

1-1 By: Middleton S.B. No. 2548
 1-2 (In the Senate - Filed March 10, 2023; March 23, 2023, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 May 3, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; May 3, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the procedures for the removal of certain children in
 1-20 the managing conservatorship of the Department of Family and
 1-21 Protective Services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 263.403, Family Code, is amended by
 1-24 amending Subsection (c) and adding Subsections (c-1), (c-2), and
 1-25 (c-3) to read as follows:

1-26 (c) If before the dismissal of the suit or the commencement
 1-27 of the trial on the merits a child placed with a parent under this
 1-28 section must be moved from that home and ~~[by the department or]~~ the
 1-29 court renders a temporary order terminating the monitored return
 1-30 under Subsection (a)(2)(A) or the transition order issued under
 1-31 Subsection (a)(2)(B), the court shall~~[, at the time of the move or~~
 1-32 ~~order,~~ schedule a new date for dismissal of the suit at the time
 1-33 the order is rendered. The new dismissal date may not be later than
 1-34 the original, or extended, dismissal date established under Section
 1-35 263.401, or the 30th [180th] day after the date [the child is moved
 1-36 ~~or]~~ the order is rendered under this subsection, whichever date is
 1-37 later.

1-38 (c-1) Except as provided by Subsection (c-2), the
 1-39 department may not move a child who has been placed in the home of a
 1-40 parent under this section from that home without a hearing.

1-41 (c-2) An authorized representative of the department, a law
 1-42 enforcement officer, or a juvenile probation officer may take
 1-43 possession of the child and move the child from the home in an
 1-44 emergency in accordance with Section 262.104. Before moving a child
 1-45 from the home under this subsection, the department, a law
 1-46 enforcement officer, or a juvenile probation officer shall to the
 1-47 extent practicable obtain consent to the move from the child's
 1-48 attorney ad litem and guardian ad litem. If a child is moved from
 1-49 the home in an emergency as authorized by this subsection, the court
 1-50 shall, after proper notice, hold a hearing on the move. The hearing
 1-51 must be held before the end of the third day after the day the child
 1-52 is moved from the home.

1-53 (c-3) The court may order a child to be moved from the home
 1-54 or render any other order under Subsection (c) only if, after a
 1-55 hearing, the court finds by a preponderance of evidence that:

1-56 (1) there is an immediate danger to the physical
 1-57 health or safety of the child or the child has been a victim of
 1-58 neglect or sexual abuse;

1-59 (2) continuation in the home would be contrary to the
 1-60 child's welfare; and

1-61 (3) reasonable efforts, consistent with the

2-1 circumstances and providing for the safety of the child, were made
2-2 to prevent or eliminate the need to move the child.

2-3 SECTION 2. The changes in law made by this Act apply only to
2-4 a suit affecting the parent-child relationship filed on or after
2-5 the effective date of this Act. A suit affecting the parent-child
2-6 relationship filed before the effective date of this Act is
2-7 governed by the law in effect on the date the suit was filed, and the
2-8 former law is continued in effect for that purpose.

2-9 SECTION 3. This Act takes effect September 1, 2023.

* * * * *

2-10