

By: Thimesch

H.B. No. 2439

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the individuals to whom notice and information must be  
3 provided after the Department of Family and Protective Services or  
4 another agency takes possession of a child.

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

6 SECTION 1. Section 262.109(d), Family Code, is amended to  
7 read as follows:

8 (d) The written notice may be waived by the court at the  
9 initial hearing:

10 (1) on a showing that:

11 (A) the parents, conservators, or other  
12 custodians of the child could not be located; or

13 (B) the department took possession of the child  
14 under Subchapter D; ~~or~~

15 (2) if the court finds that the alleged father  
16 committed the offense of trafficking of persons as defined by  
17 Article 56B.003, Code of Criminal Procedure, against the mother of  
18 the child; or

19 (3) for other good cause.

20 SECTION 2. Section 262.1095(c), Family Code, is amended to  
21 read as follows:

22 (c) The department is not required to provide information to  
23 an individual if:

24 (1) the individual has received service of citation

1 under Section [102.009](#); ~~[or if]~~

2           (2) the department determines providing information  
3 is inappropriate because the individual has a criminal history or a  
4 history of family violence; or

5           (3) the department is aware or believes that the  
6 alleged father committed the offense of trafficking of persons as  
7 defined by Article [56B.003](#), Code of Criminal Procedure, against the  
8 mother of the child.

9           SECTION 3. The changes in law made by this Act apply only to  
10 a suit affecting the parent-child relationship filed on or after  
11 the effective date of this Act. A suit affecting the parent-child  
12 relationship filed before the effective date of this Act is  
13 governed by the law in effect immediately before the effective date  
14 of this Act, and the former law is continued in effect for that  
15 purpose.

16           SECTION 4. This Act takes effect September 1, 2023.