

## **BILL ANALYSIS**

Senate Research Center

S.B. 429  
By: Nelson  
Health & Human Services  
7/8/2013  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, when a child protective services (CPS) case is dismissed, the judge is not required to consider issuing or amending other court orders that may be relevant to the child's best interest. Judges can consider other court orders when in the best interest of the child, but there is no requirement to do so.

S.B. 429 requires judges, before approving the dismissal of a CPS suit, to consider whether any preexisting child support, visitation, or other issues impacting the best interest of a child would continue or whether new orders should be issued. This will ensure that CPS case dismissal orders are issued with a comprehensive understanding of all related court orders impacting the best interest of a child.

S.B. 429 amends current law relating to the dismissal or nonsuit of a suit to terminate the parent-child relationship filed by the Department of Family and Protective Services.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 263, Family Code, to read as follows:

#### **CHAPTER 263. REVIEW OF PLACEMENT OF CHILDREN UNDER CARE OF DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES**

SECTION 2. Amends Subchapter E, Chapter 263, Family Code, by adding Section 263.408, as follows:

Sec. 263.408. **REQUIREMENTS BEFORE DISMISSAL OR NONSUIT.** (a) Requires the court, before approving a dismissal or nonsuit of a suit to terminate the parent-child relationship filed by the Department of Family and Protective Services (DFPS), to consider:

(1) whether the dismissal or nonsuit is in the best interest of each child affected by the suit; and

(2) whether any orders for the conservatorship, possession of or access to, or support of each child affected by the suit continue in effect after the dismissal or nonsuit.

(b) Authorizes the court, before approving a dismissal or nonsuit of a suit to terminate the parent-child relationship filed by DFPS, to render an order for the conservatorship, possession of or access to, or support of each child affected by the suit that will continue in effect after the dismissal or nonsuit of the suit to terminate the parent-child relationship.

SECTION 3. Provides that Section 263.408, Family Code, as added by this Act, applies only to a motion for the dismissal or nonsuit of a suit to terminate the parent-child relationship that is made on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2013.