By: Hull

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the contents of a petition in certain suits affecting

3   the parent-child relationship.

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

5   SECTION 1.   Section 262.101, Family Code, is amended to read

6   as follows:

7   Sec. 262.101.   FILING PETITION BEFORE TAKING POSSESSION OF

8   CHILD. (a) An original suit filed by a governmental entity that

9   requests permission to take possession of a child without prior

10   notice and a hearing must be supported by an affidavit sworn to by a

11   person with personal knowledge and stating facts sufficient to

12   satisfy a person of ordinary prudence and caution that:

13   (1) there is an immediate danger to the physical

14   health or safety of the child or the child has been a victim of

15   neglect or sexual abuse;

16   (2) continuation in the home would be contrary to the

17   child's welfare;

18   (3) there is no time, consistent with the physical

19   health or safety of the child, for a full adversary hearing under

20   Subchapter C; and

21   (4) 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.

24   (b) The affidavit required by Subsection (a) must describe

1   all reasonable efforts that were made to prevent or eliminate the

2   need for the removal of the child.

3   SECTION 2. Section 262.105, Family Code, is amended by

4   adding Subsection (c) to read as follows:

5   (c) The affidavit required by Subsection (b) must describe

6   all reasonable efforts that were made to prevent or eliminate the

7   need for the removal of the child.

8   SECTION 3. The changes in law made by this Act apply to a

9   suit affecting the parent-child relationship filed on or after the

10 effective date of this Act. A suit filed before the effective date

11 of this Act is governed by the law in effect on the date the suit is

12 filed, and the former law is continued in effect for that purpose.

13   SECTION 4. This Act takes effect on the 91st day after the

14 last day of the legislative session.