

1-1 By: Dutton (Senate Sponsor - Hughes) H.B. No. 2924  
 1-2 (In the Senate - Received from the House May 5, 2021;  
 1-3 May 10, 2021, read first time and referred to Committee on State  
 1-4 Affairs; May 19, 2021, reported favorably by the following vote:  
 1-5 Yeas 9, Nays 0; May 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to certain grounds for the involuntary termination of the  
 1-20 parent-child relationship.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 161.001(b), Family Code, is amended to  
 1-23 read as follows:

1-24 (b) The court may order termination of the parent-child  
 1-25 relationship if the court finds by clear and convincing evidence:

1-26 (1) that the parent has:

1-27 (A) voluntarily left the child alone or in the  
 1-28 possession of another not the parent and expressed an intent not to  
 1-29 return;

1-30 (B) voluntarily left the child alone or in the  
 1-31 possession of another not the parent without expressing an intent  
 1-32 to return, without providing for the adequate support of the child,  
 1-33 and remained away for a period of at least three months;

1-34 (C) voluntarily left the child alone or in the  
 1-35 possession of another without providing adequate support of the  
 1-36 child and remained away for a period of at least six months;

1-37 (D) knowingly placed or knowingly allowed the  
 1-38 child to remain in conditions or surroundings which endanger the  
 1-39 physical or emotional well-being of the child;

1-40 (E) engaged in conduct or knowingly placed the  
 1-41 child with persons who engaged in conduct which endangers the  
 1-42 physical or emotional well-being of the child;

1-43 (F) failed to support the child in accordance  
 1-44 with the parent's ability during a period of one year ending within  
 1-45 six months of the date of the filing of the petition;

1-46 (G) abandoned the child without identifying the  
 1-47 child or furnishing means of identification, and the child's  
 1-48 identity cannot be ascertained by the exercise of reasonable  
 1-49 diligence;

1-50 (H) voluntarily, and with knowledge of the  
 1-51 pregnancy, abandoned the mother of the child beginning at a time  
 1-52 during her pregnancy with the child and continuing through the  
 1-53 birth, failed to provide adequate support or medical care for the  
 1-54 mother during the period of abandonment before the birth of the  
 1-55 child, and remained apart from the child or failed to support the  
 1-56 child since the birth;

1-57 (I) contumaciously refused to submit to a  
 1-58 reasonable and lawful order of a court under Subchapter D, Chapter  
 1-59 261;

1-60 (J) been the major cause of:

1-61 (i) the failure of the child to be enrolled

2-1 in school as required by the Education Code; or  
2-2 (ii) the child's absence from the child's  
2-3 home without the consent of the parents or guardian for a  
2-4 substantial length of time or without the intent to return;  
2-5 (K) executed before or after the suit is filed an  
2-6 unrevoked or irrevocable affidavit of relinquishment of parental  
2-7 rights as provided by this chapter;  
2-8 (L) been convicted or has been placed on  
2-9 community supervision, including deferred adjudication community  
2-10 supervision, for being criminally responsible for the death or  
2-11 serious injury of a child under the following sections of the Penal  
2-12 Code, or under a law of another jurisdiction that contains elements  
2-13 that are substantially similar to the elements of an offense under  
2-14 one of the following Penal Code sections, or adjudicated under  
2-15 Title 3 for conduct that caused the death or serious injury of a  
2-16 child and that would constitute a violation of one of the following  
2-17 Penal Code sections:

- 2-18 (i) Section 19.02 (murder);
- 2-19 (ii) Section 19.03 (capital murder);
- 2-20 (iii) Section 19.04 (manslaughter);
- 2-21 (iv) Section 21.11 (indecent with a  
2-22 child);
- 2-23 (v) Section 22.01 (assault);
- 2-24 (vi) Section 22.011 (sexual assault);
- 2-25 (vii) Section 22.02 (aggravated assault);
- 2-26 (viii) Section 22.021 (aggravated sexual  
2-27 assault);
- 2-28 (ix) Section 22.04 (injury to a child,  
2-29 elderly individual, or disabled individual);
- 2-30 (x) Section 22.041 (abandoning or  
2-31 endangering child);
- 2-32 (xi) Section 25.02 (prohibited sexual  
2-33 conduct);
- 2-34 (xii) Section 43.25 (sexual performance by  
2-35 a child);
- 2-36 (xiii) Section 43.26 (possession or  
2-37 promotion of child pornography);
- 2-38 (xiv) Section 21.02 (continuous sexual  
2-39 abuse of young child or children);
- 2-40 (xv) Section 20A.02(a)(7) or (8)  
2-41 (trafficking of persons); and
- 2-42 (xvi) Section 43.05(a)(2) (compelling  
2-43 prostitution);

2-44 (M) ~~[had his or her parent-child relationship~~  
2-45 ~~terminated with respect to another child based on a finding that the~~  
2-46 ~~parent's conduct was in violation of Paragraph (D) or (E) or~~  
2-47 ~~substantially equivalent provisions of the law of another state;~~  
2-48 ~~[(N)]~~ constructively abandoned the child who has  
2-49 been in the permanent or temporary managing conservatorship of the  
2-50 Department of Family and Protective Services for not less than six  
2-51 months, and:

- 2-52 (i) the department has made reasonable  
2-53 efforts to return the child to the parent;
- 2-54 (ii) the parent has not regularly visited  
2-55 or maintained significant contact with the child; and
- 2-56 (iii) the parent has demonstrated an  
2-57 inability to provide the child with a safe environment;

2-58 (N) ~~[(O)]~~ failed to comply with the provisions of  
2-59 a court order that specifically established the actions necessary  
2-60 for the parent to obtain the return of the child who has been in the  
2-61 permanent or temporary managing conservatorship of the Department  
2-62 of Family and Protective Services for not less than nine months as a  
2-63 result of the child's removal from the parent under Chapter 262 for  
2-64 the abuse or neglect of the child;

2-65 (O) ~~[(P)]~~ used a controlled substance, as  
2-66 defined by Chapter 481, Health and Safety Code, in a manner that  
2-67 endangered the health or safety of the child, and:

- 2-68 (i) failed to complete a court-ordered  
2-69 substance abuse treatment program; or

3-1 (ii) after completion of a court-ordered  
 3-2 substance abuse treatment program, continued to abuse a controlled  
 3-3 substance;  
 3-4 (P) [~~(Q)~~] knowingly engaged in criminal conduct  
 3-5 that has resulted in the parent's:  
 3-6 (i) conviction of an offense; and  
 3-7 (ii) confinement or imprisonment and  
 3-8 inability to care for the child for not less than two years from the  
 3-9 date of filing the petition;  
 3-10 (Q) [~~(R)~~] been the cause of the child being born  
 3-11 addicted to alcohol or a controlled substance, other than a  
 3-12 controlled substance legally obtained by prescription;  
 3-13 (R) [~~(S)~~] voluntarily delivered the child to a  
 3-14 designated emergency infant care provider under Section 262.302  
 3-15 without expressing an intent to return for the child;  
 3-16 (S) [~~(T)~~] been convicted of:  
 3-17 (i) the murder of the other parent of the  
 3-18 child under Section 19.02 or 19.03, Penal Code, or under a law of  
 3-19 another state, federal law, the law of a foreign country, or the  
 3-20 Uniform Code of Military Justice that contains elements that are  
 3-21 substantially similar to the elements of an offense under Section  
 3-22 19.02 or 19.03, Penal Code;  
 3-23 (ii) criminal attempt under Section 15.01,  
 3-24 Penal Code, or under a law of another state, federal law, the law of  
 3-25 a foreign country, or the Uniform Code of Military Justice that  
 3-26 contains elements that are substantially similar to the elements of  
 3-27 an offense under Section 15.01, Penal Code, to commit the offense  
 3-28 described by Subparagraph (i);  
 3-29 (iii) criminal solicitation under Section  
 3-30 15.03, Penal Code, or under a law of another state, federal law, the  
 3-31 law of a foreign country, or the Uniform Code of Military Justice  
 3-32 that contains elements that are substantially similar to the  
 3-33 elements of an offense under Section 15.03, Penal Code, of the  
 3-34 offense described by Subparagraph (i); or  
 3-35 (iv) the sexual assault of the other parent  
 3-36 of the child under Section 22.011 or 22.021, Penal Code, or under a  
 3-37 law of another state, federal law, or the Uniform Code of Military  
 3-38 Justice that contains elements that are substantially similar to  
 3-39 the elements of an offense under Section 22.011 or 22.021, Penal  
 3-40 Code; or  
 3-41 (T) [~~(U)~~] been placed on community supervision,  
 3-42 including deferred adjudication community supervision, or another  
 3-43 functionally equivalent form of community supervision or  
 3-44 probation, for being criminally responsible for the sexual assault  
 3-45 of the other parent of the child under Section 22.011 or 22.021,  
 3-46 Penal Code, or under a law of another state, federal law, or the  
 3-47 Uniform Code of Military Justice that contains elements that are  
 3-48 substantially similar to the elements of an offense under Section  
 3-49 22.011 or 22.021, Penal Code; and  
 3-50 (2) that termination is in the best interest of the  
 3-51 child.

3-52 SECTION 2. The change in law made by this Act applies only  
 3-53 to a court order for the involuntary termination of the  
 3-54 parent-child relationship rendered on or after the effective date  
 3-55 of this Act. A court order rendered before the effective date of  
 3-56 this Act is governed by the law in effect on the date the order was  
 3-57 rendered, and the former law is continued in effect for that  
 3-58 purpose.

3-59 SECTION 3. This Act takes effect September 1, 2021.

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