

By: Turner of Harris

H.B. No. 2400

A BILL TO BE ENTITLED

1 AN ACT
2 relating to children who engage in certain conduct indicating a
3 need for supervision and the provision of services to those
4 children and their families.

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

6 SECTION 1. Chapter 54, Family Code, is amended by adding
7 Section 54.0328 to read as follows:

8 Sec. 54.0328. FAMILIES IN NEED OF SERVICES; DEFERRAL OF
9 ADJUDICATION. (a) On motion by a child, by the child's parent,
10 guardian, or custodian, or by the Department of Family and
11 Protective Services, or on the court's own motion, the court may
12 make a determination whether the child's family is a family in need
13 of services.

14 (b) A court may designate the child's family as a family in
15 need of services if the court finds that:

16 (1) the juvenile engaged in conduct indicating a need
17 for supervision;

18 (2) conditions at the child's home, including any
19 actions or omissions by a parent, guardian, or custodian,
20 contributed to the conduct described by Subdivision (1); and

21 (3) the child or other family members may benefit if
22 the family is provided certain services.

23 (c) In making the determination under this section, the
24 court may consider:

1 (1) any previous adjudications or pending
2 adjudications of the child;

3 (2) the criminal history record information or
4 juvenile records of persons with whom the child resides, including
5 a parent, a sibling, another family member, a guardian, or a
6 custodian; and

7 (3) any other information the court determines
8 relevant.

9 (d) A court designating a family as a family in need of
10 services shall identify the services that the family requires and
11 create a family plan of service, which may include referrals to
12 specific state agencies or participation in educational or other
13 programs.

14 (e) The court may defer adjudication proceedings under
15 Section 54.03 for not more than 180 days if the court designates a
16 family as a family in need of services and creates a family plan of
17 service under this section.

18 (f) The court shall dismiss the case with prejudice if, not
19 later than the last day of the deferral period, the child presents
20 satisfactory evidence that:

21 (1) the persons covered by the family plan of service
22 have complied with the plan; or

23 (2) if the other persons covered by the family plan of
24 service did not comply with the plan, the child made the child's
25 best efforts to comply.

26 (g) This section does not limit or restrict the orders a
27 court is authorized to enter relating to parents or other persons

1 under this chapter, Chapter 61, or any other law.

2 SECTION 2. The change in law made by this Act applies only
3 to conduct in which a juvenile is alleged to have engaged on or
4 after the effective date of this Act. Conduct in which a juvenile is
5 alleged to have engaged before the effective date of this Act is
6 governed by the law in effect on the date the juvenile is alleged to
7 have engaged in the conduct, and the former law is continued in
8 effect for that purpose. For purposes of this section, conduct is
9 engaged in before the effective date of this Act if any element of
10 the conduct occurs before the effective date of this Act.

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