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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: BURROWS

1 Amend C.S.H.B. No. 6 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Sections 262.201(b) and (c), Family Code, are
5 amended to read as follows:

6 (b) At the conclusion of the full adversary hearing, the
7 court shall order the return of the child to the parent, managing
8 conservator, possessory conservator, guardian, caretaker, or
9 custodian entitled to possession unless the court finds sufficient
10 evidence to produce in the mind of a reasonable person a firm belief
11 or conviction [~~satisfy a person of ordinary prudence and caution~~]
12 that:

13 (1) there was a danger to the physical health or safety
14 of the child, including a danger that the child would be a victim of
15 trafficking under Section 20A.02 or 20A.03, Penal Code, which was
16 caused by an act or failure to act of the person entitled to
17 possession and for the child to remain in the home is contrary to
18 the welfare of the child;

19 (2) the urgent need for protection required the
20 immediate removal of the child and reasonable efforts, consistent
21 with the circumstances and providing for the safety of the child,
22 were made to eliminate or prevent the child's removal; and

23 (3) reasonable efforts have been made to enable the
24 child to return home, but there is a substantial risk of a
25 continuing danger if the child is returned home.

26 (c) If the court finds sufficient evidence to produce in the
27 mind of a reasonable person a firm belief or conviction [~~satisfy a~~
28 ~~person of ordinary prudence and caution~~] that there is a continuing
29 danger to the physical health or safety of the child and for the

1 child to remain in the home is contrary to the welfare of the child,
2 the court shall issue an appropriate temporary order under Chapter
3 105. The court shall require each parent, alleged father, or
4 relative of the child before the court to complete the proposed
5 child placement resources form provided under Section 261.307 and
6 file the form with the court, if the form has not been previously
7 filed with the court, and provide the Department of Family and
8 Protective Services with information necessary to locate any other
9 absent parent, alleged father, or relative of the child. The court
10 shall inform each parent, alleged father, or relative of the child
11 before the court that the person's failure to submit the proposed
12 child placement resources form will not delay any court proceedings
13 relating to the child. The court shall inform each parent in open
14 court that parental and custodial rights and duties may be subject
15 to restriction or to termination unless the parent or parents are
16 willing and able to provide the child with a safe environment. If
17 the court finds that the child requires protection from family
18 violence by a member of the child's family or household, the court
19 shall render a protective order under Title 4 for the child. In
20 this subsection, "family violence" has the meaning assigned by
21 Section 71.004.

22 SECTION _____. Section 262.205(b), Family Code, is amended
23 to read as follows:

24 (b) After the hearing, the court may grant the request to
25 remove the child from the parent, managing conservator, possessory
26 conservator, guardian, caretaker, or custodian entitled to
27 possession of the child if the court finds sufficient evidence to
28 produce in the mind of a reasonable person a firm belief or
29 conviction [~~satisfy a person of ordinary prudence and caution~~]
30 that:

31 (1) reasonable efforts have been made to prevent or

- 1 eliminate the need to remove the child from the child's home; and
- 2 (2) allowing the child to remain in the home would be
- 3 contrary to the child's welfare.