

## **BILL ANALYSIS**

S.B. 786  
By: Nelson  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Department of Family and Protective Services (DFPS) can currently seek removal of an alleged perpetrator of child abuse, but is often reluctant to do so because of the low threshold for ensuring the safety of the child. This bill will guide DFPS in the removal of an alleged perpetrator from a home before removing the child in abuse or neglect cases, by ensuring that active consideration is given to the safety of all children in a home.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Section 262.1015(b), Family Code, to authorize a court to issue a temporary restraining order in a suit by the Department of Family and Protective Services (DFPS) for the removal of an alleged perpetrator under Subsection (a) (relating to a petition for the removal of an alleged perpetrator from the residence of a child) if DFPS's petition states facts sufficient to satisfy the court of certain conditions, including that the parent or other adult with whom the child will continue to reside in the child's home is likely to make a reasonable effort to monitor the residence; and report to DFPS and the appropriate law enforcement agency any attempt by the alleged perpetrator to return to the residence.

SECTION 2. Amends Section 262.102(b), Family Code to require, instead of permit, the court in determining whether the circumstances described by Subsections (a)(1) (relating to a court determination that there is an immediate danger to a child) and (a)(2) (relating to a court determination that there is no time for a full adversary hearing) exist, to consider whether the child's household includes a person who has abused or neglected another child in a manner that caused serious injury to or the death of the other child or sexually abused another child.

SECTION 3. Makes application of Section 262.1015(b), Family Code, as amended by this Act prospective.

SECTION 4. Effective date: September 1, 2009.

### **EFFECTIVE DATE**

September 1, 2009.