

BILL ANALYSIS

C.S.H.B. 2399
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee as to the existence of issues concerning transparency and accountability in parental rights and child safety cases that stem from the lack of clarity regarding the findings contained in certain judicial orders. C.S.H.B. 2399 addresses this problem by requiring a court in a child protection 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2399 amends the Family Code to require a court, at each permanency hearing in a child protection suit before a final order in which the court must review the placement of each child in the temporary managing conservatorship of the Department of Family and Protective Services (DFPS) and order the return of the child to the child's parent or parents unless the court finds that there exists a continuing danger in doing so or that returning the child is contrary to the child's welfare, to include in a separate section of its order written findings describing with specificity the factual basis for the court's determination. The bill establishes that citing the record of the proceedings or incorporating the record by reference is insufficient to meet this requirement. The bill 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.

C.S.H.B. 2399 replaces the requirement for a court during each permanency hearing in a child protection suit 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 with a requirement for the court to determine whether to return the child to the child's parents in accordance with those requirements that the court review the child's placement and order the return of the child unless the court makes such findings regarding the child's health, safety, and welfare. If the court determines not to return the child to the child's parents at a permanency hearing, the court must include in a separate section of its order written findings describing with specificity the factual basis for the court's determination. The bill establishes that citing the record of the proceedings or incorporating the record by reference is insufficient to meet this requirement.

C.S.H.B. 2399 repeals Section 263.002(d), Family Code, which establishes that statutory provisions relating to the review of placements by a court in a child protection suit do not prohibit the court from rendering an order under statutory provisions relating to the monitored return of a child to a parent.

C.S.H.B. 2399 applies to a suit affecting the parent-child relationship that is pending in a trial court on the bill's effective date or that is filed on or after that date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2399 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and the substitute require a court to include in a separate section of an order relating to determinations in the court's review of the placement of a child in the temporary managing conservatorship of DFPS written findings describing with specificity the factual basis for the court's determination, the substitute includes a provision absent from the introduced prohibiting that separate section from being admitted into evidence in a final trial in a suit affecting the parent-child relationship.

The substitute includes a provision absent from the introduced replacing the requirement for a court during each permanency hearing before a final order is rendered to determine whether to return a 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 with a requirement for the court to determine whether to return the child to the child's parents in accordance with applicable statutory provisions requiring the court to review the child's placement and order the return of the child unless the court makes certain findings regarding the child's health, safety, and welfare.

The substitute includes a provision absent from the introduced repealing a provision of the Family Code.

The substitute establishes that the bill's provision apply to a suit affecting the parent-child relationship that is pending in a trial court on the bill's effective date or filed on or after that date, whereas the introduced established that the bill's provisions apply to an action that is pending on or filed on or after the bill's effective date.