

By: Wu

H.B. No. 687

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a motion for a new trial following a final order in  
3 certain suits affecting the parent-child relationship and filing an  
4 appeal after those motions.

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

6 SECTION 1. Sections 263.405(a) and (b), Family Code, are  
7 amended to read as follows:

8 (a) An appeal of a final order rendered under this  
9 subchapter is governed by this subchapter and the procedures for  
10 accelerated appeals in civil cases under the Texas Rules of  
11 Appellate Procedure. The appellate court shall render its final  
12 order or judgment with the least possible delay.

13 (b) A final order rendered under this subchapter must  
14 contain the following prominently displayed statement in boldfaced  
15 type, in capital letters, or underlined: "A PARTY AFFECTED BY THIS  
16 ORDER HAS THE RIGHT TO APPEAL. AN APPEAL IN A SUIT IN WHICH  
17 TERMINATION OF THE PARENT-CHILD RELATIONSHIP IS SOUGHT IS GOVERNED  
18 BY SUBCHAPTER E, CHAPTER 263, FAMILY CODE, AND THE PROCEDURES FOR  
19 ACCELERATED APPEALS IN CIVIL CASES UNDER THE TEXAS RULES OF  
20 APPELLATE PROCEDURE. FAILURE TO FOLLOW SUBCHAPTER E, CHAPTER 263,  
21 FAMILY CODE, AND THE TEXAS RULES OF APPELLATE PROCEDURE FOR  
22 ACCELERATED APPEALS MAY RESULT IN THE DISMISSAL OF THE APPEAL."

23 SECTION 2. Subchapter E, Chapter 263, Family Code, is  
24 amended by adding Section 263.4055 to read as follows:

1       Sec. 263.4055. MOTION FOR NEW TRIAL ON FINAL ORDER; TIME FOR  
2 FILING AN APPEAL. (a) A motion for a new trial following a final  
3 order rendered under this subchapter must be filed not later than  
4 the fifth day after the date the final order is rendered.

5       (b) The court shall hold a hearing on the motion for a new  
6 trial not later than the 14th day after the date the motion is  
7 filed.

8       (c) If a motion for a new trial is filed, an appeal of a  
9 final order under Section 263.405 must be filed not later than the  
10 20th day after the date the court rules on the motion for a new  
11 trial.

12       (d) To the extent that this section conflicts with the Texas  
13 Rules of Civil Procedure or the Texas Rules of Appellate Procedure,  
14 this section controls. Notwithstanding Section 22.004, Government  
15 Code, this section may not be modified or repealed by a rule adopted  
16 by the supreme court.

17       SECTION 3. (a) Sections 263.405(a) and (b), Family Code,  
18 as amended by this Act, apply only to an appeal of a final order  
19 rendered on or after the effective date of this Act. An appeal of a  
20 final order rendered before that date is governed by the law in  
21 effect immediately before the effective date of this Act, and that  
22 law is continued in effect for that purpose.

23       (b) Section 263.4055, Family Code, as added by this Act,  
24 applies only to a motion for a new trial following a final order  
25 rendered on or after the effective date of this Act. A motion for a  
26 new trial following a final order rendered before the effective  
27 date of this Act is governed by the law in effect immediately before

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1 the effective date of this Act, and that law is continued in effect  
2 for that purpose.

3 SECTION 4. This Act takes effect September 1, 2017.