

BILL ANALYSIS

H.B. 2926
By: Parker
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Too many of the youths currently in the foster care system are not adequately prepared for the difficult challenges they will face when they inevitably age out of the foster care system and transition into adulthood. It has been suggested that the reinstatement of parental rights, when appropriate, provides greater safety and stability to these youths and their families, but there are concerns that Texas law does not sufficiently address this issue. H.B. 2926 seeks to address these concerns by providing for the reinstatement of the parent-child relationship under certain conditions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2926 amends the Family Code to authorize the following persons to file a petition requesting the court to reinstate the parental rights of a former parent whose parental rights were involuntarily terminated:

- the Department of Family and Protective Services (DFPS);
- the single source continuum contractor providing foster care service delivery, with responsibility for the child who is the subject of the petition;
- the attorney ad litem for the child who is the subject of the petition; or
- the former parent whose parental rights were involuntarily terminated.

H.B. 2926 sets out the conditions under which a petition for the reinstatement of parental rights may be filed related to the time that has passed since the termination order, whether the child has been adopted or is the subject of a written adoption placement agreement, and whether the petitioner is the parent whose parental rights were terminated and has provided required notice of the petition. The contents of the petition must be sworn by the petitioner and must include the following:

- identifying information of the petitioner, former parent, and child;
- information relating to the grounds for termination;
- statements from the former parent whose rights are sought to be reinstated and the child, if the child is 12 years of age or older; and
- information relating to any prior requests or motions for reinstatement.

Before a former parent whose parental rights have been involuntarily terminated may file such a petition, the former parent must notify DFPS of the former parent's intent to file the petition

at least 45 days before the petition is filed. The bill requires the commissioner of DFPS to create a form to be used by a former parent for the notice and requires a copy of the notice to be filed with the petition. The petition for the reinstatement of parental rights and notice of hearing on the petition must be served on persons specified by the bill.

H.B. 2926 provides for a reinstatement hearing to determine whether to grant a petition for reinstatement of parental rights, including providing for the petitioner having the burden of proof and requiring the court to make certain findings by the preponderance of the evidence before granting a petition. The bill requires the court in making a determination with regard to a child who is 11 years of age or younger on the date the petition is filed to consider the child's age, maturity, and ability to express a preference. The court may consider the child's preference regarding the reinstatement as one factor, considered along with all other relevant factors, in making the determination. Following the hearing, the court may render an order doing one of the following:

- granting the petition;
- denying the petition; or
- deferring the decision on the petition and rendering a temporary order expiring after a period of six months during which DFPS remains the managing conservator of the child and the former parent is the possessory conservator.

The bill requires DFPS to monitor the possessory conservatorship of the former parent during the period of the temporary order if the court defers granting the petition and requires the court, when the temporary order expires, to hold a hearing to determine whether to grant or deny the petition for reinstatement.

H.B. 2926 requires the court to do either of the following after a hearing under the bill's provisions:

- if the court renders an order for reinstatement of parental rights, enter the court's findings in a written order stating that all legal rights, powers, privileges, immunities, duties, and obligations of the former parent regarding the child, including with respect to custody, care, control, and support, are reinstated; or
- if the court denies a petition for reinstatement of parental rights, the court shall render a written order that includes the court's findings and detailing reasons for denial of the petition and a statement prohibiting the filing of a subsequent petition in regard to the former parent's parental rights before the first anniversary of the date the order of denial was issued.

EFFECTIVE DATE

September 1, 2021.