

1-1 By: Bonnen, et al. (Senate Sponsor - Averitt) H.B. No. 657  
1-2 (In the Senate - Received from the House April 22, 2005;  
1-3 April 25, 2005, read first time and referred to Committee on  
1-4 Jurisprudence; May 13, 2005, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to terminating the parent-child relationship of a parent  
1-9 convicted of certain crimes.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. This Act may be called the Donna Hoedt Act.

1-12 SECTION 2. Section 161.001, Family Code, is amended to read  
1-13 as follows:

1-14 Sec. 161.001. INVOLUNTARY TERMINATION OF PARENT-CHILD  
1-15 RELATIONSHIP. The court may order termination of the parent-child  
1-16 relationship if the court finds by clear and convincing evidence:

1-17 (1) that the parent has:

1-18 (A) voluntarily left the child alone or in the  
1-19 possession of another not the parent and expressed an intent not to  
1-20 return;

1-21 (B) voluntarily left the child alone or in the  
1-22 possession of another not the parent without expressing an intent  
1-23 to return, without providing for the adequate support of the child,  
1-24 and remained away for a period of at least three months;

1-25 (C) voluntarily left the child alone or in the  
1-26 possession of another without providing adequate support of the  
1-27 child and remained away for a period of at least six months;

1-28 (D) knowingly placed or knowingly allowed the  
1-29 child to remain in conditions or surroundings which endanger the  
1-30 physical or emotional well-being of the child;

1-31 (E) engaged in conduct or knowingly placed the  
1-32 child with persons who engaged in conduct which endangers the  
1-33 physical or emotional well-being of the child;

1-34 (F) failed to support the child in accordance  
1-35 with the parent's ability during a period of one year ending within  
1-36 six months of the date of the filing of the petition;

1-37 (G) abandoned the child without identifying the  
1-38 child or furnishing means of identification, and the child's  
1-39 identity cannot be ascertained by the exercise of reasonable  
1-40 diligence;

1-41 (H) voluntarily, and with knowledge of the  
1-42 pregnancy, abandoned the mother of the child beginning at a time  
1-43 during her pregnancy with the child and continuing through the  
1-44 birth, failed to provide adequate support or medical care for the  
1-45 mother during the period of abandonment before the birth of the  
1-46 child, and remained apart from the child or failed to support the  
1-47 child since the birth;

1-48 (I) contumaciously refused to submit to a  
1-49 reasonable and lawful order of a court under Subchapter D, Chapter  
1-50 261;

1-51 (J) been the major cause of:

1-52 (i) the failure of the child to be enrolled  
1-53 in school as required by the Education Code; or

1-54 (ii) the child's absence from the child's  
1-55 home without the consent of the parents or guardian for a  
1-56 substantial length of time or without the intent to return;

1-57 (K) executed before or after the suit is filed an  
1-58 unrevoked or irrevocable affidavit of relinquishment of parental  
1-59 rights as provided by this chapter;

1-60 (L) been convicted or has been placed on  
1-61 community supervision, including deferred adjudication community  
1-62 supervision, for being criminally responsible for the death or  
1-63 serious injury of a child under the following sections of the Penal  
1-64 Code or adjudicated under Title 3 for conduct that caused the death

2-1 or serious injury of a child and that would constitute a violation  
 2-2 of one of the following Penal Code sections:  
 2-3 (i) Section 19.02 (murder);  
 2-4 (ii) Section 19.03 (capital murder);  
 2-5 (iii) Section 19.04 (manslaughter);  
 2-6 (iv) Section 21.11 (indecent with a  
 2-7 child);  
 2-8 (v) Section 22.01 (assault);  
 2-9 (vi) Section 22.011 (sexual assault);  
 2-10 (vii) Section 22.02 (aggravated assault);  
 2-11 (viii) Section 22.021 (aggravated sexual  
 2-12 assault);  
 2-13 (ix) Section 22.04 (injury to a child,  
 2-14 elderly individual, or disabled individual);  
 2-15 (x) Section 22.041 (abandoning or  
 2-16 endangering child);  
 2-17 (xi) Section 25.02 (prohibited sexual  
 2-18 conduct);  
 2-19 (xii) Section 43.25 (sexual performance by  
 2-20 a child); and  
 2-21 (xiii) Section 43.26 (possession or  
 2-22 promotion of child pornography);  
 2-23 (M) had his or her parent-child relationship  
 2-24 terminated with respect to another child based on a finding that the  
 2-25 parent's conduct was in violation of Paragraph (D) or (E) or  
 2-26 substantially equivalent provisions of the law of another state;  
 2-27 (N) constructively abandoned the child who has  
 2-28 been in the permanent or temporary managing conservatorship of the  
 2-29 Department of Family and Protective [~~and Regulatory~~] Services or an  
 2-30 authorized agency for not less than six months, and:  
 2-31 (i) the department or authorized agency has  
 2-32 made reasonable efforts to return the child to the parent;  
 2-33 (ii) the parent has not regularly visited  
 2-34 or maintained significant contact with the child; and  
 2-35 (iii) the parent has demonstrated an  
 2-36 inability to provide the child with a safe environment;  
 2-37 (O) failed to comply with the provisions of a  
 2-38 court order that specifically established the actions necessary for  
 2-39 the parent to obtain the return of the child who has been in the  
 2-40 permanent or temporary managing conservatorship of the Department  
 2-41 of Family and Protective [~~and Regulatory~~] Services for not less  
 2-42 than nine months as a result of the child's removal from the parent  
 2-43 under Chapter 262 for the abuse or neglect of the child;  
 2-44 (P) used a controlled substance, as defined by  
 2-45 Chapter 481, Health and Safety Code, in a manner that endangered the  
 2-46 health or safety of the child, and:  
 2-47 (i) failed to complete a court-ordered  
 2-48 substance abuse treatment program; or  
 2-49 (ii) after completion of a court-ordered  
 2-50 substance abuse treatment program, continued to abuse a controlled  
 2-51 substance;  
 2-52 (Q) knowingly engaged in criminal conduct that  
 2-53 has resulted in the parent's:  
 2-54 (i) conviction of an offense; and  
 2-55 (ii) confinement or imprisonment and  
 2-56 inability to care for the child for not less than two years from the  
 2-57 date of filing the petition;  
 2-58 (R) been the cause of the child being born  
 2-59 addicted to alcohol or a controlled substance, other than a  
 2-60 controlled substance legally obtained by prescription, as defined  
 2-61 by Section 261.001; [~~or~~]  
 2-62 (S) voluntarily delivered the child to a  
 2-63 designated emergency infant care provider under Section 262.302  
 2-64 without expressing an intent to return for the child; or  
 2-65 (T) been convicted of the murder of the other  
 2-66 parent of the child under Section 19.02 or 19.03, Penal Code, or  
 2-67 under a law of another state, federal law, the law of a foreign  
 2-68 country, or the Uniform Code of Military Justice that contains  
 2-69 elements that are substantially similar to the elements of an

3-1 offense under Section 19.02 or 19.03, Penal Code; and  
3-2 (2) that termination is in the best interest of the  
3-3 child.

3-4 SECTION 3. The change in law made by this Act applies only  
3-5 to a suit affecting the parent-child relationship filed on or after  
3-6 the effective date of this Act. A suit affecting the parent-child  
3-7 relationship filed before the effective date of this Act is  
3-8 governed by the law in effect on the date the suit was filed, and the  
3-9 former law is continued in effect for that purpose.

3-10 SECTION 4. This Act takes effect September 1, 2005.

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