

By: Dutton

H.B. No. 2932

A BILL TO BE ENTITLED

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

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

6 SECTION 1. Section 262.116(a), Family Code, is amended to
7 read as follows:

8 (a) The Department of Family and Protective Services may not
9 take possession of a child under this subchapter based on evidence
10 that the parent:

- 11 (1) homeschooled the child;
12 (2) is economically disadvantaged;
13 (3) has been charged with a nonviolent misdemeanor
14 offense other than:

- 15 (A) an offense under Title 5, Penal Code;
16 (B) an offense under Title 6, Penal Code; or
17 (C) an offense that involves family violence, as
18 defined by Section 71.004 of this code;

19 (4) provided or administered low-THC cannabis to a
20 child for whom the low-THC cannabis was prescribed under Chapter
21 169, Occupations Code; ~~or~~

22 (5) declined immunization for the child for reasons of
23 conscience, including a religious belief;

24 (6) when the parent was a child, was removed from the

1 person's home by a child protective services agency;

2 (7) tested positive for a controlled substance as
3 defined by Chapter 481, Health and Safety Code, unless the
4 department has evidence that the parent's use of the controlled
5 substance has caused significant impairment to the child's physical
6 or mental health or emotional development; or

7 (8) failed to complete the family-based safety
8 services provided by the department.

9 SECTION 2. Section 262.2015(b), Family Code, is amended to
10 read as follows:

11 (b) The court may find under Subsection (a) that a parent
12 has subjected the child to aggravated circumstances if:

13 (1) the parent abandoned the child without
14 identification or a means for identifying the child;

15 (2) the child or another child of the parent is a
16 victim of serious bodily injury or sexual abuse inflicted by the
17 parent or by another person with the parent's consent;

18 (3) the parent has engaged in conduct against the
19 child or another child of the parent that would constitute an
20 offense under the following provisions of the Penal Code:

21 (A) Section 19.02 (murder);

22 (B) Section 19.03 (capital murder);

23 (C) Section 19.04 (manslaughter);

24 (D) Section 21.11 (indecent with a child);

25 (E) Section 22.011 (sexual assault);

26 (F) Section 22.02 (aggravated assault);

27 (G) Section 22.021 (aggravated sexual assault);

1 (H) Section 22.04 (injury to a child, elderly
2 individual, or disabled individual);

3 (I) Section 22.041 (abandoning or endangering
4 child);

5 (J) Section 25.02 (prohibited sexual conduct);

6 (K) Section 43.25 (sexual performance by a
7 child);

8 (L) Section 43.26 (possession or promotion of
9 child pornography);

10 (M) Section 21.02 (continuous sexual abuse of
11 young child or children);

12 (N) Section 43.05(a)(2) (compelling
13 prostitution); or

14 (O) Section 20A.02(a)(7) or (8) (trafficking of
15 persons);

16 (4) the parent voluntarily left the child alone or in
17 the possession of another person not the parent of the child for at
18 least six months without expressing an intent to return and without
19 providing adequate support for the child;

20 (5) the parent's parental rights with regard to
21 another child have been involuntarily terminated based on a finding
22 that the parent's conduct violated Section 161.001(b)(1)(D) or (E)
23 or a substantially equivalent provision of another state's law;

24 (6) the parent has been convicted for:

25 (A) the murder of another child of the parent and
26 the offense would have been an offense under 18 U.S.C. Section
27 1111(a) if the offense had occurred in the special maritime or

1 territorial jurisdiction of the United States;

2 (B) the voluntary manslaughter of another child
3 of the parent and the offense would have been an offense under 18
4 U.S.C. Section 1112(a) if the offense had occurred in the special
5 maritime or territorial jurisdiction of the United States;

6 (C) aiding or abetting, attempting, conspiring,
7 or soliciting an offense under Paragraph (A) or (B); or

8 (D) the felony assault of the child or another
9 child of the parent that resulted in serious bodily injury to the
10 child or another child of the parent; or

11 (7) ~~[the parent's parental rights with regard to~~
12 ~~another child of the parent have been involuntarily terminated; or~~

13 ~~[(8)]~~ the parent is required under any state or
14 federal law to register with a sex offender registry.

15 SECTION 3. The changes in law made by this Act apply only to
16 a suit filed by the Department of Family and Protective Services on
17 or after the effective date of this Act. A suit filed by the
18 department before that date is governed by the law in effect on the
19 date the suit was filed, and the former law is continued in effect
20 for that purpose.

21 SECTION 4. This Act takes effect September 1, 2021.