

By: Gates

H.B. No. 2200

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain procedures in suits affecting the parent-child
3 relationship involving the Department of Family and Protective
4 Services.

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

6 SECTION 1. Section 51.014(a), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (a) A person may appeal from an interlocutory order of a
9 district court, county court at law, statutory probate court, or
10 county court that:

11 (1) appoints a receiver or trustee;

12 (2) overrules a motion to vacate an order that
13 appoints a receiver or trustee;

14 (3) certifies or refuses to certify a class in a suit
15 brought under Rule 42 of the Texas Rules of Civil Procedure;

16 (4) grants or refuses a temporary injunction or grants
17 or overrules a motion to dissolve a temporary injunction as
18 provided by Chapter 65;

19 (5) denies a motion for summary judgment that is based
20 on an assertion of immunity by an individual who is an officer or
21 employee of the state or a political subdivision of the state;

22 (6) denies a motion for summary judgment that is based
23 in whole or in part upon a claim against or defense by a member of
24 the electronic or print media, acting in such capacity, or a person

1 whose communication appears in or is published by the electronic or
2 print media, arising under the free speech or free press clause of
3 the First Amendment to the United States Constitution, or Article
4 I, Section 8, of the Texas Constitution, or Chapter 73;

5 (7) grants or denies the special appearance of a
6 defendant under Rule 120a, Texas Rules of Civil Procedure, except
7 in a suit brought under the Family Code;

8 (8) grants or denies a plea to the jurisdiction by a
9 governmental unit as that term is defined in Section 101.001;

10 (9) denies all or part of the relief sought by a motion
11 under Section 74.351(b), except that an appeal may not be taken from
12 an order granting an extension under Section 74.351;

13 (10) grants relief sought by a motion under Section
14 74.351(1);

15 (11) denies a motion to dismiss filed under Section
16 90.007;

17 (12) denies a motion to dismiss filed under Section
18 27.003;

19 (13) denies a motion for summary judgment filed by an
20 electric utility regarding liability in a suit subject to Section
21 75.0022; ~~[or]~~

22 (14) denies a motion filed by a municipality with a
23 population of 500,000 or more in an action filed under Section
24 54.012(6) or 214.0012, Local Government Code; or

25 (15) affects rights and duties of a parent in a suit
26 filed by the Department of Family and Protective Services under
27 Chapter 262, Family Code.

1 SECTION 2. Section 105.001(e), Family Code, is amended to
2 read as follows:

3 (e) Except as provided by Section 51.014(a)(15), Civil
4 Practice and Remedies Code, temporary [~~Temporary~~] orders rendered
5 under this section are not subject to interlocutory appeal.

6 SECTION 3. Section 109.001(c), Family Code, is amended to
7 read as follows:

8 (c) Except as provided by Section 51.014(a)(15), Civil
9 Practice and Remedies Code, a [A] temporary order rendered under
10 this section is not subject to interlocutory appeal.

11 SECTION 4. Section 201.204(a), Family Code, is amended to
12 read as follows:

13 (a) On the motion of a party or the associate judge, an
14 associate judge shall [~~may~~] refer any [~~a complex~~] case back to the
15 referring court [~~for final disposition after recommending~~
16 ~~temporary orders for the protection of a child~~].

17 SECTION 5. Section 262.206, Family Code, as added by
18 Chapter 317 (H.B. 7), Acts of the 85th Legislature, Regular
19 Session, 2017, is reenacted and amended to read as follows:

20 Sec. 262.206. EX PARTE HEARINGS [~~PROHIBITED~~]. (a) Unless
21 otherwise authorized by this chapter or other law, a hearing held by
22 a court in a suit under this chapter may not be ex parte.

23 (b) If the court holds an authorized ex parte hearing in a
24 suit under this chapter, the court shall provide a court reporter
25 to:

26 (1) transcribe the hearing, including all testimony
27 provided during the hearing, all objections, the court's ruling on

1 each objection and any explanation relating to the objection, and
2 exceptions to the rulings;

3 (2) provide a copy of the hearing transcript to the
4 court; and

5 (3) maintain the hearing transcript until the third
6 anniversary of the date of the hearing.

7 (c) A transcript produced under Subsection (b) is a document
8 that contains matters relevant to the subject matter of the action
9 for purposes of Rule 192.3, Texas Rules of Civil Procedure.

10 SECTION 6. The changes in law made by this Act apply only to
11 a suit filed by the Department of Family and Protective Services on
12 or after the effective date of this Act. A suit filed by the
13 department before that date is governed by the law in effect on the
14 date the suit was filed, and the former law is continued in effect
15 for that purpose.

16 SECTION 7. This Act takes effect September 1, 2021.