

By: Naishtat

H.B. No. 228

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

AN ACT

relating to use of a proposed child placement resources form in cases involving the Department of Family and Protective Services.

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

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

(c) The written notice must include:

(1) the reasons why the department or agency is taking possession of the child and the facts that led the department to believe that the child should be taken into custody;

(2) the name of the person at the department or agency that the parent, conservator, or other custodian may contact for information relating to the child or a legal proceeding relating to the child;

(3) a summary of legal rights of a parent, conservator, guardian, or other custodian under this chapter and an explanation of the probable legal procedures relating to the child; ~~and~~

(4) a statement that the parent, conservator, or other custodian has the right to hire an attorney; and

(5) a proposed child placement resources form that instructs the parent, conservator, or other custodian to complete and submit the form to the court with the identification of any relative of the child or other individual with whom the child could

1 be placed.

2 SECTION 2. Section 262.201(c), Family Code, is amended to
3 read as follows:

4 (c) If the court finds sufficient evidence to satisfy a
5 person of ordinary prudence and caution that there is a continuing
6 danger to the physical health or safety of the child and for the
7 child to remain in the home is contrary to the welfare of the child,
8 the court shall issue an appropriate temporary order under Chapter
9 105. The court shall require each parent, alleged father, or
10 relative of the child before the court to submit the proposed child
11 placement resources form provided under Section 262.109, if the
12 form has not been previously provided to the court, and provide the
13 Department of Family and Protective [~~and Regulatory~~] Services with
14 information necessary to locate any other absent parent, alleged
15 father, or relative of the child. The court shall inform each
16 parent in open court that parental and custodial rights and duties
17 may be subject to restriction or to termination unless the parent or
18 parents are willing and able to provide the child with a safe
19 environment. If the court finds that the child requires protection
20 from family violence by a member of the child's family or household,
21 the court shall render a protective order under Title 4 for the
22 child. In this subsection, "family violence" has the meaning
23 assigned by Section 71.004.

24 SECTION 3. Section 263.201, Family Code, is amended by
25 adding Subsection (c) to read as follows:

26 (c) The court shall require each parent, alleged father, or
27 relative of the child before the court to submit the proposed child

1 placement resources form provided under Section 262.109 at the
2 status hearing, if the form has not previously been submitted.

3 SECTION 4. The Department of Family and Protective Services
4 shall develop the proposed child placement resources form required
5 to be provided under Section 262.109, Family Code, as amended by
6 this Act, not later than November 1, 2005.

7 SECTION 5. (a) The change in law made by this Act to Section
8 262.109(c), Family Code, applies only in cases in which the
9 Department of Family and Protective Services or another agency
10 takes possession of a child under Chapter 262, Family Code, on or
11 after November 1, 2005. The notice required to be provided in cases
12 in which the department or agency takes possession of a child before
13 that date is governed by the law as it existed before amendment by
14 this Act, and the former law is continued in effect for that
15 purpose.

16 (b) The change in law made by this Act to Section
17 262.201(c), Family Code, applies only to a full adversary hearing
18 that occurs on or after November 1, 2005. A full adversary hearing
19 that occurs before that date is governed by the law as it existed
20 before amendment by this Act, and the former law is continued in
21 effect for that purpose.

22 (c) The change in law made by this Act to Section 263.201,
23 Family Code, applies only to a status hearing that occurs on or
24 after November 1, 2005. A status hearing that occurs before that
25 date is governed by the law as it existed before amendment by this
26 Act, and the former law is continued in effect for that purpose.

27 SECTION 6. This Act takes effect September 1, 2005.