

1-1 By: West S.B. No. 2591
 1-2 (In the Senate - Filed April 3, 2023; April 5, 2023, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 24, 2023, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; April 24, 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 the appointment of the Department of Family and
 1-20 Protective Services and a child's parent or legal guardian as joint
 1-21 managing conservators for the child.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 262.352, Family Code, is amended to read
 1-24 as follows:

1-25 Sec. 262.352. JOINT MANAGING CONSERVATORSHIP OF CHILD. (a)
 1-26 In this section, "hotel" has the meaning assigned by Section
 1-27 792.001, Health and Safety Code.

1-28 (b) Before the department files a suit affecting the
 1-29 parent-child relationship requesting managing conservatorship of a
 1-30 child who suffers from a severe emotional disturbance in order to
 1-31 obtain mental health services for the child, the department must,
 1-32 unless it is not in the best interest of the child, discuss with the
 1-33 child's parent or legal guardian the option of seeking a court order
 1-34 for joint managing conservatorship of the child with the
 1-35 department.

1-36 (c) A court shall enter an order appointing the department
 1-37 and the child's parent or legal guardian as joint managing
 1-38 conservators of the child if the court finds sufficient evidence to
 1-39 satisfy a person of ordinary prudence and caution that the child's
 1-40 parent or legal guardian has:

1-41 (1) exhausted all reasonable means available to the
 1-42 parent or legal guardian to obtain mental health services to meet
 1-43 the child's needs; and

1-44 (2) agreed to actively participate in the child's
 1-45 service plan in preparation for the child's return to the parent or
 1-46 legal guardian.

1-47 (d) A child in the joint managing conservatorship of the
 1-48 department and the child's parent or legal guardian may not receive
 1-49 temporary emergency care under Section 264.107(g) in a hotel or
 1-50 other unlicensed setting.

1-51 SECTION 2. The change in law made by this Act applies only
 1-52 to a suit affecting the parent-child relationship filed on or after
 1-53 the effective date of this Act. A suit affecting the parent-child
 1-54 relationship filed before the effective date of this Act is
 1-55 governed by the law in effect on the date the suit was filed, and the
 1-56 former law is continued in effect for that purpose.

1-57 SECTION 3. This Act takes effect September 1, 2023.

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