

SENATE AMENDMENTS

2nd Printing

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

4 SECTION 2. 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 the reasonable efforts, consistent with the
9 circumstances and providing for the safety of the child, that were
10 made to prevent or eliminate the need for the removal of the child
11 as required by Subsection (a)(4).

12 SECTION 3. 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 all reasonable efforts, consistent with the circumstances and
16 providing for the safety of the child, that were made to prevent or
17 eliminate the need for the removal of the child.

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

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

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

27 (g-2) If, at the conclusion of a full adversary hearing, the

1 court renders an order under Subsection (g) or (g-1), the court must
2 describe in writing:

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

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

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

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

ADOPTED

MAY 22 2023

Latey Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: Mayer Middleton

Amend H.B. No. 1087 (senate committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 262.101(b), Family Code (page 1, line 43), immediately following "describe", insert "with specificity in a separate section".

(2) In SECTION 2 of the bill, in added Section 262.102(e), Family Code (page 1, line 51), between "describe" and "the", insert "with specificity in a separate section".

(3) In SECTION 3 of the bill, in added Section 262.105(c), Family Code (page 1, line 57), immediately following "describe", insert "with specificity in a separate section".

(4) In SECTION 4 of the bill, in added Section 262.107(c), Family Code (page 2, line 4), between "writing" and "the", insert "and in a separate section".

(5) In SECTION 5 of the bill, in added Section 262.201(g-2), Family Code (page 2, line 11), between "writing" and the underlined colon, insert "and in a separate section".

(6) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. 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

1 in the home that prevents the return of the child to the parent; or
2 (2) reasonable efforts to return the child to the
3 parent, including the requirement for the department to provide a
4 family service plan to the parent, have been waived under Section
5 262.2015.

6 (g) In a suit for termination of the parent-child
7 relationship filed by the Department of Family and Protective
8 Services in which the department made reasonable efforts to return
9 the child to the child's home but a continuing danger in the home
10 prevented the child's return, the court shall include in a separate
11 section of its order written findings describing with specificity
12 the reasonable efforts the department made to return the child to
13 the child's home.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 23, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1087 by Hull (Relating to the contents of a petition in certain suits affecting the parent-child relationship.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services,
Department of

LBB Staff: JMc, SMAT, DDel, RSTE, MW, DKN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 17, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1087 by Hull (Relating to the contents of a petition in certain suits affecting the parent-child relationship.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services,
Department of

LBB Staff: JMc, SMAT, DDeI, RSTE, MW, DKN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 22, 2023

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1087 by Hull (Relating to the contents of a petition in certain suits affecting the parent-child relationship.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

LBB Staff: JMc, DDeI, RSTE, MW, DKN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 10, 2023

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1087 by Hull (Relating to the contents of a petition in certain suits affecting the parent-child relationship.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services,
Department of

LBB Staff: JMc, DDel, MW, DKN