1 AN ACT

2 relating to procedures for a suit affecting the parent-child

3 relationship involving a child in the conservatorship of the

4 Department of Family and Protective Services.

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

6 SECTION 1. Section 102.006, Family Code, is amended by

7 amending Subsection (a) and adding Subsection (c) to read as

8 follows:

9 (a) Except as provided by Subsections [Subsection] (b) and

10 (c), if the parent-child relationship between the child and every

11 living parent of the child has been terminated, an original suit may

12 not be filed by:

13 (1) a former parent whose parent-child relationship

14 with the child has been terminated by court order;

15 (2) the father of the child; or

16 (3) a family member or relative by blood, adoption, or

17 marriage of either a former parent whose parent-child relationship

18 has been terminated or of the father of the child.

19 (c) The limitations on filing suit imposed by this section

20 do not apply to an adult sibling of the child, a grandparent of the

21 child, an aunt who is a sister of a parent of the child, or an uncle

22 who is a brother of a parent of the child if the adult sibling,

23 grandparent, aunt, or uncle files an original suit or a suit for

24 modification requesting managing conservatorship of the child not

1

1 later than the 90th day after the date the parent-child

2 relationship between the child and the parent is terminated in a

3 suit filed by the Department of Family and Protective Services

4 requesting the termination of the parent-child relationship.

5   SECTION 2. Sections 263.401(a), (b), and (c), Family Code,

6 are amended to read as follows:

7   (a) Unless the court has commenced the trial on the merits

8 [rendered a final order] or granted an extension under Subsection

9 (b), on the first Monday after the first anniversary of the date the

10 court rendered a temporary order appointing the department as

11 temporary managing conservator, the court shall dismiss the suit

12 affecting the parent-child relationship filed by the department

13 that requests termination of the parent-child relationship or

14 requests that the department be named conservator of the child.

15   (b) Unless the court has commenced the trial on the merits,

16 the [The] court may not retain the suit on the court's docket after

17 the time described by Subsection (a) unless the court finds that

18 extraordinary circumstances necessitate the child remaining in the

19 temporary managing conservatorship of the department and that

20 continuing the appointment of the department as temporary managing

21 conservator is in the best interest of the child. If the court

22 makes those findings, the court may retain the suit on the court's

23 docket for a period not to exceed 180 days after the time described

24 by Subsection (a). If the court retains the suit on the court's

25 docket, the court shall render an order in which the court:

26   (1) schedules the new date on which the suit will be

27 dismissed if the trial on the merits has not commenced, which date

1   must be [for dismissal of the suit] not later than the 180th day

2   after the time described by Subsection (a);

3   (2) makes further temporary orders for the safety and

4   welfare of the child as necessary to avoid further delay in

5   resolving the suit; and

6   (3) sets the trial on the merits [a final hearing] on a

7   date not later than the date specified under Subdivision (1) [that

8   allows the court to render a final order before the required date

9   for dismissal of the suit under this subsection].

10   (c) If the court grants an extension but does not commence

11   the trial on the merits [render a final order or dismiss the suit on

12   or] before the required date for dismissal under Subsection (b),

13   the court shall dismiss the suit. The court may not grant an

14   additional extension that extends the suit beyond the required date

15   for dismissal under Subsection (b).

16   SECTION 3. Section 263.402(b), Family Code, is amended to

17   read as follows:

18   (b) A party to a suit under this chapter who fails to make a

19   timely motion to dismiss the suit [or to make a motion requesting

20   the court to render a final order before the deadline for dismissal]

21   under this subchapter waives the right to object to the court's

22   failure to dismiss the suit. A motion to dismiss under this

23   subsection is timely if the motion is made before the [department

24   has introduced all of the department's evidence, other than

25   rebuttal evidence, at the] trial on the merits commences.

26   SECTION 4. Sections 263.403(b) and (c), Family Code, are

27   amended to read as follows:

1   (b) If the court renders an order under this section, the

2 court shall:

3   (1) include in the order specific findings regarding

4 the grounds for the order; and

5   (2) schedule a new date, not later than the 180th day

6 after the date the temporary order is rendered, for dismissal of the

7 suit <u>unless a trial on the merits has commenced</u>.

8   (c) If a child placed with a parent under this section must

9 be moved from that home by the department before the dismissal of

10 the suit or the <u>commencement of the trial on the merits</u> [~~rendering~~

11 ~~of a final order~~], the court shall, at the time of the move,

12 schedule a new date for dismissal of the suit <u>unless a trial on the</u>

13 <u>merits has commenced</u>. The new dismissal date may not be later than

14 the original dismissal date established under Section 263.401 or

15 the 180th day after the date the child is moved under this

16 subsection, whichever date is later.

17   SECTION 5. Section 263.401(d), Family Code, is repealed.

18   SECTION 6. The changes in law made by this Act to Sections

19 263.401, 263.402, and 263.403, Family Code, apply only to a suit

20 affecting the parent-child relationship filed on or after the

21 effective date of this Act. A suit affecting the parent-child

22 relationship filed before the effective date of this Act is

23 governed by the law in effect at the time the suit was filed, and the

24 former law is continued in effect for that purpose.

25   SECTION 7. This Act takes effect immediately if it receives

26 a vote of two-thirds of all the members elected to each house, as

27 provided by Section 39, Article III, Texas Constitution. If this

1   Act does not receive the vote necessary for immediate effect, this
2   Act takes effect September 1, 2007.

_____   _____
President of the Senate   Speaker of the House

     I certify that H.B. No. 1481 was passed by the House on May 11, 2007, by the following vote: Yeas 136, Nays 4, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 1481 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1481 on May 27, 2007, by the following vote: Yeas 146, Nays 2, 2 present, not voting.

                          _____
                          Chief Clerk of the House

I certify that H.B. No. 1481 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1481 on May 27, 2007, by the following vote: Yeas 30, Nays 0.

_____

Secretary of the Senate

APPROVED: _____

Date

_____

Governor