

BILL ANALYSIS

Senate Research Center
89R23413 RAL-D

H.B. 2399
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Health & Human Services
5/22/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding transparency and accountability in parental rights and child safety cases stemming from the lack of clarity regarding the findings contained in certain judicial orders. H.B. 2399 would require a court in a child protections suit to explicitly state in a separate section of an order the factual basis for the court's determinations with respect to the return of a child in the state's temporary managing conservatorship to the child's parent or parents.

H.B. 2399 amends current law relating to the requirements for certain court orders in a suit affecting the parent-child relationship filed by the Department of Family and Protective Services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 263.002, Family Code, by adding Subsection (c-1), as follows:

(c-1) Requires the court to include in a separate section of its order written findings describing with specificity the factual basis for the court's determination under Subsection (c) (relating to requiring the court to review the placement of each child in a certain temporary managing conservatorship). Provides that citing the record of the proceedings or incorporating the record by reference is insufficient to meet the requirements of this subsection. Prohibits this section of the court's order from being admitted into evidence in a final trial in a suit affecting the parent-child relationship.

SECTION 2. Amends Section 263.306, Family Code, by amending Subsection (a-1) and adding Subsection (a-2), as follows:

(a-1) Requires the court, at each permanency hearing before a final order is rendered, to perform certain actions, including determining whether to return the child to the child's parents in accordance with Section 263.002(c). Deletes existing text requiring the court, at each permanency hearing before a final order is rendered, to determine whether to return the child to the child's parents if the child's parents are willing and able to provide the child with a safe environment and the return of the child is in the child's best interest.

(a-2) Requires the court, if the court determines under Subsection (a-1)(6) (relating to a court's determination whether to return the child to the child's parents in accordance with Section 263.002(c)) not to return the child to the child's parents in accordance with Section 263.002(c), to include in a separate section of its order written findings describing with specificity the factual basis for the court's determination. Provides that citing the record of the proceedings or incorporating the record by reference is insufficient to meet the requirements of this subsection.

SECTION 3. Repealer: Section 263.002(d) (relating to providing that Section 263.002 (Review of Placements by Court; Findings) does not prohibit the court from rendering a certain order), Family Code.

SECTION 4. Provides that the change in law made by this Act applies to a suit affecting the parent-child relationship that is pending in a trial court on the effective date of this Act or that is filed on or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2025.