

By: Zaffirini

S.B. No. 885

A BILL TO BE ENTITLED

AN ACT

relating to the grounds for terminating and reinstating a person's parental rights and the adoption of certain children.

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

SECTION 1. Section 161.001, Family Code, is amended by adding Subsections (b-1) and (b-2) to read as follows:

(b-1) If a parent has had a protective order issued against the parent under Chapter 85 and the court issuing the protective order made a finding under Section 85.025(a-1)(1) that the parent committed an act constituting an offense involving family violence, the court may order termination of the parent-child relationship if the court finds by clear and convincing evidence that:

(1) the parent committed an act constituting an offense listed under Subsection (b)(1)(L); and

(2) termination is in the best interest of the child.

(b-2) In determining whether to order termination under Subsection (b-1), the court may consider any evidence offered in the hearing under Subtitle B, Title 4, that resulted in the court issuing the protective order.

SECTION 2. Section 161.302(b), Family Code, is amended to read as follows:

(b) Except as provided by Section 161.305, a [A] petition for the reinstatement of parental rights may be filed under this subchapter only if:

1 (1) the termination of parental rights resulted from a
2 suit filed by the department;

3 (2) at least two years have passed since the issuance
4 of the order terminating the former parent's parental rights and an
5 appeal of the order is not pending;

6 (3) the child has not been adopted;

7 (4) the child is not the subject of an adoption
8 placement agreement; and

9 (5) the petitioner has provided the notice required by
10 Subsection (d), if the petitioner is the former parent whose
11 parental rights are sought to be reinstated.

12 SECTION 3. Subchapter D, Chapter 161, Family Code, is
13 amended by adding Section 161.305 to read as follows:

14 Sec. 161.305. CERTAIN PETITIONS FOR REINSTATEMENT. (a) A
15 former parent whose parental rights have been terminated under
16 Section 161.001(b-1) may file a petition under this subchapter to
17 reinstate the former parent's parental rights.

18 (b) The court shall grant a petition under this section
19 without a hearing and order the reinstatement of the former
20 parent's parental rights if the petition demonstrates that the act
21 upon which the decision to terminate the former parent's parental
22 rights is based did not result in the former parent being criminally
23 adjudicated in the manner required for termination under Section
24 161.001(b)(1)(L).

25 SECTION 4. Section 162.001, Family Code, is amended by
26 adding Subsection (d) to read as follows:

27 (d) The child of a parent whose parental rights have been

1 terminated under Section 161.001(b-1) may not be adopted unless the
2 parent has subsequently been criminally adjudicated in the manner
3 required by Section 161.001(b)(1)(L) for the act upon which the
4 decision to terminate the parent's parental rights is based.

5 SECTION 5. The change in law made by this Act applies only
6 to a suit affecting the parent-child relationship filed on or after
7 the effective date of this Act. A suit affecting the parent-child
8 relationship filed before the effective date of this Act is
9 governed by the law in effect on the date the suit was filed, and the
10 former law is continued in effect for that purpose.

11 SECTION 6. This Act takes effect September 1, 2023.