

1-1 By: Leach (Senate Sponsor - Middleton) H.B. No. 2658  
 1-2 (In the Senate - Received from the House May 10, 2023;  
 1-3 May 11, 2023, read first time and referred to Committee on Health &  
 1-4 Human Services; May 19, 2023, reported favorably by the following  
 1-5 vote: Yeas 8, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to grounds for the involuntary termination of the  
 1-20 parent-child relationship.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 161.001(b), Family Code, is amended to  
 1-23 read as follows:

1-24 (b) The court may order termination of the parent-child  
 1-25 relationship if the court finds by clear and convincing evidence:

1-26 (1) that the parent has:

1-27 (A) voluntarily left the child alone or in the  
 1-28 possession of another not the parent and expressed an intent not to  
 1-29 return;

1-30 (B) voluntarily left the child alone or in the  
 1-31 possession of another not the parent without expressing an intent  
 1-32 to return, without providing for the adequate support of the child,  
 1-33 and remained away for a period of at least three months;

1-34 (C) voluntarily left the child alone or in the  
 1-35 possession of another without providing adequate support of the  
 1-36 child and remained away for a period of at least six months;

1-37 (D) knowingly placed or knowingly allowed the  
 1-38 child to remain in conditions or surroundings which endanger the  
 1-39 physical or emotional well-being of the child;

1-40 (E) engaged in conduct or knowingly placed the  
 1-41 child with persons who engaged in conduct which endangers the  
 1-42 physical or emotional well-being of the child;

1-43 (F) failed to support the child in accordance  
 1-44 with the parent's ability during a period of one year ending within  
 1-45 six months of the date of the filing of the petition;

1-46 (G) abandoned the child without identifying the  
 1-47 child or furnishing means of identification, and the child's  
 1-48 identity cannot be ascertained by the exercise of reasonable  
 1-49 diligence;

1-50 (H) voluntarily, and with knowledge of the  
 1-51 pregnancy, abandoned the mother of the child beginning at a time  
 1-52 during her pregnancy with the child and continuing through the  
 1-53 birth, failed to provide adequate support or medical care for the  
 1-54 mother during the period of abandonment before the birth of the  
 1-55 child, and remained apart from the child or failed to support the  
 1-56 child since the birth;

1-57 (I) contumaciously refused to submit to a  
 1-58 reasonable and lawful order of a court under Subchapter D, Chapter  
 1-59 261;

1-60 (J) been the major cause of:

1-61 (i) the failure of the child to be enrolled  
 1-62 in school as required by the Education Code; or

1-63 (ii) the child's absence from the child's

2-1 home without the consent of the parents or guardian for a  
 2-2 substantial length of time or without the intent to return;  
 2-3 (K) executed before or after the suit is filed an  
 2-4 unrevoked or irrevocable affidavit of relinquishment of parental  
 2-5 rights as provided by this chapter;  
 2-6 (L) been convicted or has been placed on  
 2-7 community supervision, including deferred adjudication community  
 2-8 supervision, for being criminally responsible for the death or  
 2-9 serious injury of a child under the following sections of the Penal  
 2-10 Code, or under a law of another jurisdiction that contains elements  
 2-11 that are substantially similar to the elements of an offense under  
 2-12 one of the following Penal Code sections, or adjudicated under  
 2-13 Title 3 for conduct that caused the death or serious injury of a  
 2-14 child and that would constitute a violation of one of the following  
 2-15 Penal Code sections:

- 2-16 (i) Section 19.02 (murder);
- 2-17 (ii) Section 19.03 (capital murder);
- 2-18 (iii) Section 19.04 (manslaughter);
- 2-19 (iv) Section 21.11 (indecent with a  
 2-20 child);
- 2-21 (v) Section 22.01 (assault);
- 2-22 (vi) Section 22.011 (sexual assault);
- 2-23 (vii) Section 22.02 (aggravated assault);
- 2-24 (viii) Section 22.021 (aggravated sexual  
 2-25 assault);
- 2-26 (ix) Section 22.04 (injury to a child,  
 2-27 elderly individual, or disabled individual);
- 2-28 (x) Section 22.041 (abandoning or  
 2-29 endangering child);
- 2-30 (xi) Section 25.02 (prohibited sexual  
 2-31 conduct);
- 2-32 (xii) Section 43.25 (sexual performance by  
 2-33 a child);
- 2-34 (xiii) Section 43.26 (possession or  
 2-35 promotion of child pornography);
- 2-36 (xiv) Section 21.02 (continuous sexual  
 2-37 abuse of young child or disabled individual);
- 2-38 (xv) Section 20A.02(a)(7) or (8)  
 2-39 (trafficking of persons); and
- 2-40 (xvi) Section 43.05(a)(2) (compelling  
 2-41 prostitution);

2-42 (M) had his or her parent-child relationship  
 2-43 terminated with respect to another child based on a finding that the  
 2-44 parent's conduct was in violation of Paragraph (D) or (E) or  
 2-45 substantially equivalent provisions of the law of another state;

2-46 (N) constructively abandoned the child who has  
 2-47 been in the permanent or temporary managing conservatorship of the  
 2-48 Department of Family and Protective Services for not less than six  
 2-49 months, and:

- 2-50 (i) the department has made reasonable  
 2-51 efforts to return the child to the parent;
- 2-52 (ii) the parent has not regularly visited  
 2-53 or maintained significant contact with the child; and
- 2-54 (iii) the parent has demonstrated an  
 2-55 inability to provide the child with a safe environment;

2-56 (O) failed to comply with the provisions of a  
 2-57 court order that specifically established the actions necessary for  
 2-58 the parent to obtain the return of the child who has been in the  
 2-59 permanent or temporary managing conservatorship of the Department  
 2-60 of Family and Protective Services for not less than nine months as a  
 2-61 result of the child's removal from the parent under Chapter 262 for  
 2-62 the abuse or neglect of the child;

2-63 (P) used a controlled substance, as defined by  
 2-64 Chapter 481, Health and Safety Code, in a manner that endangered the  
 2-65 health or safety of the child, and:

- 2-66 (i) failed to complete a court-ordered  
 2-67 substance abuse treatment program; or
- 2-68 (ii) after completion of a court-ordered  
 2-69 substance abuse treatment program, continued to abuse a controlled  
 2-70 substance;

2-71 (Q) knowingly engaged in criminal conduct that

3-1 has resulted in the parent's:

3-2 (i) conviction of an offense; and

3-3 (ii) confinement or imprisonment and

3-4 inability to care for the child for not less than two years from the

3-5 date of filing the petition;

3-6 (R) been the cause of the child being born

3-7 addicted to alcohol or a controlled substance, other than a

3-8 controlled substance legally obtained by prescription;

3-9 (S) voluntarily delivered the child to a

3-10 designated emergency infant care provider under Section 262.302

3-11 without expressing an intent to return for the child;

3-12 (T) been convicted of:

3-13 (i) the murder of the other parent of the

3-14 child under Section 19.02 or 19.03, Penal Code, or under a law of

3-15 another state, federal law, the law of a foreign country, or the

3-16 Uniform Code of Military Justice that contains elements that are

3-17 substantially similar to the elements of an offense under Section

3-18 19.02 or 19.03, Penal Code;

3-19 (ii) criminal attempt under Section 15.01,

3-20 Penal Code, or under a law of another state, federal law, the law of

3-21 a foreign country, or the Uniform Code of Military Justice that

3-22 contains elements that are substantially similar to the elements of

3-23 an offense under Section 15.01, Penal Code, to commit the offense

3-24 described by Subparagraph (i);

3-25 (iii) criminal solicitation under Section

3-26 15.03, Penal Code, or under a law of another state, federal law, the

3-27 law of a foreign country, or the Uniform Code of Military Justice

3-28 that contains elements that are substantially similar to the

3-29 elements of an offense under Section 15.03, Penal Code, of the

3-30 offense described by Subparagraph (i); or

3-31 (iv) the sexual assault of the other parent

3-32 of the child under Section 22.011 or 22.021, Penal Code, or under a

3-33 law of another state, federal law, or the Uniform Code of Military

3-34 Justice that contains elements that are substantially similar to

3-35 the elements of an offense under Section 22.011 or 22.021, Penal

3-36 Code; ~~or~~]

3-37 (U) been placed on community supervision,

3-38 including deferred adjudication community supervision, or another

3-39 functionally equivalent form of community supervision or

3-40 probation, for being criminally responsible for the sexual assault

3-41 of the other parent of the child under Section 22.011 or 22.021,

3-42 Penal Code, or under a law of another state, federal law, or the

3-43 Uniform Code of Military Justice that contains elements that are

3-44 substantially similar to the elements of an offense under Section

3-45 22.011 or 22.021, Penal Code; or

3-46 (V) been convicted of:

3-47 (i) criminal solicitation of a minor under

3-48 Section 15.031, Penal Code, or under a law of another state, federal

3-49 law, the law of a foreign country, or the Uniform Code of Military

3-50 Justice that contains elements that are substantially similar to

3-51 the elements of an offense under Section 15.031, Penal Code; or

3-52 (ii) online solicitation of a minor under

3-53 Section 33.021, Penal Code, or under a law of another state, federal

3-54 law, the law of a foreign country, or the Uniform Code of Military

3-55 Justice that contains elements that are substantially similar to

3-56 the elements of an offense under Section 33.021, Penal Code; and

3-57 (2) that termination is in the best interest of the

3-58 child.

3-59 SECTION 2. The change in law made by this Act applies only

3-60 to a suit affecting the parent-child relationship filed on or after

3-61 the effective date of this Act. A suit affecting the parent-child

3-62 relationship filed before the effective date of this Act is

3-63 governed by the law in effect on the date the suit was filed, and the

3-64 former law is continued in effect for that purpose.

3-65 SECTION 3. This Act takes effect September 1, 2023.

3-66

\* \* \* \* \*