

1-1 By: Gattis (Senate Sponsor - Hegar) H.B. No. 1993
1-2 (In the Senate - Received from the House May 11, 2007;
1-3 May 15, 2007, read first time and referred to Committee on
1-4 Jurisprudence; May 19, 2007, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; May 19, 2007, sent to printer.)

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

1-8 relating to mandatory dismissal of certain suits affecting the
1-9 parent-child relationship and involving the Department of Family
1-10 and Protective Services.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Sections 263.401(a), (b), and (c), Family Code,
1-13 are amended to read as follows:

1-14 (a) Unless the court has commenced the trial on the merits
1-15 ~~[rendered a final order]~~ or granted an extension under Subsection
1-16 (b), on the first Monday after the first anniversary of the date the
1-17 court rendered a temporary order appointing the department as
1-18 temporary managing conservator, the court shall dismiss the suit
1-19 affecting the parent-child relationship filed by the department
1-20 that requests termination of the parent-child relationship or
1-21 requests that the department be named conservator of the child.

1-22 (b) Unless the court has commenced the trial on the merits,
1-23 ~~the~~ ~~[The]~~ court may not retain the suit on the court's docket after
1-24 the time described by Subsection (a) unless the court finds that
1-25 extraordinary circumstances necessitate the child remaining in the
1-26 temporary managing conservatorship of the department and that
1-27 continuing the appointment of the department as temporary managing
1-28 conservator is in the best interest of the child. If the court
1-29 makes those findings, the court may retain the suit on the court's
1-30 docket for a period not to exceed 180 days after the time described
1-31 by Subsection (a). If the court retains the suit on the court's
1-32 docket, the court shall render an order in which the court:

1-33 (1) schedules the new date on which the suit will be
1-34 dismissed if the trial on the merits has not commenced, which date
1-35 must be ~~[for dismissal of the suit]~~ not later than the 180th day
1-36 after the time described by Subsection (a);

1-37 (2) makes further temporary orders for the safety and
1-38 welfare of the child as necessary to avoid further delay in
1-39 resolving the suit; and

1-40 (3) sets the trial on the merits ~~[a final hearing]~~ on a
1-41 date not later than the date specified under Subdivision (1) ~~[that~~
1-42 ~~allows the court to render a final order before the required date~~
1-43 ~~for dismissal of the suit under this subsection].~~

1-44 (c) If the court grants an extension but does not commence
1-45 the trial on the merits ~~[render a final order or dismiss the suit on~~
1-46 ~~or]~~ before the required date for dismissal under Subsection (b),
1-47 the court shall dismiss the suit. The court may not grant an
1-48 additional extension that extends the suit beyond the required date
1-49 for dismissal under Subsection (b).

1-50 SECTION 2. Section 263.402(b), Family Code, is amended to
1-51 read as follows:

1-52 (b) A party to a suit under this chapter who fails to make a
1-53 timely motion to dismiss the suit ~~[or to make a motion requesting~~
1-54 ~~the court to render a final order before the deadline for dismissal]~~
1-55 under this subchapter waives the right to object to the court's
1-56 failure to dismiss the suit. A motion to dismiss under this
1-57 subsection is timely if the motion is made before the ~~[department~~
1-58 ~~has introduced all of the department's evidence, other than~~
1-59 ~~rebuttal evidence, at the]~~ trial on the merits commences.

1-60 SECTION 3. Sections 263.403(b) and (c), Family Code, are
1-61 amended to read as follows:

1-62 (b) If the court renders an order under this section, the
1-63 court shall:

1-64 (1) include in the order specific findings regarding

2-1 the grounds for the order; and

2-2 (2) schedule a new date, not later than the 180th day
2-3 after the date the temporary order is rendered, for dismissal of the
2-4 suit unless a trial on the merits has commenced.

2-5 (c) If a child placed with a parent under this section must
2-6 be moved from that home by the department before the dismissal of
2-7 the suit or the commencement of the trial on the merits [~~rendering~~
2-8 ~~of a final order~~], the court shall, at the time of the move,
2-9 schedule a new date for dismissal of the suit unless a trial on the
2-10 merits has commenced. The new dismissal date may not be later than
2-11 the original dismissal date established under Section 263.401 or
2-12 the 180th day after the date the child is moved under this
2-13 subsection, whichever date is later.

2-14 SECTION 4. Section 263.401(d), Family Code, is repealed.

2-15 SECTION 5. The changes in law made by this Act apply only to
2-16 a suit affecting the parent-child relationship filed on or after
2-17 the effective date of this Act. A suit affecting the parent-child
2-18 relationship filed before the effective date of this Act is
2-19 governed by the law in effect at the time the suit was filed, and the
2-20 former law is continued in effect for that purpose.

2-21 SECTION 6. This Act takes effect September 1, 2007.

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