

1-1 By: Eckhardt S.B. No. 1349
 1-2 (In the Senate - Filed March 10, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 20, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 0; April 20, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1349 By: Miles

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to placing a child in the possessory conservatorship of
 1-22 the child's parents in certain situations.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter E, Chapter 263, Family Code, is
 1-25 amended by adding Section 263.409 to read as follows:

1-26 Sec. 263.409. MODIFICATION OF FINAL ORDER. (a) A parent
 1-27 may file suit to modify a final order rendered under this subchapter
 1-28 if the final order:

1-29 (1) appoints as the child's managing conservator a
 1-30 person who is not the child's parent, other than the department;

1-31 (2) did not terminate the rights of the parent of the
 1-32 child; and

1-33 (3) appoints the parent as a possessory conservator of
 1-34 the child.

1-35 (b) A parent may not file a suit to modify a final order as
 1-36 authorized by this section before the second anniversary of the
 1-37 date the court rendered the final order.

1-38 (c) In a suit to modify a final order authorized by this
 1-39 section, the court may order the return of the child to the child's
 1-40 parent if the court finds it is in the best interest of the child.

1-41 SECTION 2. Section 263.501(a), Family Code, is amended to
 1-42 read as follows:

1-43 (a) If the department is appointed [~~has been named~~] as a
 1-44 child's managing conservator in a final order that does not include
 1-45 termination of parental rights, or if the department is not
 1-46 dismissed from the suit in a final order that appoints a person who
 1-47 is not the child's parent as the child's managing conservator and
 1-48 that does not include termination of parental rights, the court
 1-49 shall conduct a permanency hearing after the final order is
 1-50 rendered at least once every six months until the department:

1-51 (1) is no longer the child's managing conservator; or

1-52 (2) is dismissed from the suit.

1-53 SECTION 3. Subchapter F, Chapter 263, Family Code, is
 1-54 amended by adding Section 263.504 to read as follows:

1-55 Sec. 263.504. RETURNING CHILD TO PARENT. (a) At each
 1-56 permanency hearing after the second anniversary of the date the
 1-57 court rendered the final order appointing the department as the
 1-58 child's managing conservator without terminating parental rights,
 1-59 the department shall review the child's placement to determine
 1-60 whether the child could be returned to the child's parent if the

2-1 parent was named possessory conservator for the child in the final
2-2 order.

2-3 (b) At each permanency hearing after the second anniversary
2-4 of the date the court rendered the final order appointing a person
2-5 who is not the child's parent as the child's managing conservator
2-6 without terminating parental rights or dismissing the department
2-7 from the suit, the department shall review the child's placement to
2-8 determine whether the child could be returned to the child's parent
2-9 if the parent was named possessory conservator for the child in the
2-10 final order.

2-11 (c) The department may recommend reunification with the
2-12 child's parent if the department finds:

2-13 (1) the parent of the child has remedied the condition
2-14 or conditions that led to removal of the child;

2-15 (2) the parent of the child is willing and able to care
2-16 for the child;

2-17 (3) the best interest of the child will be served by
2-18 placing the child with the child's parent; and

2-19 (4) the child's preference is to reside with the
2-20 child's parent.

2-21 (d) The court may return the child to the child's parent if
2-22 the court finds it is in the best interest of the child.

2-23 SECTION 4. The change in law made by this Act applies to a
2-24 permanency hearing held on or after the effective date of this Act
2-25 regardless of the date on which the Department of Family and
2-26 Protective Services is named the child's managing conservator.

2-27 SECTION 5. This Act takes effect September 1, 2021.

2-28 * * * * *