

By: Hughes

S.B. No. 2091

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) 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 and Protective Services is subject to Chapter 10, Civil Practice

1 and Remedies Code, and Rule 13, Texas Rules of Civil Procedure.

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

4 (4) "Neglect":

5 (A) includes:

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

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

13 (a) placing a child in or failing to  
14 remove a child from a situation that a reasonable person would  
15 realize requires judgment or actions beyond the child's level of  
16 maturity, physical condition, or mental abilities without taking  
17 reasonable precautionary measures and that results in bodily injury  
18 or a substantial risk of immediate harm to the child;

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

24 (c) the failure to provide a child  
25 with food, clothing, or shelter necessary to sustain the life or  
26 health of the child, excluding failure caused primarily by  
27 financial inability unless relief services had been offered and

1 refused;

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

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

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

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

24 (B) does not include:

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

SECTION 4. Section 262.001, Family Code, is amended by

adding Subsection (c) to read as follows:

(c) In determining the reasonable efforts that are required to be made with respect to preventing or eliminating the need to remove a child from the child's home, the court shall consider whether the immediate danger to the physical health and safety of the child outweighs the emotional distress or lasting adverse effects on the child's mental or emotional functioning that may result from removing the child from the child's home or parent.

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

Sec. 262.101. FILING PETITION BEFORE TAKING POSSESSION OF CHILD. An original suit filed by a governmental entity that requests permission to take possession of a child without prior notice and a hearing must be supported by an affidavit sworn to by a person with personal knowledge and stating facts sufficient to satisfy a person of ordinary prudence and caution that:

(1) there is an immediate danger to the physical 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

1           (5) the immediate danger to the physical health and  
2 safety of the child outweighs the emotional distress or lasting  
3 adverse effects on the child's mental or emotional functioning that  
4 may result from removing the child from the child's home or parent.

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

7           (b) An original suit filed by a governmental entity after  
8 taking possession of a child under Section 262.104 must be  
9 supported by an affidavit stating facts sufficient to satisfy a  
10 person of ordinary prudence and caution that:

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

15                   (A) there was an immediate danger to the physical  
16 health or safety of the child;

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

19                   (C) the parent or person who had possession of  
20 the child was using a controlled substance as defined by Chapter  
21 481, Health and Safety Code, and the use constituted an immediate  
22 danger to the physical health or safety of the child; or

23                   (D) the parent or person who had possession of  
24 the child permitted the child to remain on premises used for the  
25 manufacture of methamphetamine; and

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

27                   (A) continuation of the child in the home would

1 have been contrary to the child's welfare;

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

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

8 (D) the immediate danger to the physical health  
9 and safety of the child outweighs the emotional distress or lasting  
10 adverse effects on the child's mental or emotional functioning that  
11 may result from removing the child from the child's home or parent.

12 SECTION 7. Section 262.113, Family Code, is amended to read  
13 as follows:

14 Sec. 262.113. FILING SUIT WITHOUT TAKING POSSESSION OF  
15 CHILD. An original suit filed by a governmental entity that  
16 requests to take possession of a child after notice and a hearing  
17 must be supported by an affidavit sworn to by a person with personal  
18 knowledge and stating facts sufficient to satisfy a person of  
19 ordinary prudence and caution that:

20 (1) there is a continuing danger to the physical  
21 health or safety of the child caused by an act or failure to act of  
22 the person entitled to possession of the child and that allowing the  
23 child to remain in the home would be contrary to the child's  
24 welfare; ~~and~~

25 (2) reasonable efforts, consistent with the  
26 circumstances and providing for the safety of the child, have been  
27 made to prevent or eliminate the need to remove the child from the



child's home; and

(3) the immediate danger to the physical health and safety of the child outweighs the emotional distress or lasting adverse effects on the child's mental or emotional functioning that may result from removing the child from the child's home or parent.

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

(a) The Department of Family and Protective Services may not take possession of a child under this subchapter 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) 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

1 school, including by walking, running, or bicycling;

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

4 (C) engaging in outdoor play;

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

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

8 SECTION 9. Section 262.201(a), Family Code, as amended by  
9 Chapters 317 (H.B. 7) and 910 (S.B. 999), Acts of the 85th  
10 Legislature, Regular Session, 2017, is reenacted and amended to  
11 read as follows:

12 (a) In a suit filed under Section 262.101 or 262.105, unless  
13 the child has already been returned to a ~~the~~ parent, managing  
14 conservator, possessory conservator, guardian, caretaker, or  
15 custodian entitled to possession and the temporary order, if any,  
16 has been dissolved, a full adversary hearing shall be held not later  
17 than the 14th day after the date the child was taken into possession  
18 by the governmental entity, unless the court grants an extension  
19 under Subsection (e) or (e-1).

20 SECTION 10. Section 262.201, Family Code, is amended by  
21 amending Subsections (e-1), (g), (h), (j), and (n) and adding  
22 Subsections (g-1) and (n-1) to read as follows:

23 (e-1) If a parent who is not indigent appears in opposition  
24 to the suit, the court may, for good cause shown, postpone the full  
25 adversary hearing for not more than seven days from the date of the  
26 parent's appearance to allow the parent to hire an attorney or to  
27 provide the parent's attorney time to respond to the petition and

1 prepare for the hearing. A postponement under this subsection is  
2 subject to the limits and requirements prescribed by Subsection (e)  
3 and Section 155.207.

4 (g) In a suit filed under Section 262.101 or 262.105, at the  
5 conclusion of the full adversary hearing, the court shall order the  
6 return of the child to a ~~[the]~~ parent, managing conservator,  
7 possessory conservator, guardian, caretaker, or custodian entitled  
8 to possession unless the court finds ~~[sufficient evidence to~~  
9 ~~satisfy a person of ordinary prudence and caution]~~ that:

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

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

20 (3) reasonable efforts have been made to enable the  
21 child to return home, but there is a substantial risk of a  
22 continuing danger if the child is returned home; and

23 (4) the substantial risk of continuing danger to the  
24 physical health and safety of the child outweighs the emotional  
25 distress or lasting adverse effects on the child's mental or  
26 emotional functioning that may result from removing the child from  
27 the child's home or parent.

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

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

13            (2) granting possession of the child to that person  
14 presents a continuing danger to the physical health or safety of the  
15 child caused by an act or failure to act of the person, including a  
16 danger that the child would be a victim of trafficking under Section  
17 20A.02 or 20A.03, Penal Code.

18        (h) In a suit filed under Section 262.101 or 262.105, if the  
19 court finds sufficient evidence [~~to satisfy a person of ordinary~~  
20 ~~prudence and caution~~] that there is a continuing danger to the  
21 physical health or safety of the child, [~~and~~] for the child to  
22 remain in the person's home is contrary to the welfare of the child,  
23 and the immediate danger to the physical health and safety of the  
24 child outweighs the emotional distress or lasting adverse effects  
25 on the child's mental or emotional functioning that may result from  
26 removing the child from the child's home or parent, the court shall  
27 issue an appropriate temporary order under Chapter 105.

1 (j) In a suit filed under Section 262.113, at the conclusion  
2 of the full adversary hearing, the court shall issue an appropriate  
3 temporary order under Chapter 105 if the court finds, with respect  
4 to each parent, managing conservator, possessory conservator,  
5 guardian, caretaker, or custodian entitled to possession,  
6 ~~[sufficient evidence to satisfy a person of ordinary prudence and~~  
7 ~~caution]~~ that:

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

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

16 (3) the immediate danger to the physical health and  
17 safety of the child outweighs the emotional distress or lasting  
18 adverse effects on the child's mental or emotional functioning that  
19 may result from removing the child from the child's home or parent.

20 (n) The court shall place a child removed from the child's  
21 custodial parent with the child's noncustodial parent ~~[or with a~~  
22 ~~relative of the child if placement with the noncustodial parent is~~  
23 ~~inappropriate,~~ unless the court finds that placement with the  
24 noncustodial parent ~~[or a relative]~~ is not in the best interest of  
25 the child because the placement would significantly impair the  
26 child's physical health or emotional development.

27 (n-1) If the court does not place a child with a parent,

1 managing conservator, possessory conservator, guardian, caretaker,  
2 or custodian entitled to possession under Subsection (g) or (g-1),  
3 the court shall place the child with a relative of the child unless  
4 the court finds that the placement with a relative is not in the  
5 best interest of the child.

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

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

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

18 (2) returning the child to the child's parent or  
19 parents [~~The court shall make a finding on whether returning the~~  
20 ~~child to the child's home is safe and appropriate, whether the~~  
21 ~~return is in the best interest of the child, and whether it]~~ is  
22 contrary to the welfare of the child [~~for the child to return home~~].

23 (d) If the court renders an order to return the child to the  
24 child's parent or parents under Section 263.403, the court may  
25 retain jurisdiction as provided by that section and not dismiss the  
26 suit or render a final order as required by Section 263.401.

27 SECTION 12. Subchapter E, Chapter 263, Family Code, is

1 amended by adding Section 263.4011 to read as follows:

2 Sec. 263.4011. RENDERING FINAL ORDER; EXTENSION. (a) On  
3 timely commencement of the trial on the merits under Section  
4 263.401, the court shall render a final order not later than the  
5 90th day after the date the trial commences.

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

8 (c) If the court finds that extraordinary circumstances  
9 necessitate extending the 90-day period under Subsection (a), the  
10 court may extend that date for not longer than 30 days. The court  
11 shall render a written order:

12 (1) specifying the grounds on which the extension is  
13 granted; and

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

16 (d) A party may file a mandamus proceeding if the court  
17 fails to render a final order within the time required by this  
18 section.

19 SECTION 13. Section 263.404(a), Family Code, is amended to  
20 read as follows:

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

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

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

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

SECTION 14. Sections 263.501(a) and (b), Family Code, are amended to read as follows:

(a) If the department has been named as a child's managing conservator in a final order that does not include termination of parental rights, the court shall conduct a permanency hearing after the final order is rendered at least once every six months until the department is no longer the child's managing conservator. If the child's permanency goal is conservatorship with a relative or other designated caregiver that includes a permanency care assistance agreement with the department, the court shall conduct additional permanency hearings at least once every 90 days until an order dismissing the department as the child's conservator is rendered.

(b) If the department has been named as a child's managing conservator in a final order that terminates a parent's parental rights, the court shall conduct a permanency hearing not later than the 90th day after the date the court renders the final order. The court shall conduct additional permanency hearings at least once every six months until the department is no longer the child's managing conservator. If the child's permanency goal is adoption or conservatorship with a relative or other designated caregiver



1 that includes a permanency care assistance agreement with the  
2 department, the court shall conduct additional permanency hearings  
3 at least once every 90 days until an adoption order or an order  
4 dismissing the department as the child's conservator is rendered.

5 SECTION 15. Section 264.203, Family Code, is amended to  
6 read as follows:

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

12 (1) participate in the services for which the  
13 department makes a referral or services the department provides or  
14 purchases for:

15 (A) alleviating the effects of the abuse or  
16 neglect that has occurred; or

17 (B) reducing a continuing danger to the physical  
18 health or safety of the child caused by an act or failure to act of  
19 the parent, managing conservator, guardian, or other member of the  
20 child's household ~~[the reasonable likelihood that the child may be~~  
21 ~~abused or neglected in the immediate or foreseeable future]~~; and

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

24 (b) A suit requesting an order under this section may be  
25 filed in a court with jurisdiction to hear the suit in the county in  
26 which the child is located ~~[The department may request the court to~~  
27 ~~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 an affidavit by a person based on personal knowledge or the person's belief based on representations made to the person by a person with 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 not ordering participation].~~

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

(f) The court shall hold a hearing on the petition not later than the 14th day after the date the petition is filed.

(g) The court shall appoint an attorney ad litem to

1 represent the interests of the child immediately after the filing  
2 but before the hearing to ensure adequate representation of the  
3 child. The attorney ad litem for the child shall have the powers  
4 and duties of an attorney ad litem for a child under Chapter 107.

5 (h) The court shall appoint an attorney ad litem to  
6 represent the interests of a parent for whom participation in  
7 services is being requested immediately after the filing but before  
8 the hearing to ensure adequate representation of the parent. The  
9 attorney ad litem for the parent shall have the powers and duties of  
10 an attorney ad litem for a parent under Section 107.0131.

11 (i) Before commencement of the hearing, the court shall  
12 inform each parent of:

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

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

18 (j) If a parent claims indigence, the court shall require  
19 the parent to complete and file with the court an affidavit of  
20 indigence. The court may consider additional evidence to determine  
21 whether the parent is indigent, including evidence relating to the  
22 parent's income, source of income, assets, property ownership,  
23 benefits paid in accordance with a federal, state, or local public  
24 assistance program, outstanding obligations, and necessary  
25 expenses and the number and ages of the parent's dependents. If the  
26 court determines the parent is indigent, the attorney ad litem  
27 appointed to represent the interests of the parent may continue the

1 representation. If the court determines the parent is not  
2 indigent, the court shall discharge the attorney ad litem from the  
3 appointment after the hearing.

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

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

11 (m) At the conclusion of the hearing, the court shall deny  
12 the petition unless the court finds by a preponderance of evidence  
13 that:

14 (1) abuse or neglect has occurred or there is a  
15 continuing danger to the physical health or safety of the child  
16 caused by an act or failure to act of the person entitled to  
17 possession; and

18 (2) services to the family are necessary to ensure the  
19 safety of the child.

20 (n) If the court finds sufficient evidence under Subsection  
21 (m), the court shall:

22 (1) state its findings of fact in the order;

23 (2) make appropriate temporary orders under Chapter  
24 105 necessary to ensure the safety of the child; and

25 (3) order the participation in specific services  
26 narrowly tailored to address the findings made by the court under  
27 Subsection (m).

1       (o) Not later than the 60th day after the date the court  
2 renders an order under this section, the court shall hold a status  
3 hearing to review the status of each party and the child and the  
4 services provided, purchased, or referred for the family. The  
5 court shall set subsequent review hearings every 60 days to review  
6 the continued need for the order.

7       (p) An order rendered under this section expires on the  
8 180th day after the date the order is signed unless it is renewed as  
9 provided by Subsection (q).

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

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

17       SECTION 16. Section 262.201(a-5), Family Code, is repealed.

18       SECTION 17. The changes in law made by this Act apply only  
19 to a suit filed by the Department of Family and Protective Services  
20 on or after the effective date of this Act. A suit filed by the  
21 department before that date is governed by the law in effect on the  
22 date the suit was filed, and the former law is continued in effect  
23 for that purpose.

24       SECTION 18. To the extent of any conflict, this Act prevails  
25 over another Act of the 86th Legislature, Regular Session, 2019,  
26 relating to nonsubstantive additions to and corrections in enacted  
27 codes.

S.B. No. 2091

1       SECTION 19.   This Act takes effect October 1, 2019.