

## **BILL ANALYSIS**

C.S.S.B. 185  
By: Perry  
Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Although there is a statutory one-year deadline by which trials in child protection suits involving children in the care of the Department of Family and Protective Services must commence, there is currently no deadline by which those trials must be completed. Concerns have been raised regarding the negative impact on children of trials that continue for months or even years before they are completed, leaving the child in an extended period of uncertainty and potential instability. C.S.S.B. 185 seeks to address these concerns and enable the timely resolution intended by previous legislation by requiring a court to render a final order in such a suit no more than 90 days after the commencement of the trial.

### **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**

C.S.S.B. 185 amends the Family Code to require a court to render a final order in a child protection suit for a child under the care of the Department of Family and Protective Services not later than the 90th day after the date the trial on the merits timely commences. The 90-day period is not tolled for any recess during the trial. The bill authorizes the court to extend the 90-day period for the period the court determines necessary if, after a hearing, the court finds good cause for the extension. The bill requires a court that grants such an extension to render a written order specifying the grounds on which the extension is granted and the length of the extension. A party may file a mandamus proceeding if the court fails to render a final order within the time required.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 185 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute changes the authorization in the engrossed for the extension of the 90-day period between the commencement of the trial on the merits and the final order from one extension for a maximum of 30 days, if the court finds that extraordinary circumstances necessitate the extension, to an extension for the period the court determines necessary, if the court finds good cause after a hearing. The substitute revises the content of the required written order accordingly.