

By: Flynn

H.B. No. 165

Substitute the following for H.B. No. 165:

By: Fallon

C.S.H.B. No. 165

A BILL TO BE ENTITLED

1

AN ACT

2 relating to suits affecting the parent-child relationship and  
3 placement decisions for children in foster care.

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

5 SECTION 1. Section 102.003, Family Code, is amended by  
6 amending Subsection (a) and adding Subsection (d) to read as  
7 follows:

8 (a) An original suit may be filed at any time by:

9 (1) a parent of the child;

10 (2) the child through a representative authorized by  
11 the court;

12 (3) a custodian or person having the right of  
13 visitation with or access to the child appointed by an order of a  
14 court of another state or country;

15 (4) a guardian of the person or of the estate of the  
16 child;

17 (5) a governmental entity;

18 (6) an authorized agency;

19 (7) a licensed child placing agency;

20 (8) a man alleging himself to be the father of a child  
21 filing in accordance with Chapter 160, subject to the limitations  
22 of that chapter, but not otherwise;

23 (9) a person, other than a foster parent, who has had  
24 actual care, control, and possession of the child for at least six

1 months ending not more than 90 days preceding the date of the filing  
2 of the petition;

3 (10) a person designated as the managing conservator  
4 in a revoked or unrevoked affidavit of relinquishment under Chapter  
5 161 or to whom consent to adoption has been given in writing under  
6 Chapter 162;

7 (11) a person with whom the child and the child's  
8 guardian, managing conservator, or parent have resided for at least  
9 six months ending not more than 90 days preceding the date of the  
10 filing of the petition if the child's guardian, managing  
11 conservator, or parent is deceased at the time of the filing of the  
12 petition;

13 (12) a person who is the foster parent of a child  
14 placed by the Department of Family and Protective Services in the  
15 person's home and with whom the child has resided for at least six  
16 [~~12~~] months, or for at least three months if the child was placed  
17 with the foster parent when the child was under two months of age,  
18 ending not more than 90 days preceding the date of the filing of the  
19 petition;

20 (13) a person who is a relative of the child within the  
21 third degree by consanguinity, as determined by Chapter 573,  
22 Government Code, if the child's parents are deceased at the time of  
23 the filing of the petition; or

24 (14) a person who has been named as a prospective  
25 adoptive parent of a child by a pregnant woman or the parent of the  
26 child, in a verified written statement to confer standing executed  
27 under Section 102.0035, regardless of whether the child has been

1 born.

2 (d) Subsection (a)(12) does not apply to a person who is the  
3 foster parent of a child for whom the Department of Family and  
4 Protective Services' goal is reunification with the child's parent  
5 and the department determines, in accordance with department rules,  
6 that the child's parent is making satisfactory progress on a plan to  
7 return the child to the parent's home before the first anniversary  
8 of the date the child was placed with the foster parent.

9 SECTION 2. Subchapter B, Chapter 264, Family Code, is  
10 amended by adding Section 264.1076 to read as follows:

11 Sec. 264.1076. CONSIDERATIONS IN MODIFYING PLACEMENT  
12 DECISION. In determining whether to modify a foster care placement  
13 decision, the department shall consider:

14 (1) the length of time the child has resided with the  
15 foster care provider;

16 (2) the degree to which the child has formed an  
17 attachment to the foster care provider; and

18 (3) the potential harm to the child caused by  
19 separation from the foster care provider or by the disruption of a  
20 stable placement.

21 SECTION 3. This Act takes effect September 1, 2013.