

By: Gattis

H.B. No. 1993

A BILL TO BE ENTITLED

1 AN ACT

2 relating to mandatory dismissal of certain suits affecting the
3 parent-child relationship and involving the Department of Family
4 and Protective Services.

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

6 SECTION 1. Sections 263.401(a), (b), and (c), Family Code,
7 are amended to read as follows:

8 (a) Unless the court has commenced the trial on the merits
9 ~~[rendered a final order]~~ or granted an extension under Subsection
10 (b), on the first Monday after the first anniversary of the date the
11 court rendered a temporary order appointing the department as
12 temporary managing conservator, the court shall dismiss the suit
13 affecting the parent-child relationship filed by the department
14 that requests termination of the parent-child relationship or
15 requests that the department be named conservator of the child.

16 (b) Unless the court has commenced the trial on the merits,
17 the ~~[The]~~ court may not retain the suit on the court's docket after
18 the time described by Subsection (a) unless the court finds that
19 extraordinary circumstances necessitate the child remaining in the
20 temporary managing conservatorship of the department and that
21 continuing the appointment of the department as temporary managing
22 conservator is in the best interest of the child. If the court
23 makes those findings, the court may retain the suit on the court's
24 docket for a period not to exceed 180 days after the time described

1 by Subsection (a). If the court retains the suit on the court's
2 docket, the court shall render an order in which the court:

3 (1) schedules the new date on which the suit will be
4 dismissed if the trial on the merits has not commenced, which date
5 must be [~~for dismissal of the suit~~] not later than the 180th day
6 after the time described by Subsection (a);

7 (2) makes further temporary orders for the safety and
8 welfare of the child as necessary to avoid further delay in
9 resolving the suit; and

10 (3) sets the trial on the merits [~~a final hearing~~] on a
11 date not later than the date specified under Subdivision (1) [~~that~~
12 ~~allows the court to render a final order before the required date~~
13 ~~for dismissal of the suit under this subsection~~].

14 (c) If the court grants an extension but does not commence
15 the trial on the merits [~~render a final order or dismiss the suit on~~
16 ~~or~~] before the required date for dismissal under Subsection (b),
17 the court shall dismiss the suit. The court may not grant an
18 additional extension that extends the suit beyond the required date
19 for dismissal under Subsection (b).

20 SECTION 2. Section 263.402(b), Family Code, is amended to
21 read as follows:

22 (b) A party to a suit under this chapter who fails to make a
23 timely motion to dismiss the suit [~~or to make a motion requesting~~
24 ~~the court to render a final order before the deadline for dismissal~~]
25 under this subchapter waives the right to object to the court's
26 failure to dismiss the suit. A motion to dismiss under this
27 subsection is timely if the motion is made before the [~~department~~

1 ~~has introduced all of the department's evidence, other than~~
2 ~~rebuttal evidence, at the]~~ trial on the merits commences.

3 SECTION 3. Sections 263.403(b) and (c), Family Code, are
4 amended to read as follows:

5 (b) If the court renders an order under this section, the
6 court shall:

7 (1) include in the order specific findings regarding
8 the grounds for the order; and

9 (2) schedule a new date, not later than the 180th day
10 after the date the temporary order is rendered, for dismissal of the
11 suit unless a trial on the merits has commenced.

12 (c) If a child placed with a parent under this section must
13 be moved from that home by the department before the dismissal of
14 the suit or the commencement of the trial on the merits [~~rendering~~
15 ~~of a final order~~], the court shall, at the time of the move,
16 schedule a new date for dismissal of the suit unless a trial on the
17 merits has commenced. The new dismissal date may not be later than
18 the original dismissal date established under Section 263.401 or
19 the 180th day after the date the child is moved under this
20 subsection, whichever date is later.

21 SECTION 4. Section 263.401(d), Family Code, is repealed.

22 SECTION 5. The changes in law made by this Act apply only to
23 a suit affecting the parent-child relationship filed on or after
24 the effective date of this Act. A suit affecting the parent-child
25 relationship filed before the effective date of this Act is
26 governed by the law in effect at the time the suit was filed, and the
27 former law is continued in effect for that purpose.

1 SECTION 6. This Act takes effect September 1, 2007.