

BILL ANALYSIS

Senate Research Center
85R2241 MM-D

S.B. 738
By: Kolkhorst
Health & Human Services
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 738 requires all cases regarding the same children and same Child Protective Services (CPS) incident to be heard by the same judge/court.

S.B. 738 seeks to enact a statute that would require the Department of Family and Protective Services (DFPS) to file a suit affecting the parent-child relationship in a court of continuing, exclusive jurisdiction (CCJ) of a child named in the petition. S.B. 738 would also require that, in those cases where more than one court has CCJ of more than one child named in the petition, DFPS shall file in the court that most recently exercised CCJ of a child named in the petition.

The purpose of S.B. 738 is to keep cases relating to a single child in the same court, and to keep cases related to a set of siblings in the same court.

As proposed, S.B. 738 amends current law relating to a filing requirement for certain petitions for the termination of the parent-child relationship.

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 Subchapter B, Chapter 161, Family Code, by adding Section 161.1011, as follows:

Sec. 161.1011. FILING REQUIREMENT FOR PETITION RELATING TO MORE THAN ONE CHILD. (a) Requires the Department of Family and Protective Services (DFPS), before filing a petition for the termination of the parent-child relationship relating to more than one child, to determine whether any court has continuing, exclusive jurisdiction of a child named in the petition. Requires DFPS, if a court is determined to have continuing, exclusive jurisdiction of a child named in the petition, to file the petition in that court.

(b) Requires DFPS, if more than one court has continuing, exclusive jurisdiction of a child named in the petition, to file the petition in the court that has most recently exercised continuing, exclusive jurisdiction of a child named in the petition.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.