

By: West, Miles, Paxton

S.B. No. 2591

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of the Department of Family and Protective Services and a child's parent or legal guardian as joint managing conservators for the child.

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

SECTION 1. Section 262.352, Family Code, is amended to read as follows:

Sec. 262.352. JOINT MANAGING CONSERVATORSHIP OF CHILD. (a) In this section, "hotel" has the meaning assigned by Section 792.001, Health and Safety Code.

(b) Before the department files a suit affecting the parent-child relationship requesting managing conservatorship of a child who suffers from a severe emotional disturbance in order to obtain mental health services for the child, the department must, unless it is not in the best interest of the child, discuss with the child's parent or legal guardian the option of seeking a court order for joint managing conservatorship of the child with the department.

(c) A court shall enter an order appointing the department and the child's parent or legal guardian as joint managing conservators of the child if the court finds sufficient evidence to satisfy a person of ordinary prudence and caution that the child's parent or legal guardian has:

(1) exhausted all reasonable means available to the

1 parent or legal guardian to obtain mental health services to meet
2 the child's needs; and

3 (2) agreed to actively participate in the child's
4 service plan in preparation for the child's return to the parent or
5 legal guardian.

6 (d) A child in the joint managing conservatorship of the
7 department and the child's parent or legal guardian may not receive
8 temporary emergency care under Section 264.107(g) in a hotel or
9 other unlicensed setting.

10 SECTION 2. The change in law made by this Act applies only
11 to a suit affecting the parent-child relationship filed on or after
12 the effective date of this Act. A suit affecting the parent-child
13 relationship filed before the effective date of this Act is
14 governed by the law in effect on the date the suit was filed, and the
15 former law is continued in effect for that purpose.

16 SECTION 3. This Act takes effect September 1, 2023.