

BILL ANALYSIS

Senate Research Center
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S.B. 429
By: Nelson
Health & Human Services
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As Filed

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.

As proposed, S.B. 429 amends current law relating to the dismissal or nonsuit of a suit to terminate the parent-child relationship filed by a governmental entity.

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 Section 161.203, Family Code, as follows:

Sec. 161.203. DISMISSAL OF PETITION. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires the court, before approving a dismissal or nonsuit of a suit filed by a governmental entity to terminate the parent-child relationship, to consider whether any child support, visitation, or other orders affecting the child continue in effect after the dismissal and whether the dismissal is in the best interest of each child affected by the suit.

(c) Requires the court to ensure that a final order dismissing a suit filed by a governmental entity to terminate the parent-child relationship includes appropriate orders for continued child support, visitation, or other orders the court determines are necessary and in the best interest of the child.

SECTION 2. Makes application of Sections 161.203(b) and (c), Family Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2013.