

By: Dutton

H.B. No. 3281

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures and grounds for termination of the
3 parent-child relationship.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 154.001(a-1), Family Code, is amended to
6 read as follows:

7 (a-1) The court may order each person who is financially
8 able and whose parental rights have been terminated with respect to
9 a child in substitute care for whom the department has been
10 appointed managing conservator, a child for a reason described by
11 Section 161.001(b)(1)(P)(iv) [~~161.001(b)(1)(T)(iv)~~] or (b)(1)(Q)
12 [~~(b)(1)(U)~~], or a child who was conceived as a direct result of
13 conduct that constitutes an offense under Section 21.02, 22.011,
14 22.021, or 25.02, Penal Code, to support the child in the manner
15 specified by the order:

16 (1) until the earliest of:

17 (A) the child's adoption;

18 (B) the child's 18th birthday or graduation from
19 high school, whichever occurs later;

20 (C) removal of the child's disabilities of
21 minority by court order, marriage, or other operation of law; or

22 (D) the child's death; or

23 (2) if the child is disabled as defined in this
24 chapter, for an indefinite period.

1 SECTION 2. Sections 161.001(b), (c), (f), and (g), Family
2 Code, are amended to read as follows:

3 (b) The court may order termination of the parent-child
4 relationship if the court finds beyond a reasonable doubt [~~by clear~~
5 ~~and convincing evidence~~]:

6 (1) that the parent has:

7 (A) voluntarily left the child alone or in the
8 possession of another not the parent and expressed an intent not to
9 return;

10 (B) voluntarily left the child alone or in the
11 possession of another not the parent without expressing an intent
12 to return, without providing for the adequate support of the child,
13 and remained away for a period of at least three months;

14 (C) voluntarily left the child alone or in the
15 possession of another without providing adequate support of the
16 child and remained away for a period of at least six months;

17 (D) knowingly placed or knowingly allowed the
18 child to remain in conditions or surroundings that placed [~~which~~
19 ~~endanger the physical or emotional well-being of~~] the child in
20 immediate danger that resulted in serious bodily injury or physical
21 or mental impairment;

22 (E) engaged in conduct or knowingly placed the
23 child with persons who engaged in conduct that placed [~~which~~
24 ~~endangers the physical or emotional well-being of~~] the child in
25 immediate danger that resulted in serious bodily injury or physical
26 or mental impairment;

27 (F) failed to support the child in accordance

1 with the parent's ability during a period of one year ending within
2 six months of the date of the filing of the petition;

3 (G) abandoned the child without identifying the
4 child or furnishing means of identification, and the child's
5 identity cannot be ascertained by the exercise of reasonable
6 diligence;

7 (H) voluntarily, and with knowledge of the
8 pregnancy, abandoned the mother of the child beginning at a time
9 during her pregnancy with the child and continuing through the
10 birth, failed to provide adequate support or medical care for the
11 mother during the period of abandonment before the birth of the
12 child, and remained apart from the child or failed to support the
13 child since the birth;

14 (I) contumaciously refused to submit to a
15 reasonable and lawful order of a court under Subchapter D, Chapter
16 261;

17 (J) ~~been the major cause of:~~
18 ~~[(i) the failure of the child to be enrolled~~
19 ~~in school as required by the Education Code; or~~
20 ~~[(ii) the child's absence from the child's~~
21 ~~home without the consent of the parents or guardian for a~~
22 ~~substantial length of time or without the intent to return;~~

23 ~~[(K)]~~ executed before or after the suit is filed
24 an unrevoked or irrevocable affidavit of relinquishment of parental
25 rights as provided by this chapter;

26 (K) ~~[(L)]~~ been convicted or has been placed on
27 community supervision, including deferred adjudication community

1 supervision, for being criminally responsible for the death or
2 serious injury of a child under the following sections of the Penal
3 Code, or under a law of another jurisdiction that contains elements
4 that are substantially similar to the elements of an offense under
5 one of the following Penal Code sections, or adjudicated under
6 Title 3 for conduct that caused the death or serious injury of a
7 child and that would constitute a violation of one of the following
8 Penal Code sections:

- 9 (i) Section 19.02 (murder);
- 10 (ii) Section 19.03 (capital murder);
- 11 (iii) Section 19.04 (manslaughter);
- 12 (iv) Section 21.11 (indecent with a
13 child);
- 14 (v) Section 22.01 (assault);
- 15 (vi) Section 22.011 (sexual assault);
- 16 (vii) Section 22.02 (aggravated assault);
- 17 (viii) Section 22.021 (aggravated sexual
18 assault);
- 19 (ix) Section 22.04 (injury to a child,
20 elderly individual, or disabled individual);
- 21 (x) Section 22.041 (abandoning or
22 endangering a child, elderly individual, or disabled individual);
- 23 (xi) Section 25.02 (prohibited sexual
24 conduct);
- 25 (xii) Section 43.25 (sexual performance by
26 a child);
- 27 (xiii) Section 43.26 (possession or

1 promotion of child pornography);

2 (xiv) Section 21.02 (continuous sexual
3 abuse of young child or disabled individual);

4 (xv) Section 20A.02(a)(7) or (8)
5 (trafficking of persons); and

6 (xvi) Section 43.05(a)(2) (compelling
7 prostitution);

8 ~~[(M) had his or her parent-child relationship
9 terminated with respect to another child based on a finding that the
10 parent's conduct was in violation of Paragraph (D) or (E) or
11 substantially equivalent provisions of the law of another state;~~

12 ~~[(N) constructively abandoned the child who has
13 been in the permanent or temporary managing conservatorship of the
14 Department of Family and Protective Services for not less than six
15 months, and;~~

16 ~~[(i) the department has made reasonable
17 efforts to return the child to the parent;~~

18 ~~[(ii) the parent has not regularly visited
19 or maintained significant contact with the child; and~~

20 ~~[(iii) the parent has demonstrated an
21 inability to provide the child with a safe environment;~~

22 ~~[(O) failed to comply with the provisions of a
23 court order that specifically established the actions necessary for
24 the parent to obtain the return of the child who has been in the
25 permanent or temporary managing conservatorship of the Department
26 of Family and Protective Services for not less than nine months as a
27 result of the child's removal from the parent under Chapter 262 for~~

1 ~~the abuse or neglect of the child;~~

2 (L) [~~(P)~~] used a controlled substance, as
3 defined by Chapter 481, Health and Safety Code, in a manner that
4 placed [~~endangered the health or safety of~~] the child in immediate
5 danger that resulted in serious bodily injury or physical or mental
6 impairment, and:

7 (i) failed to complete a court-ordered
8 substance abuse treatment program; or

9 (ii) after completion of a court-ordered
10 substance abuse treatment program, continued to abuse a controlled
11 substance;

12 (M) [~~(Q)~~] knowingly engaged in criminal conduct
13 that has resulted in the parent's:

14 (i) conviction of an offense; and

15 (ii) confinement or imprisonment and
16 inability to care for the child for not less than two years from the
17 date of filing the petition;

18 (N) [~~(R)~~] been the cause of the child being born
19 addicted to alcohol or a controlled substance, other than a
20 controlled substance legally obtained by prescription;

21 (O) [~~(S)~~] voluntarily delivered the child to a
22 designated emergency infant care provider under Section 262.302
23 without expressing an intent to return for the child;

24 (P) [~~(T)~~] been convicted of:

25 (i) the murder of the other parent of the
26 child under Section 19.02 or 19.03, Penal Code, or under a law of
27 another state, federal law, the law of a foreign country, or the

1 Uniform Code of Military Justice that contains elements that are
2 substantially similar to the elements of an offense under Section
3 19.02 or 19.03, Penal Code;

4 (ii) criminal attempt under Section 15.01,
5 Penal Code, or under a law of another state, federal law, the law of
6 a foreign country, or the Uniform Code of Military Justice that
7 contains elements that are substantially similar to the elements of
8 an offense under Section 15.01, Penal Code, to commit the offense
9 described by Subparagraph (i);

10 (iii) criminal solicitation under Section
11 15.03, Penal Code, or under a law of another state, federal law, the
12 law of a foreign country, or the Uniform Code of Military Justice
13 that contains elements that are substantially similar to the
14 elements of an offense under Section 15.03, Penal Code, of the
15 offense described by Subparagraph (i); or

16 (iv) the sexual assault of the other parent
17 of the child under Section 22.011 or 22.021, Penal Code, or under a
18 law of another state, federal law, or the Uniform Code of Military
19 Justice that contains elements that are substantially similar to
20 the elements of an offense under Section 22.011 or 22.021, Penal
21 Code;

22 (Q) [~~(U)~~] been placed on community supervision,
23 including deferred adjudication community supervision, or another
24 functionally equivalent form of community supervision or
25 probation, for being criminally responsible for the sexual assault
26 of the other parent of the child under Section 22.011 or 22.021,
27 Penal Code, or under a law of another state, federal law, or the

1 Uniform Code of Military Justice that contains elements that are
2 substantially similar to the elements of an offense under Section
3 22.011 or 22.021, Penal Code; or

4 (R) [~~(V)~~] been convicted of:

5 (i) criminal solicitation of a minor under
6 Section 15.031, Penal Code, or under a law of another state, federal
7 law, the law of a foreign country, or the Uniform Code of Military
8 Justice that contains elements that are substantially similar to
9 the elements of an offense under Section 15.031, Penal Code; or

10 (ii) online solicitation of a minor under
11 Section 33.021, Penal Code, or under a law of another state, federal
12 law, the law of a foreign country, or the Uniform Code of Military
13 Justice that contains elements that are substantially similar to
14 the elements of an offense under Section 33.021, Penal Code; and

15 (2) that termination is in the best interest of the
16 child.

17 (c) Evidence of one or more of the following does not
18 provide proof beyond a reasonable doubt and is not [~~constitute~~
19 ~~clear and convincing evidence~~] sufficient for a court to make a
20 finding under Subsection (b) and order termination of the
21 parent-child relationship:

22 (1) the parent homeschooled the child;

23 (2) the parent is economically disadvantaged;

24 (3) the parent has been charged with a nonviolent
25 misdemeanor offense other than:

26 (A) an offense under Title 5, Penal Code;

27 (B) an offense under Title 6, Penal Code; or

1 (C) an offense that involves family violence, as
2 defined by Section 71.004 of this code;

3 (4) the parent provided or administered low-THC
4 cannabis to a child for whom the low-THC cannabis was prescribed
5 under Chapter 169, Occupations Code;

6 (5) the parent declined immunization for the child for
7 reasons of conscience, including a religious belief;

8 (6) the parent sought an opinion from more than one
9 medical provider relating to the child's medical care, transferred
10 the child's medical care to a new medical provider, or transferred
11 the child to another health care facility; or

12 (7) the parent allowed the child to engage in
13 independent activities that are appropriate and typical for the
14 child's level of maturity, physical condition, developmental
15 abilities, or culture.

16 (f) In a suit for termination of the parent-child
17 relationship filed by the Department of Family and Protective
18 Services, the court may not order termination of the parent-child
19 relationship under Subsection (b)(1) unless the court finds proof
20 beyond a reasonable doubt [~~by clear and convincing evidence~~] and
21 describes in writing with specificity in a separate section of the
22 order that:

23 (1) the department made reasonable efforts to return
24 the child to the parent before commencement of a trial on the merits
25 and despite those reasonable efforts, a continuing danger remains
26 in the home that prevents the return of the child to the parent; or

27 (2) reasonable efforts to return the child to the

1 parent, including the requirement for the department to provide a
2 family service plan to the parent, have been waived under Section
3 262.2015.

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

10 (1) the reasonable efforts the department made to
11 return the child to the child's home; and

12 (2) the continuing danger that remains in the home
13 that prevents the return of the child to the parent.

14 SECTION 3. Section 161.007(a), Family Code, is amended to
15 read as follows:

16 (a) Except as provided by Subsection (b), the court shall
17 order the termination of the parent-child relationship of a parent
18 and a child if the court finds proof beyond a reasonable doubt [~~by~~
19 ~~clear and convincing evidence~~] that:

20 (1) the parent has engaged in conduct that constitutes
21 an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal
22 Code;

23 (2) as a direct result of the conduct described by
24 Subdivision (1), the victim of the conduct became pregnant with the
25 parent's child; and

26 (3) termination is in the best interest of the child.

27 SECTION 4. Sections 161.206(a) and (a-1), Family Code, are

1 amended to read as follows:

2 (a) If the court finds proof beyond a reasonable doubt of
3 ~~[by clear and convincing evidence]~~ grounds for termination of the
4 parent-child relationship, it shall render an order terminating the
5 parent-child relationship.

6 (a-1) In a suit filed by the Department of Family and
7 Protective Services seeking termination of the parent-child
8 relationship for more than one parent of the child, the court may
9 order termination of the parent-child relationship for the parent
10 only if the court finds proof beyond a reasonable doubt of ~~[by clear~~
11 ~~and convincing evidence]~~ grounds for the termination of the
12 parent-child relationship for that parent.

13 SECTION 5. Section 161.302(a), Family Code, is amended to
14 read as follows:

15 (a) The following persons may file a petition under this
16 subchapter requesting the court to reinstate the parental rights of
17 a former parent whose parental rights were involuntarily terminated
18 under Section 161.001 ~~[or 161.003]~~:

- 19 (1) the department;
- 20 (2) the single source continuum contractor under
21 Subchapter B-1, Chapter 264, with responsibility for the child who
22 is the subject of the petition;
- 23 (3) the attorney ad litem for the child who is the
24 subject of the petition; or
- 25 (4) the former parent whose parental rights were
26 involuntarily terminated.

27 SECTION 6. The following provisions of the Family Code are

1 repealed:

2 (1) Sections 161.001(d) and (d-1);

3 (2) Section 161.003; and

4 (3) Section 264.101(b).

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

11 SECTION 8. This Act takes effect September 1, 2025.