

By: Hull

H.B. No. 1087

A BILL TO BE ENTITLED

AN ACT

relating to 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 262.101, Family Code, is amended to read as follows:

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

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

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

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

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

(b) The affidavit required by Subsection (a) must describe

1 all reasonable efforts that were made to prevent or eliminate the
2 need for the removal of the child.

3 SECTION 2. Section 262.102, Family Code, is amended by
4 adding Subsection (e) to read as follows:

5 (e) The temporary order, temporary restraining order, or
6 attachment of a child rendered by the court under Subsection (a)
7 must describe the reasonable efforts that were made to prevent or
8 eliminate the need for the removal of the child as required by
9 Subsection (a)(4).

10 SECTION 3. Section 262.105, Family Code, is amended by
11 adding Subsection (c) to read as follows:

12 (c) The affidavit required by Subsection (b) must describe
13 all reasonable efforts that were made to prevent or eliminate the
14 need for the removal of the child.

15 SECTION 4. Section 262.107, Family Code, is amended by
16 adding Subsection (c) to read as follows:

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

22 SECTION 5. Section 262.201, Family Code, is amended by
23 adding Subsection (g-2) to read as follows:

24 (g-2) If, at the conclusion of a full adversary hearing, the
25 court renders an order under Subsection (g) or (g-1), the court must
26 describe in writing:

27 (1) the reasonable efforts that were made to enable

1 the child to return home and the substantial risk of a continuing
2 danger if the child is returned home, as required by Subsection
3 (g)(3); or
4 (2) the reasonable efforts that were made to enable a
5 person's possession of the child and the continuing danger to the
6 physical health or safety of the child as required by Subsection
7 (g-1)(2).

8 SECTION 6. The changes in law made by this Act apply to a
9 suit affecting the parent-child relationship filed on or after the
10 effective date of this Act. A suit filed before the effective date
11 of this Act is governed by the law in effect on the date the suit is
12 filed, and the former law is continued in effect for that purpose.

13 SECTION 7. This Act takes effect September 1, 2023.