

BILL ANALYSIS

C.S.H.B. 4805
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that in Texas, courts have dismissed cases involving foster children who have gone missing from their placements, effectively terminating the legal responsibility of the Department of Family and Protective Services to provide care and protection. The bill author has further informed the committee that this practice has left vulnerable children without access to necessary services, legal oversight, or a structured plan for their safe return and that these missing youth, who are at high risk of exploitation, homelessness, and further harm, are in the care of the state, and the state should never stop seeking their safe return. C.S.H.B. 4805 seeks to address this critical gap by ensuring that courts retain jurisdiction over cases in which a foster child has gone missing and by prohibiting the dismissal of suits affecting the parent-child relationship solely because a child has gone missing from their substitute care provider.

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. 4805 amends the Family Code to require a court with jurisdiction over a child protection suit involving a child for whom the Department of Family and Protective Services (DFPS) has been appointed as the temporary managing conservator to retain jurisdiction and schedule a new dismissal date that is 180 days after the last dismissal date if the court finds that the child is missing from the child's substitute care provider. The bill prohibits the court from dismissing the case until the earlier of the date the child is found or the date on which the child would no longer be eligible to receive DFPS services or benefits. If the court retains jurisdiction but does not commence the trial on the merits before the dismissal date, the court's jurisdiction over the suit is terminated and the suit is automatically dismissed without a court order.

C.S.H.B. 4805 prohibits a court required to conduct a permanency hearing for a child protection suit involving a child for whom DFPS has been appointed as the permanent managing conservator from dismissing the suit while the child is missing from the child's substitute care provider.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4805 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 prohibit a court with jurisdiction over a child protection suit involving a child for whom DFPS has been appointed as the temporary managing conservator from dismissing the suit if the court finds that the child is missing from the child's substitute care provider, the substitute includes the following provisions that did not appear in the introduced:

- the requirement for the court to schedule a new dismissal date that is 180 days after the last dismissal date;
- the prohibition against the court dismissing the case until the earlier of the date the child is found or the date on which the child would no longer be eligible to receive DFPS services or benefits; and
- a provision establishing that the court's jurisdiction over the suit is terminated and the suit is automatically dismissed without a court order if the court does not commence the trial on the merits before the dismissal date.