

AN ACT

relating to the requirements for certain petitions and orders in suits affecting the parent-child relationship filed by the Department of Family and Protective Services and the contents of a petition in certain suits affecting the parent-child relationship.

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

SECTION 1. Section 161.001, Family Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) In a suit for termination of the parent-child relationship filed by the Department of Family and Protective Services, the court may not order termination of the parent-child relationship under Subsection (b)(1) unless the court finds by clear and convincing evidence and describes in writing with specificity in a separate section of the order that:

(1) the department made reasonable efforts to return the child to the parent before commencement of a trial on the merits and despite those reasonable efforts, a continuing danger remains in the home that prevents the return of the child to the parent; or

(2) reasonable efforts to return the child to the parent, including the requirement for the department to provide a family service plan to the parent, have been waived under Section 262.2015.

(g) In a suit for termination of the parent-child relationship filed by the Department of Family and Protective

1 Services in which the department made reasonable efforts to return
2 the child to the child's home but a continuing danger in the home
3 prevented the child's return, the court shall include in a separate
4 section of its order written findings describing with specificity
5 the reasonable efforts the department made to return the child to
6 the child's home.

7 SECTION 2. Section 262.101, Family Code, is amended to read
8 as follows:

9 Sec. 262.101. FILING PETITION BEFORE TAKING POSSESSION OF
10 CHILD. (a) An original suit filed by a governmental entity that
11 requests permission to take possession of a child without prior
12 notice and a hearing must be supported by an affidavit sworn to by a
13 person with personal knowledge and stating facts sufficient to
14 satisfy a person of ordinary prudence and caution that:

15 (1) there is an immediate danger to the physical
16 health or safety of the child or the child has been a victim of
17 neglect or sexual abuse;

18 (2) continuation in the home would be contrary to the
19 child's welfare;

20 (3) there is no time, consistent with the physical
21 health or safety of the child, for a full adversary hearing under
22 Subchapter C; and

23 (4) reasonable efforts, consistent with the
24 circumstances and providing for the safety of the child, were made
25 to prevent or eliminate the need for the removal of the child.

26 (b) The affidavit required by Subsection (a) must describe
27 with specificity in a separate section all reasonable efforts,

1 consistent with the circumstances and providing for the safety of
2 the child, that were made to prevent or eliminate the need for the
3 removal of the child.

4 SECTION 3. Section 262.102, Family Code, is amended by
5 adding Subsection (e) to read as follows:

6 (e) The temporary order, temporary restraining order, or
7 attachment of a child rendered by the court under Subsection (a)
8 must describe with specificity in a separate section the reasonable
9 efforts, consistent with the circumstances and providing for the
10 safety of the child, that were made to prevent or eliminate the need
11 for the removal of the child as required by Subsection (a)(4).

12 SECTION 4. Section 262.105, Family Code, is amended by
13 adding Subsection (c) to read as follows:

14 (c) The affidavit required by Subsection (b) must describe
15 with specificity in a separate section all reasonable efforts,
16 consistent with the circumstances and providing for the safety of
17 the child, that were made to prevent or eliminate the need for the
18 removal of the child.

19 SECTION 5. Section 262.107, Family Code, is amended by
20 adding Subsection (c) to read as follows:

21 (c) If the court does not order the return of the child at an
22 initial hearing under Subsection (a), the court must describe in
23 writing and in a separate section the reasonable efforts,
24 consistent with the circumstances and providing for the safety of
25 the child, that were made to prevent or eliminate the need for the
26 removal of the child.

27 SECTION 6. Section 262.201, Family Code, is amended by

1 adding Subsection (g-2) to read as follows:

2 (g-2) If, at the conclusion of a full adversary hearing, the
3 court renders an order under Subsection (g) or (g-1), the court must
4 describe in writing and in a separate section:

5 (1) the reasonable efforts that were made to enable
6 the child to return home and the substantial risk of a continuing
7 danger if the child is returned home, as required by Subsection
8 (g)(3); or

9 (2) the reasonable efforts that were made to enable a
10 person's possession of the child and the continuing danger to the
11 physical health or safety of the child as required by Subsection
12 (g-1)(2).

13 SECTION 7. The changes in law made by this Act apply to a
14 suit affecting the parent-child relationship filed on or after the
15 effective date of this Act. A suit filed before the effective date
16 of this Act is governed by the law in effect on the date the suit is
17 filed, and the former law is continued in effect for that purpose.

18 SECTION 8. This Act takes effect September 1, 2023.

H.B. No. 1087

President of the Senate

Speaker of the House

I certify that H.B. No. 1087 was passed by the House on May 6, 2023, by the following vote: Yeas 127, Nays 7, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1087 on May 25, 2023, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1087 was passed by the Senate, with amendments, on May 22, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor