By:  Eckhardt S.B. No. 1349

(In the Senate - Filed March 10, 2021; March 18, 2021, read first time and referred to Committee on Health & Human Services; April 20, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 8, Nays 0; April 20, 2021, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Kolkhorst         X

Perry             X

Blanco            X

Buckingham                  X

Campbell          X

Hall              X

Miles             X

Powell            X

Seliger           X

COMMITTEE SUBSTITUTE FOR S.B. No. 1349 By:  Miles

A BILL TO BE ENTITLED

AN ACT

relating to placing a child in the possessory conservatorship of the child's parents in certain situations.

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

SECTION 1.  Subchapter E, Chapter 263, Family Code, is amended by adding Section 263.409 to read as follows:

Sec. 263.409.  MODIFICATION OF FINAL ORDER. (a) A parent may file suit to modify a final order rendered under this subchapter if the final order:

(1)  appoints as the child's managing conservator a person who is not the child's parent, other than the department;

(2)  did not terminate the rights of the parent of the child; and

(3)  appoints the parent as a possessory conservator of the child.

(b)  A parent may not file a suit to modify a final order as authorized by this section before the second anniversary of the date the court rendered the final order.

(c)  In a suit to modify a final order authorized by this section, the court may order the return of the child to the child's parent if the court finds it is in the best interest of the child.

SECTION 2.  Section 263.501(a), Family Code, is amended to read as follows:

(a)  If the department is appointed [~~has been named~~] as a child's managing conservator in a final order that does not include termination of parental rights, or if the department is not dismissed from the suit in a final order that appoints a person who is not the child's parent as the child's managing conservator and 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:

(1)  is no longer the child's managing conservator; or

(2)  is dismissed from the suit.

SECTION 3.  Subchapter F, Chapter 263, Family Code, is amended by adding Section 263.504 to read as follows:

Sec. 263.504.  RETURNING CHILD TO PARENT. (a) At each permanency hearing after the second anniversary of the date the court rendered the final order appointing the department as the child's managing conservator without terminating parental rights, the department shall review the child's placement to determine whether the child could be returned to the child's parent if the parent was named possessory conservator for the child in the final order.

(b)  At each permanency hearing after the second anniversary of the date the court rendered the final order appointing a person who is not the child's parent as the child's managing conservator without terminating parental rights or dismissing the department from the suit, the department shall review the child's placement to determine whether the child could be returned to the child's parent if the parent was named possessory conservator for the child in the final order.

(c)  The department may recommend reunification with the child's parent if the department finds:

(1)  the parent of the child has remedied the condition or conditions that led to removal of the child;

(2)  the parent of the child is willing and able to care for the child;

(3)  the best interest of the child will be served by placing the child with the child's parent; and

(4)  the child's preference is to reside with the child's parent.

(d)  The court may return the child to the child's parent if the court finds it is in the best interest of the child.

SECTION 4.  The change in law made by this Act applies to a permanency hearing held on or after the effective date of this Act regardless of the date on which the Department of Family and Protective Services is named the child's managing conservator.

SECTION 5.  This Act takes effect September 1, 2021.

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