

By: Frank

H.B. No. 3331

Substitute the following for H.B. No. 3331:

By: Klick

C.S.H.B. No. 3331

A BILL TO BE ENTITLED

AN ACT

relating to the procedures and grounds for terminating the parent-child relationship, for taking possession of a child, and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Services.

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

SECTION 1. Sections 161.001(c) and (e), Family Code, are amended to read as follows:

(c) In making ~~[A court may not make]~~ a finding under Subsection (b) and ordering ~~[order]~~ termination of the parent-child relationship, the court may not consider ~~[based on]~~ evidence that the parent:

(1) homeschooled the child;

(2) is economically disadvantaged;

(3) has been charged with a nonviolent misdemeanor offense other than:

(A) an offense under Title 5, Penal Code;

(B) an offense under Title 6, Penal Code; or

(C) an offense that involves family violence, as defined by Section 71.004 of this code;

(4) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; ~~[or]~~

(5) declined immunization for the child for reasons of conscience, including a religious belief; or

(6) after taking reasonable precautionary measures, allowed a child, who is of sufficient maturity, physical condition, and mental ability to avoid substantial risk of physical harm, to engage in independent activities, including:

(A) traveling to and from the child's home and school, including by walking, running, or bicycling;

(B) traveling to and from the child's home and a commercial or recreational facility near to the child's home;

(C) engaging in outdoor play;

(D) remaining at the child's home unattended; or

(E) engaging in other age-appropriate normalcy activities as defined by Section 264.001.

(e) This section does not prohibit the Department of Family and Protective Services from offering evidence described by Subsection (c), for purposes other than a finding under Subsection (b), as part of an action to terminate the parent-child relationship under this subchapter.

SECTION 2. Section 161.101, Family Code, is amended to read as follows:

Sec. 161.101. PETITION ALLEGATIONS. (a) A petition for the termination of the parent-child relationship is sufficient without the necessity of specifying the underlying facts if the petition alleges in the statutory language the ground for the termination and that termination is in the best interest of the child.

(b) A petition or motion filed by the Department of Family

1 and Protective Services is subject to Chapter 10, Civil Practice  
2 and Remedies Code, and Rule 13, Texas Rules of Civil Procedure.

3 SECTION 3. Section 261.001(4), Family Code, is amended to  
4 read as follows:

5 (4) "Neglect":

6 (A) includes:

7 (i) the leaving of a child in a situation  
8 where the child would be exposed to a substantial risk of physical  
9 or mental harm, without arranging for necessary care for the child,  
10 and the demonstration of an intent not to return by a parent,  
11 guardian, or managing or possessory conservator of the child;

12 (ii) the following acts or omissions by a  
13 person:

14 (a) placing a child in or failing to  
15 remove a child from a situation that a reasonable person would  
16 realize requires judgment or actions beyond the child's level of  
17 maturity, physical condition, or mental abilities and that results  
18 in bodily injury or a substantial risk of immediate harm to the  
19 child;

20 (b) failing to seek, obtain, or follow  
21 through with medical care for a child, with the failure resulting in  
22 or presenting a substantial risk of death, disfigurement, or bodily  
23 injury or with the failure resulting in an observable and material  
24 impairment to the growth, development, or functioning of the child;

25 (c) the failure to provide a child  
26 with food, clothing, or shelter necessary to sustain the life or  
27 health of the child, excluding failure caused primarily by

1 financial inability unless relief services had been offered and  
2 refused;

3 (d) placing a child in or failing to  
4 remove the child from a situation in which the child would be  
5 exposed to a substantial risk of sexual conduct harmful to the  
6 child; or

7 (e) placing a child in or failing to  
8 remove the child from a situation in which the child would be  
9 exposed to acts or omissions that constitute abuse under  
10 Subdivision (1)(E), (F), (G), (H), or (K) committed against another  
11 child;

12 (iii) the failure by the person responsible  
13 for a child's care, custody, or welfare to permit the child to  
14 return to the child's home without arranging for the necessary care  
15 for the child after the child has been absent from the home for any  
16 reason, including having been in residential placement or having  
17 run away; or

18 (iv) a negligent act or omission by an  
19 employee, volunteer, or other individual working under the auspices  
20 of a facility or program, including failure to comply with an  
21 individual treatment plan, plan of care, or individualized service  
22 plan, that causes or may cause substantial emotional harm or  
23 physical injury to, or the death of, a child served by the facility  
24 or program as further described by rule or policy; and

25 (B) does not include:

26 (i) the refusal by a person responsible for  
27 a child's care, custody, or welfare to permit the child to remain in

or return to the child's home resulting in the placement of the child in the conservatorship of the department if:

(a) ~~[(i)]~~ the child has a severe emotional disturbance;

(b) ~~[(ii)]~~ the person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and

(c) ~~[(iii)]~~ the person has exhausted all reasonable means available to the person to obtain the mental health services described by Sub-subparagraph (b); or

(ii) the decision by a person responsible for a child's care, custody, or welfare, after taking reasonable precautionary measures, to permit the child, if the child is of sufficient maturity, physical condition, and mental ability to avoid substantial risk of physical harm, to engage in independent activities, including:

(a) traveling to and from the child's home and school, including by walking, running, or bicycling;

(b) traveling to and from the child's home and a commercial or recreational facility near to the child's home;

(c) engaging in outdoor play;

(d) remaining at the child's home unattended; or

(e) engaging in other age-appropriate normalcy activities as defined by Section 264.001 [Subparagraph

1 ~~(ii)]~~.

2 SECTION 4. Section 262.001, Family Code, is amended by  
3 adding Subsection (c) to read as follows:

4 (c) In determining the reasonable efforts that are required  
5 to be made with respect to preventing or eliminating the need to  
6 remove a child from the child's home, the court shall consider  
7 whether based on all the information available at the time a  
8 reasonably prudent person would determine that the immediate danger  
9 to the physical health and safety of the child caused by remaining  
10 in the child's home outweighs the emotional distress that results  
11 or may result from disrupting the parent-child relationship by  
12 removing the child from the child's home or parent. In making the  
13 determination the court may not:

14 (1) consider expert testimony; or

15 (2) authorize a psychological evaluation of the child  
16 or an assessment of the child's mental health.

17 SECTION 5. Section 262.101, Family Code, is amended to read  
18 as follows:

19 Sec. 262.101. FILING PETITION BEFORE TAKING POSSESSION OF  
20 CHILD. An original suit filed by a governmental entity that  
21 requests permission to take possession of a child without prior  
22 notice and a hearing must be supported by an affidavit sworn to by a  
23 person with personal knowledge and stating facts sufficient to  
24 satisfy a person of ordinary prudence and caution, or in accordance  
25 with another standard otherwise required by this section, that:

26 (1) there is an immediate danger to the physical  
27 health or safety of the child or the child has been a victim of

neglect or sexual abuse;

(2) continuation in the home would be contrary to the child's welfare;

(3) there is no time, consistent with the physical health or safety of the child, for a full adversary hearing under Subchapter C; ~~and~~

(4) reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for the removal of the child; and

(5) using the standard required by Section 262.001(c), the immediate danger to the physical health and safety of the child caused by remaining in the child's home outweighs the emotional distress that results or may result from disrupting the parent-child relationship by removing the child from the child's home or parent.

SECTION 6. Section 262.105(b), Family Code, is amended to read as follows:

(b) An original suit filed by a governmental entity after taking possession of a child under Section 262.104 must be supported by an affidavit stating facts sufficient to satisfy a person of ordinary prudence and caution, or in accordance with another standard otherwise required by this subsection, that:

(1) based on the affiant's personal knowledge or on information furnished by another person corroborated by the affiant's personal knowledge, one of the following circumstances existed at the time the child was taken into possession:

(A) there was an immediate danger to the physical

1 health or safety of the child;

2 (B) the child was the victim of sexual abuse or of  
3 trafficking under Section 20A.02 or 20A.03, Penal Code;

4 (C) the parent or person who had possession of  
5 the child was using a controlled substance as defined by Chapter  
6 481, Health and Safety Code, and the use constituted an immediate  
7 danger to the physical health or safety of the child; or

8 (D) the parent or person who had possession of  
9 the child permitted the child to remain on premises used for the  
10 manufacture of methamphetamine; and

11 (2) based on the affiant's personal knowledge:

12 (A) continuation of the child in the home would  
13 have been contrary to the child's welfare;

14 (B) there was no time, consistent with the  
15 physical health or safety of the child, for a full adversary hearing  
16 under Subchapter C; ~~and~~

17 (C) reasonable efforts, consistent with the  
18 circumstances and providing for the safety of the child, were made  
19 to prevent or eliminate the need for the removal of the child; and

20 (D) using the standard required by Section  
21 262.001(c), the immediate danger to the physical health and safety  
22 of the child caused by remaining in the child's home outweighs the  
23 emotional distress that results or may result from disrupting the  
24 parent-child relationship by removing the child from the child's  
25 home or parent.

26 SECTION 7. Section 262.113, Family Code, is amended to read  
27 as follows:

1           Sec. 262.113. FILING SUIT WITHOUT TAKING POSSESSION OF  
2 CHILD. An original suit filed by a governmental entity that  
3 requests to take possession of a child after notice and a hearing  
4 must be supported by an affidavit sworn to by a person with personal  
5 knowledge and stating facts sufficient to satisfy a person of  
6 ordinary prudence and caution that:

7           (1) there is a continuing danger to the physical  
8 health or safety of the child caused by an act or failure to act of  
9 the person entitled to possession of the child and that allowing the  
10 child to remain in the home would be contrary to the child's  
11 welfare; ~~and~~

12           (2) reasonable efforts, consistent with the  
13 circumstances and providing for the safety of the child, have been  
14 made to prevent or eliminate the need to remove the child from the  
15 child's home; and

16           (3) using the standard required by Section 262.001(c),  
17 the immediate danger to the physical health and safety of the child  
18 caused by remaining in the child's home outweighs the emotional  
19 distress that results or may result from disrupting the  
20 parent-child relationship by removing the child from the child's  
21 home or parent.

22           SECTION 8. Section 262.116(a), Family Code, is amended to  
23 read as follows:

24           (a) The Department of Family and Protective Services may not  
25 take possession of a child under this subchapter based on evidence  
26 that the parent:

27           (1) homeschooled the child;

(2) is economically disadvantaged;

(3) has been charged with a nonviolent misdemeanor offense other than:

(A) an offense under Title 5, Penal Code;

(B) an offense under Title 6, Penal Code; or

(C) an offense that involves family violence, as defined by Section 71.004 of this code;

(4) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; ~~or~~

(5) declined immunization for the child for reasons of conscience, including a religious belief; or

(6) after taking reasonable precautionary measures, allowed a child, who is of sufficient maturity, physical condition, and mental ability to avoid substantial risk of physical harm, to engage in independent activities, including:

(A) traveling to and from the child's home and school, including by walking, running, or bicycling;

(B) traveling to and from the child's home and a commercial or recreational facility near to the child's home;

(C) engaging in outdoor play;

(D) remaining at the child's home unattended; or

(E) engaging in other age-appropriate normalcy activities as defined by Section 264.001.

SECTION 9. Section 262.201, Family Code, is amended by amending Subsections (e-1), (g), (h), and (j) and adding Subsections (g-1), (j-1), (j-2), (j-3), and (n-1) to read as

1 follows:

2 (e-1) If a parent who is not indigent appears in opposition  
3 to the suit, the court may, for good cause shown, postpone the full  
4 adversary hearing for not more than seven days from the date of the  
5 parent's appearance to allow the parent to hire an attorney or to  
6 provide the parent's attorney time to respond to the petition and  
7 prepare for the hearing. A postponement under this subsection is  
8 subject to the limits and requirements prescribed by Subsection (e)  
9 and Section 155.207.

10 (g) In a suit filed under Section 262.101 or 262.105, at the  
11 conclusion of the full adversary hearing, the court shall order the  
12 return of the child to the parent, managing conservator, possessory  
13 conservator, guardian, caretaker, or custodian entitled to  
14 possession from whom the child is removed unless the court finds  
15 ~~[sufficient evidence to satisfy a person of ordinary prudence and~~  
16 ~~caution]~~ that:

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

23 (2) the urgent need for protection required the  
24 immediate removal of the child and reasonable efforts, consistent  
25 with the circumstances and providing for the safety of the child,  
26 were made to eliminate or prevent the child's removal; ~~[and]~~

27 (3) reasonable efforts have been made to enable the

child to return home, but there is a substantial risk of a continuing danger if the child is returned home; and

(4) using the standard required by Section 262.001(c), the immediate danger to the physical health and safety of the child caused by remaining in the child's home outweighs the emotional distress that results or may result from disrupting the parent-child relationship by removing the child from the child's home or parent.

(g-1) In a suit filed under Section 262.101 or 262.105, if the court does not order the return of the child under Subsection (g) and finds that another parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession did not cause the immediate danger to the physical health or safety of the child or was not the perpetrator of the neglect or abuse alleged in the suit, the court shall grant possession of the child to that person unless the court finds, specific to each person entitled to possession, that:

(1) the person cannot be located after the exercise of due diligence by the Department of Family and Protective Services or the person is unable or unwilling to take possession of the child; or

(2) reasonable efforts have been made to enable the person's possession of the child but granting possession to that person presents a continuing danger to the physical health or safety of the child caused by an act or failure to act of the person, including a danger that the child would be a victim of trafficking under Section 20A.02 or 20A.03, Penal Code.

1           (h) In a suit filed under Section 262.101 or 262.105, if the  
2 court finds sufficient evidence to make the applicable finding  
3 under Subsection (g) or (g-1) [~~satisfy a person of ordinary~~  
4 ~~prudence and caution that there is a continuing danger to the~~  
5 ~~physical health or safety of the child and for the child to remain~~  
6 ~~in the home is contrary to the welfare of the child]~~, the court  
7 shall issue an appropriate temporary order under Chapter 105.

8           (j) In a suit filed under Section 262.113, at the conclusion  
9 of the full adversary hearing, the court shall issue an appropriate  
10 temporary order under Chapter 105 if the court finds, with respect  
11 to the parent, managing conservator, possessory conservator,  
12 guardian, caretaker, or custodian entitled to possession from whom  
13 the Department of Family and Protective Services is seeking  
14 removal, [~~sufficient evidence to satisfy a person of ordinary~~  
15 ~~prudence and caution]~~ that:

16               (1) there is a continuing danger to the physical  
17 health or safety of the child caused by an act or failure to act of  
18 the person entitled to possession of the child and continuation of  
19 the child in the person's home would be contrary to the child's  
20 welfare; ~~and~~

21               (2) reasonable efforts, consistent with the  
22 circumstances and providing for the safety of the child, were made  
23 to prevent or eliminate the need for the removal of the child; and

24               (3) using the standard required by Section 262.001(c),  
25 the immediate danger to the physical health and safety of the child  
26 caused by remaining in the child's home outweighs the emotional  
27 distress that results or may result from disrupting the person's

1 relationship with the child by removing the child from the child's  
2 home or the person.

3 (j-1) In a suit filed under Section 262.113, if the court  
4 orders the removal of the child under Subsection (j) and finds that  
5 another parent, managing conservator, possessory conservator,  
6 guardian, caretaker, or custodian entitled to possession did not  
7 cause the continuing danger to the physical health or safety of the  
8 child or was not the perpetrator of the neglect or abuse alleged in  
9 the suit, the court shall grant possession of the child to that  
10 person unless the court finds, specific to each person entitled to  
11 possession, that:

12 (1) the person cannot be located after the exercise of  
13 due diligence by the department or the person is unable or unwilling  
14 to take possession of the child; or

15 (2) reasonable efforts have been made to enable the  
16 person's possession of the child, but granting possession to that  
17 person presents a continuing danger to the physical health or  
18 safety of the child caused by an act or failure to act of the person.

19 (j-2) A person who otherwise qualifies to take possession of  
20 a child under Subsection (j-1) shall be granted possession of the  
21 child if:

22 (1) the person did not receive possession of the child  
23 under Subsection (j-1) because the person could not be located or  
24 was unable to take possession; and

25 (2) the person's location is known and the person  
26 submits to the department a written request to take possession of  
27 the child.

1        (j-3) On receipt of a written request to take possession of  
2 a child under Subsection (j-2)(2), the Department of Family and  
3 Protective Services shall file a motion with the court requesting  
4 an order granting possession of the child to the person.

5        (n-1) If the court does not grant possession of a child to a  
6 parent, managing conservator, possessory conservator, guardian,  
7 caretaker, or custodian entitled to possession under Subsection  
8 (g), (g-1), (j-1), or (j-2), the court shall place the child with a  
9 relative of the child unless the court finds that the placement with  
10 a relative is not in the best interest of the child.

11        SECTION 10. Section 263.002, Family Code, is amended by  
12 amending Subsection (c) and adding Subsection (d) to read as  
13 follows:

14        (c) At each permanency hearing before the final order, the  
15 court shall review the placement of each child in the temporary  
16 managing conservatorship of the department who has not been  
17 returned to the child's home. At the end of the hearing, the court  
18 shall order the department to return the child to the child's parent  
19 or parents unless the court finds, with respect to each parent,  
20 that:

21                (1) there is a continuing danger to the physical  
22 health or safety of the child; and

23                (2) returning the child to the child's parent or  
24 parents [~~The court shall make a finding on whether returning the~~  
25 ~~child to the child's home is safe and appropriate, whether the~~  
26 ~~return is in the best interest of the child, and whether it]~~ is  
27 contrary to the welfare of the child [~~for the child to return home~~].

1        (d) This section does not prohibit the court from rendering  
2 an order under Section 263.403.

3        SECTION 11. Subchapter E, Chapter 263, Family Code, is  
4 amended by adding Section 263.4011 to read as follows:

5        Sec. 263.4011. RENDERING FINAL ORDER; EXTENSION. (a) On  
6 timely commencement of the trial on the merits required by Section  
7 263.401, the court shall render a final order not later than the  
8 90th day after the date the trial commences.

9        (b) The 90-day period for rendering a final order under  
10 Subsection (a) is not tolled for any recess during the trial.

11        (c) If the court finds that extraordinary circumstances  
12 necessitate extending the 90-day period under Subsection (a), the  
13 court may grant one extension of that date for not longer than 30  
14 days. The court shall render a written order:

15                (1) specifying the grounds on which the extension is  
16 granted; and

17                (2) requiring a final order to be rendered not later  
18 than the 30th day after the date the extension is granted.

19        (d) Except as provided by Section 263.401, if the court does  
20 not render a final order before the dismissal date provided by this  
21 section, the court's jurisdiction over the suit is terminated and  
22 the suit is automatically dismissed without a court order.

23        SECTION 12. Section 263.404(a), Family Code, is amended to  
24 read as follows:

25        (a) The court may render a final order appointing the  
26 department as managing conservator of the child without terminating  
27 the rights of the parent of the child if the court finds that:

1           (1) appointment of a parent as managing conservator  
2 would not be in the best interest of the child because the  
3 appointment would significantly impair the child's physical health  
4 or emotional development; ~~and~~

5           (2) it would not be in the best interest of the child  
6 to appoint a relative of the child or another person as managing  
7 conservator; and

8           (3) if the child has previously been in the  
9 conservatorship of the department, there is sufficient evidence to  
10 demonstrate that termination of parental rights to the child is not  
11 possible or not in the child's best interest.

12           SECTION 13. Section 264.203, Family Code, is amended to  
13 read as follows:

14           Sec. 264.203. REQUIRED PARTICIPATION. (a) The department  
15 may file a suit requesting ~~[Except as provided by Subsection (d),]~~  
16 the court to render a temporary ~~[on request of the department may]~~  
17 order requiring the parent, managing conservator, guardian, or  
18 other member of the ~~[subject]~~ child's household to:

19           (1) participate in the services for which the  
20 department makes a referral or services the department provides or  
21 purchases for:

22                   (A) alleviating the effects of the abuse or  
23 neglect that has occurred; or

24                   (B) reducing a continuing danger to the physical  
25 health or safety of the child caused by an act or failure to act of  
26 the parent, managing conservator, guardian, or other member of the  
27 child's household ~~[the reasonable likelihood that the child may be~~

~~abused or neglected in the immediate or foreseeable future]; and~~

(2) permit the child and any siblings of the child to receive the services.

(b) A suit requesting an order under this section may be filed in a court with jurisdiction to hear the suit in the county in which the child resides ~~[The department may request the court to order the parent, managing conservator, guardian, or other member of the child's household to participate in the services whether the child resides in the home or has been removed from the home].~~

(c) Except as otherwise provided by this subchapter, the suit is governed by the Texas Rules of Civil Procedure applicable to the filing of an original lawsuit ~~[If the person ordered to participate in the services fails to follow the court's order, the court may impose appropriate sanctions in order to protect the health and safety of the child, including the removal of the child as specified by Chapter 262].~~

(d) The petition shall be supported by a sworn affidavit by a person based on personal knowledge and stating facts sufficient to support a finding that:

(1) the child has been a victim of abuse or neglect or is at substantial risk of abuse or neglect; and

(2) there is a continuing danger to the physical health or safety of the child caused by an act or failure to act of the parent, managing conservator, guardian, or other member of the child's household unless that person participates in services requested by the department ~~[If the court does not order the person to participate, the court in writing shall specify the reasons for~~

1 ~~not ordering participation]~~.

2 (e) In a suit filed under this section, the court may render  
3 a temporary restraining order as provided by Section 105.001.

4 (f) The court shall hold a hearing on the petition not later  
5 than the 14th day after the date the petition is filed unless the  
6 court finds good cause for extending that date for not more than 14  
7 days.

8 (g) The court shall appoint an attorney ad litem to  
9 represent the interests of the child immediately after the filing  
10 but before the hearing to ensure adequate representation of the  
11 child. The attorney ad litem for the child shall have the powers  
12 and duties of an attorney ad litem for a child under Chapter 107.

13 (h) The court shall appoint an attorney ad litem to  
14 represent the interests of a parent for whom participation in  
15 services is being requested immediately after the filing but before  
16 the hearing to ensure adequate representation of the parent. The  
17 attorney ad litem for the parent shall have the powers and duties of  
18 an attorney ad litem for a parent under Section 107.0131.

19 (i) Before commencement of the hearing, the court shall  
20 inform each parent of:

21 (1) the parent's right to be represented by an  
22 attorney; and

23 (2) for a parent who is indigent and appears in  
24 opposition to the motion, the parent's right to a court-appointed  
25 attorney.

26 (j) If a parent claims indigence, the court shall require  
27 the parent to complete and file with the court an affidavit of

1 indigence. The court may consider additional evidence to determine  
2 whether the parent is indigent, including evidence relating to the  
3 parent's income, source of income, assets, property ownership,  
4 benefits paid in accordance with a federal, state, or local public  
5 assistance program, outstanding obligations, and necessary  
6 expenses and the number and ages of the parent's dependents. If the  
7 court determines the parent is indigent, the attorney ad litem  
8 appointed to represent the interests of the parent may continue the  
9 representation. If the court determines the parent is not  
10 indigent, the court shall discharge the attorney ad litem from the  
11 appointment after the hearing and shall order the parent to pay the  
12 cost of the attorney ad litem representation.

13 (k) The court may, for good cause shown, postpone any  
14 subsequent proceedings for not more than seven days after the date  
15 of the attorney ad litem's discharge to allow the parent to hire an  
16 attorney or to provide the parent's attorney time to prepare for the  
17 subsequent proceeding.

18 (l) An order may not be rendered under this section except  
19 after notice and hearing.

20 (m) At the conclusion of the hearing, the court shall deny  
21 the petition unless the court finds by a preponderance of evidence  
22 that:

23 (1) abuse or neglect has occurred or there is a  
24 continuing danger to the physical health or safety of the child  
25 caused by an act or failure to act of the person entitled to  
26 possession; and

27 (2) services to the family are necessary to ensure the

1 safety of the child.

2 (n) If the court finds sufficient evidence under Subsection  
3 (m), the court shall:

4 (1) state its findings in the order;

5 (2) make appropriate temporary orders under Chapter  
6 105 necessary to ensure the safety of the child; and

7 (3) order the participation in specific services  
8 narrowly tailored to address the findings made by the court under  
9 Subsection (m).

10 (o) Not later than the 90th day after the date the court  
11 renders an order under this section, the court shall hold a status  
12 hearing to review the status of each party and the child and the  
13 services provided, purchased, or referred for the family. The  
14 court shall set subsequent review hearings every 90 days to review  
15 the continued need for the order.

16 (p) An order rendered under this section expires on the  
17 180th day after the date the order is signed unless it is renewed as  
18 provided by Subsection (q).

19 (q) The court may renew an order rendered under this section  
20 on a showing by the department of a continuing need for the order,  
21 after notice and hearing. The order may be renewed only one time  
22 for not longer than 180 days.

23 (r) At any time, a party affected by the order may request  
24 the court to terminate the order. The court shall terminate the  
25 order on a finding that there is no longer a need for the order.

26 SECTION 14. Section 262.201(a-5), Family Code, is repealed.

27 SECTION 15. The changes in law made by this Act apply only

1 to a suit filed by the Department of Family and Protective Services  
2 on or after the effective date of this Act. A suit filed by the  
3 department before that date is governed by the law in effect on the  
4 date the suit was filed, and the former law is continued in effect  
5 for that purpose.

6 SECTION 16. To the extent of any conflict, this Act prevails  
7 over another Act of the 86th Legislature, Regular Session, 2019,  
8 relating to nonsubstantive additions to and corrections in enacted  
9 codes.

10 SECTION 17. This Act takes effect October 1, 2019.