

By: Dutton

H.B. No. 384

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a presumption that placement of a child with a parent or
3 relative is in the best interest of the child.

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

5 SECTION 1. Section 262.201(e), Family Code, is amended to
6 read as follows:

7 (e) The court shall place a child removed from the child's
8 custodial parent with the child's noncustodial parent or with a
9 relative of the child if placement with the noncustodial parent is
10 inappropriate, unless the department overcomes the presumption
11 that placement with the noncustodial parent or a relative is [not]
12 in the best interest of the child.

13 SECTION 2. Section 262.205(e), Family Code, is amended to
14 read as follows:

15 (e) Unless the department overcomes the presumption that
16 the placement [it] is [not] in the best interest of the child, the
17 court shall place a child who has been removed under this section
18 with:

- 19 (1) the child's noncustodial parent; or
20 (2) another relative of the child if placement with
21 the noncustodial parent is inappropriate.

22 SECTION 3. Section 263.404(a), Family Code, is amended to
23 read as follows:

24 (a) The court may render a final order appointing the

1 department as managing conservator of the child without terminating
2 the rights of the parent of the child if the court finds that:

3 (1) appointment of a parent as managing conservator
4 would not be in the best interest of the child because the
5 appointment would significantly impair the child's physical health
6 or emotional development; and

7 (2) the department has overcome the presumption that
8 it would [~~not~~] be in the best interest of the child to appoint a
9 relative of the child or another person as managing conservator.

10 SECTION 4. This Act applies only to a suit affecting the
11 parent-child relationship filed on or after the effective date of
12 this Act. A suit affecting the parent-child relationship filed
13 before the effective date of this Act is governed by the law in
14 effect on the date suit was filed, and the former law is continued
15 in effect for that purpose.

16 SECTION 5. This Act takes effect September 1, 2005.