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17 MAY 17 AM 10:02
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: BURROWS

1 Amend C.S.S.B. No. 11 (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 by a
10 preponderance of the [~~sufficient~~] evidence [~~to satisfy a person of~~
11 ~~ordinary prudence and caution~~] that:

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

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

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

25 (c) If the court finds by a preponderance of the
26 [~~sufficient~~] evidence [~~to satisfy a person of ordinary prudence and~~
27 ~~caution~~] that there is a continuing danger to the physical health or
28 safety of the child and for the child to remain in the home is
29 contrary to the welfare of the child, the court shall issue an

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

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

23 (b) After the hearing, the court may grant the request to
24 remove the child from the parent, managing conservator, possessory
25 conservator, guardian, caretaker, or custodian entitled to
26 possession of the child if the court finds by a preponderance of the
27 ~~[sufficient]~~ evidence ~~[to satisfy a person of ordinary prudence and~~
28 ~~caution]~~ that:

- 29 (1) reasonable efforts have been made to prevent or
30 eliminate the need to remove the child from the child's home; and
31 (2) allowing the child to remain in the home would be

1 contrary to the child's welfare.