

1-1 By: Zaffirini S.B. No. 885
1-2 (In the Senate - Filed February 13, 2023; March 1, 2023,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 23, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; March 23, 2023,
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	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 885 By: Zaffirini

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to the grounds for terminating and reinstating a person's
1-24 parental rights and the adoption of certain children.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 161.001, Family Code, is amended by
1-27 adding Subsections (b-1) and (b-2) to read as follows:

1-28 (b-1) If a parent has had a protective order issued against
1-29 the parent under Chapter 85 and the court issuing the protective
1-30 order made a finding under Section 85.025(a-1)(1) that the parent
1-31 committed an act constituting an offense involving family violence,
1-32 the court may order termination of the parent-child relationship if
1-33 the court finds by clear and convincing evidence that:

1-34 (1) the parent committed an act constituting an
1-35 offense listed under Subsection (b)(1)(L); and

1-36 (2) termination is in the best interest of the child.

1-37 (b-2) In determining whether to order termination under
1-38 Subsection (b-1), the court may consider any evidence offered in
1-39 the hearing under Subtitle B, Title 4, that resulted in the court
1-40 issuing the protective order.

1-41 SECTION 2. Section 161.302(b), Family Code, is amended to
1-42 read as follows:

1-43 (b) Except as provided by Section 161.305, a [A] petition
1-44 for the reinstatement of parental rights may be filed under this
1-45 subchapter only if:

1-46 (1) the termination of parental rights resulted from a
1-47 suit filed by the department;

1-48 (2) at least two years have passed since the issuance
1-49 of the order terminating the former parent's parental rights and an
1-50 appeal of the order is not pending;

1-51 (3) the child has not been adopted;

1-52 (4) the child is not the subject of an adoption
1-53 placement agreement; and

1-54 (5) the petitioner has provided the notice required by
1-55 Subsection (d), if the petitioner is the former parent whose
1-56 parental rights are sought to be reinstated.

1-57 SECTION 3. Subchapter D, Chapter 161, Family Code, is
1-58 amended by adding Section 161.305 to read as follows:

1-59 Sec. 161.305. CERTAIN PETITIONS FOR REINSTATEMENT. (a) A
1-60 former parent whose parental rights have been terminated under

2-1 Section 161.001(b-1) may file a petition under this subchapter to
2-2 reinstate the former parent's parental rights.

2-3 (b) The court shall grant a petition under this section
2-4 without a hearing and order the reinstatement of the former
2-5 parent's parental rights if the petition demonstrates that the act
2-6 upon which the decision to terminate the former parent's parental
2-7 rights is based did not result in the former parent being criminally
2-8 adjudicated in the manner required for termination under Section
2-9 161.001(b)(1)(L).

2-10 SECTION 4. Section 162.001, Family Code, is amended by
2-11 adding Subsection (d) to read as follows:

2-12 (d) The child of a parent whose parental rights have been
2-13 terminated under Section 161.001(b-1) may not be adopted unless the
2-14 parent has subsequently been criminally adjudicated in the manner
2-15 required by Section 161.001(b)(1)(L) for the act upon which the
2-16 decision to terminate the parent's parental rights is based.

2-17 SECTION 5. The change in law made by this Act applies only
2-18 to a suit affecting the parent-child relationship filed on or after
2-19 the effective date of this Act. A suit affecting the parent-child
2-20 relationship filed before the effective date of this Act is
2-21 governed by the law in effect on the date the suit was filed, and the
2-22 former law is continued in effect for that purpose.

2-23 SECTION 6. This Act takes effect September 1, 2023.

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