge and stating facts sufficient to
12 satisfy a person of ordinary prudence and caution that:

13 (1) there is an immediate danger to the physical
14 health or safety of the child or the child has been a victim of
15 neglect or sexual abuse;

16 (2) continuation in the home would be contrary to the
17 child's welfare;

18 (3) there is no time, consistent with the physical
19 health or safety of the child, for a full adversary hearing under
20 Subchapter C; and

21 (4) reasonable efforts, consistent with the
22 circumstances and providing for the safety of the child, were made
23 to prevent or eliminate the need for the removal of the child.

24 (b) The affidavit required by Subsection (a) must describe

1 all reasonable efforts, consistent with the circumstances and
2 providing for the safety of the child, that were made to prevent or
3 eliminate the need for the removal of the child.

4 SECTION 2. Section 262.102, Family Code, is amended by
5 adding Subsection (e) to read as follows:

6 (e) The temporary order, temporary restraining order, or
7 attachment of a child rendered by the court under Subsection (a)
8 must describe the reasonable efforts, consistent with the
9 circumstances and providing for the safety of the child, that were
10 made to prevent or eliminate the need for the removal of the child
11 as required by Subsection (a)(4).

12 SECTION 3. Section 262.105, Family Code, is amended by
13 adding Subsection (c) to read as follows:

14 (c) The affidavit required by Subsection (b) must describe
15 all reasonable efforts, consistent with the circumstances and
16 providing for the safety of the child, that were made to prevent or
17 eliminate the need for the removal of the child.

18 SECTION 4. Section 262.107, Family Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) If the court does not order the return of the child at an
21 initial hearing under Subsection (a), the court must describe in
22 writing the reasonable efforts, consistent with the circumstances
23 and providing for the safety of the child, that were made to prevent
24 or eliminate the need for the removal of the child.

25 SECTION 5. Section 262.201, Family Code, is amended by
26 adding Subsection (g-2) to read as follows:

27 (g-2) If, at the conclusion of a full adversary hearing, the

1 court renders an order under Subsection (g) or (g-1), the court must
2 describe in writing:

3 (1) the reasonable efforts that were made to enable
4 the child to return home and the substantial risk of a continuing
5 danger if the child is returned home, as required by Subsection
6 (g)(3); or

7 (2) the reasonable efforts that were made to enable a
8 person's possession of the child and the continuing danger to the
9 physical health or safety of the child as required by Subsection
10 (g-1)(2).

11 SECTION 6. The changes in law made by this Act apply to a
12 suit affecting the parent-child relationship filed on or after the
13 effective date of this Act. A suit filed before the effective date
14 of this Act is governed by the law in effect on the date the suit is
15 filed, and the former law is continued in effect for that purpose.

16 SECTION 7. This Act takes effect September 1, 2023.