

By: Sparks

S.B. No. 620

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to applying an active efforts standard for the removal of  
3 certain children in the managing conservatorship of the Department  
4 of Family and Protective Services.

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

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

8 (a) In this section:

9 (1) "Active efforts" has the meaning described by  
10 Section 262.0001.

11 (2) "Born~~[, "born]~~ addicted to alcohol or a controlled  
12 substance" means a child:

13 (A) [~~(1)~~] who is born to a mother who during the  
14 pregnancy used a controlled substance, as defined by Chapter 481,  
15 Health and Safety Code, other than a controlled substance legally  
16 obtained by prescription, or alcohol; and

17 (B) [~~(2)~~] who, after birth as a result of the  
18 mother's use of the controlled substance or alcohol:

19 (i) [~~(A)~~] experiences observable  
20 withdrawal from the alcohol or controlled substance;

21 (ii) [~~(B)~~] exhibits observable or harmful  
22 effects in the child's physical appearance or functioning; or

23 (iii) [~~(C)~~] exhibits the demonstrable  
24 presence of alcohol or a controlled substance in the child's bodily

1 fluids.

2 (b) The court may order termination of the parent-child  
3 relationship if the court finds by clear and convincing evidence:

4 (1) that the parent has:

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

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

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

15 (D) knowingly placed or knowingly allowed the  
16 child to remain in conditions or surroundings which endanger the  
17 physical or emotional well-being of the child;

18 (E) engaged in conduct or knowingly placed the  
19 child with persons who engaged in conduct which endangers the  
20 physical or emotional well-being of the child;

21 (F) failed to support the child in accordance  
22 with the parent's ability during a period of one year ending within  
23 six months of the date of the filing of the petition;

24 (G) abandoned the child without identifying the  
25 child or furnishing means of identification, and the child's  
26 identity cannot be ascertained by the exercise of reasonable  
27 diligence;

1                   (H) voluntarily, and with knowledge of the  
2 pregnancy, abandoned the mother of the child beginning at a time  
3 during her pregnancy with the child and continuing through the  
4 birth, failed to provide adequate support or medical care for the  
5 mother during the period of abandonment before the birth of the  
6 child, and remained apart from the child or failed to support the  
7 child since the birth;

8                   (I) contumaciously refused to submit to a  
9 reasonable and lawful order of a court under Subchapter D, Chapter  
10 261;

11                   (J) been the major cause of:

12                         (i) the failure of the child to be enrolled  
13 in school as required by the Education Code; or

14                         (ii) the child's absence from the child's  
15 home without the consent of the parents or guardian for a  
16 substantial length of time or without the intent to return;

17                   (K) executed before or after the suit is filed an  
18 unrevoked or irrevocable affidavit of relinquishment of parental  
19 rights as provided by this chapter;

20                   (L) been convicted or has been placed on  
21 community supervision, including deferred adjudication community  
22 supervision, for being criminally responsible for the death or  
23 serious injury of a child under the following sections of the Penal  
24 Code, or under a law of another jurisdiction that contains elements  
25 that are substantially similar to the elements of an offense under  
26 one of the following Penal Code sections, or adjudicated under  
27 Title 3 for conduct that caused the death or serious injury of a

1 child and that would constitute a violation of one of the following  
2 Penal Code sections:

- 3 (i) Section 19.02 (murder);
- 4 (ii) Section 19.03 (capital murder);
- 5 (iii) Section 19.04 (manslaughter);
- 6 (iv) Section 21.11 (indecent with a  
7 child);
- 8 (v) Section 22.01 (assault);
- 9 (vi) Section 22.011 (sexual assault);
- 10 (vii) Section 22.02 (aggravated assault);
- 11 (viii) Section 22.021 (aggravated sexual  
12 assault);
- 13 (ix) Section 22.04 (injury to a child,  
14 elderly individual, or disabled individual);
- 15 (x) Section 22.041 (abandoning or  
16 endangering a child, elderly individual, or disabled individual);
- 17 (xi) Section 25.02 (prohibited sexual  
18 conduct);
- 19 (xii) Section 43.25 (sexual performance by  
20 a child);
- 21 (xiii) Section 43.26 (possession or  
22 promotion of child pornography);
- 23 (xiv) Section 21.02 (continuous sexual  
24 abuse of young child or disabled individual);
- 25 (xv) Section 20A.02(a)(7) or (8)  
26 (trafficking of persons); and
- 27 (xvi) Section 43.05(a)(2) (compelling

1 prostitution);

2 (M) had his or her parent-child relationship  
3 terminated with respect to another child based on a finding that the  
4 parent's conduct was in violation of Paragraph (D) or (E) or  
5 substantially equivalent provisions of the law of another state;

6 (N) constructively abandoned the child who has  
7 been in the permanent or temporary managing conservatorship of the  
8 Department of Family and Protective Services for not less than six  
9 months, and:

10 (i) the department has made active  
11 [~~reasonable~~] efforts to return the child to the parent;

12 (ii) the parent has not regularly visited  
13 or maintained significant contact with the child; and

14 (iii) the parent has demonstrated an  
15 inability to provide the child with a safe environment;

16 (O) failed to comply with the provisions of a  
17 court order that specifically established the actions necessary for  
18 the parent to obtain the return of the child who has been in the  
19 permanent or temporary managing conservatorship of the Department  
20 of Family and Protective Services for not less than nine months as a  
21 result of the child's removal from the parent under Chapter 262 for  
22 the abuse or neglect of the child;

23 (P) used a controlled substance, as defined by  
24 Chapter 481, Health and Safety Code, in a manner that endangered the  
25 health or safety of the child, and:

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

1                   (ii) after completion of a court-ordered  
2 substance abuse treatment program, continued to abuse a controlled  
3 substance;

4                   (Q) knowingly engaged in criminal conduct that  
5 has resulted in the parent's:

6                         (i) conviction of an offense; and

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

10                   (R) been the cause of the child being born  
11 addicted to alcohol or a controlled substance, other than a  
12 controlled substance legally obtained by prescription;

13                   (S) voluntarily delivered the child to a  
14 designated emergency infant care provider under Section 262.302  
15 without expressing an intent to return for the child;

16                   (T) been convicted of:

17                         (i) the murder of the other parent of the  
18 child under Section 19.02 or 19.03, Penal Code, or under a law of  
19 another state, federal law, the law of a foreign country, or the  
20 Uniform Code of Military Justice that contains elements that are  
21 substantially similar to the elements of an offense under Section  
22 19.02 or 19.03, Penal Code;

23                         (ii) criminal attempt under Section 15.01,  
24 Penal Code, or under a law of another state, federal law, the law of  
25 a foreign country, or the Uniform Code of Military Justice that  
26 contains elements that are substantially similar to the elements of  
27 an offense under Section 15.01, Penal Code, to commit the offense

1 described by Subparagraph (i);

2 (iii) criminal solicitation under Section  
3 15.03, Penal Code, or under a law of another state, federal law, the  
4 law of a foreign country, or the Uniform Code of Military Justice  
5 that contains elements that are substantially similar to the  
6 elements of an offense under Section 15.03, Penal Code, of the  
7 offense described by Subparagraph (i); or

8 (iv) the sexual assault of the other parent  
9 of the child under Section 22.011 or 22.021, Penal Code, or under a  
10 law of another state, federal law, or the Uniform Code of Military  
11 Justice that contains elements that are substantially similar to  
12 the elements of an offense under Section 22.011 or 22.021, Penal  
13 Code;

14 (U) been placed on community supervision,  
15 including deferred adjudication community supervision, or another  
16 functionally equivalent form of community supervision or  
17 probation, for being criminally responsible for the sexual assault  
18 of the other parent of the child under Section 22.011 or 22.021,  
19 Penal Code, or under a law of another state, federal law, or the  
20 Uniform Code of Military Justice that contains elements that are  
21 substantially similar to the elements of an offense under Section  
22 22.011 or 22.021, Penal Code; or

23 (V) been convicted of:

24 (i) criminal solicitation of a minor under  
25 Section 15.031, Penal Code, or under a law of another state, federal  
26 law, the law of a foreign country, or the Uniform Code of Military  
27 Justice that contains elements that are substantially similar to

1 the elements of an offense under Section 15.031, Penal Code; or

2 (ii) online solicitation of a minor under  
3 Section 33.021, Penal Code, or under a law of another state, federal  
4 law, the law of a foreign country, or the Uniform Code of Military  
5 Justice that contains elements that are substantially similar to  
6 the elements of an offense under Section 33.021, Penal Code; and

7 (2) that termination is in the best interest of the  
8 child.

9 (f) In a suit for termination of the parent-child  
10 relationship filed by the Department of Family and Protective  
11 Services, the court may not order termination of the parent-child  
12 relationship under Subsection (b)(1) unless the court finds by  
13 clear and convincing evidence and describes in writing with  
14 specificity in a separate section of the order that:

15 (1) the department made active [~~reasonable~~] efforts to  
16 return the child to the parent before commencement of a trial on the  
17 merits and despite those active [~~reasonable~~] efforts, a continuing  
18 danger remains in the home that prevents the return of the child to  
19 the parent; or

20 (2) active [~~reasonable~~] efforts to return the child to  
21 the parent, including the requirement for the department to provide  
22 a family service plan to the parent, have been waived under Section  
23 262.2015.

24 (g) In a suit for termination of the parent-child  
25 relationship filed by the Department of Family and Protective  
26 Services in which the department made active [~~reasonable~~] efforts  
27 to return the child to the child's home but a continuing danger in



1 the home prevented the child's return, the court shall include in a  
2 separate section of its order written findings describing with  
3 specificity the active [~~reasonable~~] efforts the department made to  
4 return the child to the child's home.

5 SECTION 2. Section 161.003, Family Code, is amended by  
6 amending Subsection (a) and adding Subsection (a-1) to read as  
7 follows:

8 (a) The court may order termination of the parent-child  
9 relationship in a suit filed by the Department of Family and  
10 Protective Services if the court finds that:

11 (1) the parent has a mental or emotional illness or a  
12 mental deficiency that renders the parent unable to provide for the  
13 physical, emotional, and mental needs of the child;

14 (2) the illness or deficiency, in all reasonable  
15 probability, proved by clear and convincing evidence, will continue  
16 to render the parent unable to provide for the child's needs until  
17 the 18th birthday of the child;

18 (3) the department has been the temporary or sole  
19 managing conservator of the child of the parent for at least six  
20 months preceding the date of the hearing on the termination held in  
21 accordance with Subsection (c);

22 (4) the department has made active [~~reasonable~~]  
23 efforts to return the child to the parent; and

24 (5) the termination is in the best interest of the  
25 child.

26 (a-1) In this section, "active efforts" has the meaning  
27 described by Section 262.0001.

1 SECTION 3. Subchapter A, Chapter 262, Family Code, is  
2 amended by adding Section 262.0001 to read as follows:

3 Sec. 262.0001. DEFINITION; ACTIVE EFFORTS. (a) In this  
4 chapter, "active efforts" means affirmative, active, thorough, and  
5 timely efforts intended primarily to maintain or reunite a child  
6 with the child's family.

7 (b) In cases in which the Department of Family and  
8 Protective Services is involved in a suit affecting the  
9 parent-child relationship, the department's active efforts must  
10 involve assisting the parents through the steps of a case plan and  
11 with accessing or developing the resources necessary to satisfy the  
12 case plan. The department must tailor the active efforts to the  
13 facts and circumstances of each case, including by:

14 (1) conducting a comprehensive assessment of the  
15 circumstances of the child's family, with a focus on safe  
16 reunification as the most desirable goal;

17 (2) identifying appropriate services and helping the  
18 parents to overcome barriers, including actively assisting the  
19 parents in obtaining such services;

20 (3) conducting or causing to be conducted a diligent  
21 search for the child's extended family members, and contacting and  
22 consulting with extended family members to provide family structure  
23 and support for the child and the child's parents;

24 (4) taking steps to keep siblings together whenever  
25 possible;

26 (5) supporting regular visits with parents in the most  
27 natural setting possible as well as trial home visits of the child

1 during any period of removal, consistent with the need to ensure the  
2 health, safety, and welfare of the child;

3 (6) identifying community resources including  
4 housing, financial, transportation, mental health, substance  
5 abuse, and peer support services and actively assisting the child's  
6 parents or, when appropriate, the child's family, in using and  
7 accessing those resources;

8 (7) monitoring progress and participation in  
9 services;

10 (8) considering alternative ways to address the needs  
11 of the child's parents and, where appropriate, the family, if the  
12 optimum services do not exist or are not available; and

13 (9) providing post-reunification services and  
14 monitoring.

15 SECTION 4. Section 262.001(b), Family Code, is amended to  
16 read as follows:

17 (b) In determining the active ~~reasonable~~ efforts that are  
18 required to be made with respect to preventing or eliminating the  
19 need to remove a child from the child's home or to make it possible  
20 to return a child to the child's home, the child's health and safety  
21 is the paramount concern.

22 SECTION 5. Section 262.101(a), Family Code, is amended to  
23 read as follows:

24 (a) An original suit filed by a governmental entity that  
25 requests permission to take possession of a child without prior  
26 notice and a hearing must be supported by an affidavit sworn to by a  
27 person with personal knowledge and stating facts sufficient to

1 satisfy a person of ordinary prudence and caution that:

2 (1) there is an immediate danger to the physical  
3 health or safety of the child or the child has been a victim of  
4 neglect or sexual abuse;

5 (2) continuation in the home would be contrary to the  
6 child's welfare;

7 (3) there is no time, consistent with the physical  
8 health or safety of the child, for a full adversary hearing under  
9 Subchapter C;

10 (4) the child would not be adequately protected in the  
11 child's home with an order for the removal of the alleged  
12 perpetrator under Section 262.1015 or 262.1016 or a protective  
13 order issued under Title 4;

14 (5) placing the child with a relative or designated  
15 caregiver or with a caregiver under a parental child safety  
16 placement agreement authorized by Subchapter L, Chapter 264:

17 (A) was offered but refused;

18 (B) was not possible because there was no time,  
19 consistent with the physical health or safety of the child and the  
20 nature of the emergency, to conduct the caregiver evaluation; or

21 (C) would pose an immediate danger to the  
22 physical health or safety of the child; and

23 (6) active [~~reasonable~~] efforts, consistent with the  
24 circumstances and providing for the safety of the child, were made  
25 to prevent or eliminate the need for the removal of the child.

26 SECTION 6. Section 262.101(b), Family Code, as amended by  
27 Chapters 672 (H.B. 968) and 675 (H.B. 1087), Acts of the 88th

1 Legislature, Regular Session, 2023, is reenacted and amended to  
2 read as follows:

3 (b) The affidavit required by Subsection (a) must describe  
4 with specificity in a separate section all active [~~reasonable~~]  
5 efforts, consistent with the circumstances and providing for the  
6 safety of the child, that were made to prevent or eliminate the need  
7 for the removal of the child.

8 SECTION 7. Sections 262.102(a) and (e), Family Code, are  
9 amended to read as follows:

10 (a) Before a court may, without prior notice and a hearing,  
11 issue a temporary order for the conservatorship of a child under  
12 Section 105.001(a)(1) or a temporary restraining order or  
13 attachment of a child authorizing a governmental entity to take  
14 possession of a child in a suit brought by a governmental entity,  
15 the court must find that:

16 (1) there is an immediate danger to the physical  
17 health or safety of the child or the child has been a victim of  
18 neglect or sexual abuse;

19 (2) continuation in the home would be contrary to the  
20 child's welfare;

21 (3) there is no time, consistent with the physical  
22 health or safety of the child and the nature of the emergency, for a  
23 full adversary hearing under Subchapter C;

24 (4) the child would not be adequately protected in the  
25 child's home with an order for the removal of the alleged  
26 perpetrator under Section 262.1015 or 262.1016 or a protective  
27 order issued under Title 4;

1           (5) placing the child with a relative or designated  
2 caregiver or with a caregiver under a parental child safety  
3 placement agreement authorized by Subchapter L, Chapter 264:

4                   (A) was offered but refused;

5                   (B) was not possible because there was no time,  
6 consistent with the physical health or safety of the child and the  
7 nature of the emergency, to conduct the caregiver evaluation; or

8                   (C) would pose an immediate danger to the  
9 physical health or safety of the child; and

10           (6) active [~~reasonable~~] efforts, consistent with the  
11 circumstances and providing for the safety of the child, were made  
12 to prevent or eliminate the need for removal of the child.

13           (e) The temporary order, temporary restraining order, or  
14 attachment of a child rendered by the court under Subsection (a)  
15 must describe with specificity in a separate section the active  
16 [~~reasonable~~] efforts, consistent with the circumstances and  
17 providing for the safety of the child, that were made to prevent or  
18 eliminate the need for the removal of the child as required by  
19 Subsection (a)(4).

20           SECTION 8. Section 262.105(b), Family Code, is amended to  
21 read as follows:

22           (b) An original suit filed by a governmental entity after  
23 taking possession of a child under Section 262.104 must be  
24 supported by an affidavit stating facts sufficient to satisfy a  
25 person of ordinary prudence and caution that:

26                   (1) based on the affiant's personal knowledge or on  
27 information furnished by another person corroborated by the

1 affiant's personal knowledge, one of the following circumstances  
2 existed at the time the child was taken into possession:

3 (A) there was an immediate danger to the physical  
4 health or safety of the child;

5 (B) the child was the victim of sexual abuse or of  
6 trafficking under Section 20A.02 or 20A.03, Penal Code;

7 (C) the parent or person who had possession of  
8 the child was using a controlled substance as defined by Chapter  
9 481, Health and Safety Code, and the use constituted an immediate  
10 danger to the physical health or safety of the child; or

11 (D) the parent or person who had possession of  
12 the child permitted the child to remain on premises used for the  
13 manufacture of methamphetamine; and

14 (2) based on the affiant's personal knowledge:

15 (A) continuation of the child in the home would  
16 have been contrary to the child's welfare;

17 (B) there was no time, consistent with the  
18 physical health or safety of the child, for a full adversary hearing  
19 under Subchapter C;

20 (C) the child would not be adequately protected  
21 in the child's home with an order for the removal of the alleged  
22 perpetrator under Section 262.1015 or 262.1016 or a protective  
23 order issued under Title 4;

24 (D) placing the child with a relative or  
25 designated caregiver or with a caregiver under a parental child  
26 safety placement agreement authorized by Subchapter L, Chapter 264:

27 (i) was offered but refused;

1 (ii) was not possible because there was no  
2 time, consistent with the physical health or safety of the child and  
3 the nature of the emergency, to conduct the caregiver evaluation;  
4 or

5 (iii) would pose an immediate danger to the  
6 physical health or safety of the child; and

7 (E) active [~~reasonable~~] efforts, consistent with  
8 the circumstances and providing for the safety of the child, were  
9 made to prevent or eliminate the need for the removal of the child.

10 SECTION 9. Section 262.105(c), Family Code, as amended by  
11 Chapters 672 (H.B. 968) and 675 (H.B. 1087), Acts of the 88th  
12 Legislature, Regular Session, 2023, is reenacted and amended to  
13 read as follows:

14 (c) The affidavit required by Subsection (b) must describe  
15 with specificity in a separate section all active [~~reasonable~~]  
16 efforts, consistent with the circumstances and providing for the  
17 safety of the child, that were made to prevent or eliminate the need  
18 for the removal of the child.

19 SECTION 10. Sections 262.107(a) and (c), Family Code, are  
20 amended to read as follows:

21 (a) The court shall order the return of the child at the  
22 initial hearing regarding a child taken in possession without a  
23 court order by a governmental entity unless the court is satisfied  
24 that:

25 (1) the evidence shows that one of the following  
26 circumstances exists:

27 (A) there is a continuing danger to the physical



1 health or safety of the child if the child is returned to the  
2 parent, managing conservator, possessory conservator, guardian,  
3 caretaker, or custodian who is presently entitled to possession of  
4 the child;

5 (B) the child has been the victim of sexual abuse  
6 or of trafficking under Section 20A.02 or 20A.03, Penal Code, on one  
7 or more occasions and that there is a substantial risk that the  
8 child will be the victim of sexual abuse or of trafficking in the  
9 future;

10 (C) the parent or person who has possession of  
11 the child is currently using a controlled substance as defined by  
12 Chapter 481, Health and Safety Code, and the use constitutes an  
13 immediate danger to the physical health or safety of the child; or

14 (D) the parent or person who has possession of  
15 the child has permitted the child to remain on premises used for the  
16 manufacture of methamphetamine;

17 (2) continuation of the child in the home would be  
18 contrary to the child's welfare;

19 (3) the child would not be adequately protected in the  
20 child's home with an order for the removal of the alleged  
21 perpetrator under Section 262.1015 or 262.1016 or a protective  
22 order issued under Title 4;

23 (4) placing the child with a relative or designated  
24 caregiver or with a caregiver under a parental child safety  
25 placement agreement authorized by Subchapter L, Chapter 264:

26 (A) was offered but refused;

27 (B) was not possible because there was no time,

1 consistent with the physical health or safety of the child and the  
2 nature of the emergency, to conduct the caregiver evaluation; or

3 (C) would pose an immediate danger to the  
4 physical health or safety of the child; and

5 (5) active [~~reasonable~~] efforts, consistent with the  
6 circumstances and providing for the safety of the child, were made  
7 to prevent or eliminate the need for removal of the child.

8 (c) If the court does not order the return of the child at an  
9 initial hearing under Subsection (a), the court must describe in  
10 writing and in a separate section the active [~~reasonable~~] efforts,  
11 consistent with the circumstances and providing for the safety of  
12 the child, that were made to prevent or eliminate the need for the  
13 removal of the child.

14 SECTION 11. Sections [262.201\(g\)](#), (g-1), and (g-2), Family  
15 Code, are amended to read as follows:

16 (g) In a suit filed under Section [262.101](#) or [262.105](#), at the  
17 conclusion of the full adversary hearing, the court shall order the  
18 return of the child to the parent, managing conservator, possessory  
19 conservator, guardian, caretaker, or custodian entitled to  
20 possession from whom the child is removed unless the court finds  
21 sufficient evidence to satisfy a person of ordinary prudence and  
22 caution that:

23 (1) there was a danger to the physical health or safety  
24 of the child, including a danger that the child would be a victim of  
25 trafficking under Section [20A.02](#) or [20A.03](#), Penal Code, which was  
26 caused by an act or failure to act of the person entitled to  
27 possession and for the child to remain in the home is contrary to

1 the welfare of the child;

2 (2) the urgent need for protection required the  
3 immediate removal of the child and active [~~reasonable~~] efforts,  
4 consistent with the circumstances and providing for the safety of  
5 the child, were made to eliminate or prevent the child's removal;  
6 and

7 (3) active [~~reasonable~~] efforts have been made to  
8 enable the child to return home, but there is a substantial risk of  
9 a continuing danger if the child is returned home.

10 (g-1) In a suit filed under Section [262.101](#) or [262.105](#), if  
11 the court does not order the return of the child under Subsection  
12 (g) and finds that another parent, managing conservator, possessory  
13 conservator, guardian, caretaker, or custodian entitled to  
14 possession did not cause the immediate danger to the physical  
15 health or safety of the child or was not the perpetrator of the  
16 neglect or abuse alleged in the suit, the court shall order  
17 possession of the child by that person unless the court finds  
18 sufficient evidence to satisfy a person of ordinary prudence and  
19 caution that, specific to each person entitled to possession:

20 (1) the person cannot be located after the exercise of  
21 due diligence by the Department of Family and Protective Services,  
22 or the person is unable or unwilling to take possession of the  
23 child; or

24 (2) active [~~reasonable~~] efforts have been made to  
25 enable the person's possession of the child, but possession by that  
26 person presents a continuing danger to the physical health or  
27 safety of the child caused by an act or failure to act of the person,

1 including a danger that the child would be a victim of trafficking  
2 under Section 20A.02 or 20A.03, Penal Code.

3 (g-2) If, at the conclusion of a full adversary hearing, the  
4 court renders an order under Subsection (g) or (g-1), the court must  
5 describe in writing and in a separate section:

6 (1) the active [~~reasonable~~] efforts that were made to  
7 enable the child to return home and the substantial risk of a  
8 continuing danger if the child is returned home, as required by  
9 Subsection (g)(3); or

10 (2) the active [~~reasonable~~] efforts that were made to  
11 enable a person's possession of the child and the continuing danger  
12 to the physical health or safety of the child as required by  
13 Subsection (g-1)(2).

14 SECTION 12. Sections 262.2015(a), (c), and (d), Family  
15 Code, are amended to read as follows:

16 (a) The court may waive the requirement of a service plan  
17 and the requirement to make active [~~reasonable~~] efforts to return  
18 the child to a parent and may accelerate the trial schedule to  
19 result in a final order for a child under the care of the Department  
20 of Family and Protective Services at an earlier date than provided  
21 by Subchapter D, Chapter 263, if the court finds that the parent has  
22 subjected the child to aggravated circumstances.

23 (c) On finding that active [~~reasonable~~] efforts to make it  
24 possible for the child to safely return to the child's home are not  
25 required, the court shall at any time before the 30th day after the  
26 date of the finding, conduct an initial permanency hearing under  
27 Subchapter D, Chapter 263. Separate notice of the permanency plan

1 is not required but may be given with a notice of a hearing under  
2 this section.

3 (d) The Department of Family and Protective Services shall  
4 make active [~~reasonable~~] efforts to finalize the permanent  
5 placement of a child for whom the court has made the finding  
6 described by Subsection (c). The court shall set the suit for  
7 trial on the merits as required by Subchapter D, Chapter 263, in  
8 order to facilitate final placement of the child.

9 SECTION 13. Section 263.202(b), Family Code, is amended to  
10 read as follows:

11 (b) Except as otherwise provided by this subchapter, a  
12 status hearing shall be limited to matters related to the contents  
13 and execution of the service plan filed with the court. The court  
14 shall review the service plan that the department filed under this  
15 chapter for reasonableness, accuracy, and compliance with  
16 requirements of court orders and make findings as to whether:

17 (1) a plan that has the goal of returning the child to  
18 the child's parents adequately ensures that active [~~reasonable~~]  
19 efforts are made to enable the child's parents to provide a safe  
20 environment for the child;

21 (2) the child's parents have reviewed and understand  
22 the plan and have been advised that unless the parents are willing  
23 and able to provide the child with a safe environment, even with the  
24 assistance of a service plan, within the reasonable period of time  
25 specified in the plan, the parents' parental and custodial duties  
26 and rights may be subject to restriction or to termination under  
27 this code or the child may not be returned to the parents;

1           (3) the plan is narrowly tailored to address any  
2 specific issues identified by the department;

3           (4) the child's parents and the representative of the  
4 department have signed the plan;

5           (5) based on the court's determination under Section  
6 263.002, continued placement is appropriate if the child is placed  
7 in a residential treatment center; and

8           (6) based on the court's determination under Section  
9 263.00201, continued placement is appropriate if the child is  
10 placed in a qualified residential treatment program.

11         SECTION 14. Section 263.306(a-1), Family Code, is amended  
12 to read as follows:

13           (a-1) At each permanency hearing before a final order is  
14 rendered, the court shall:

15           (1) identify all persons and parties present at the  
16 hearing;

17           (2) review the efforts of the department or other  
18 agency in:

19                   (A) locating and requesting service of citation  
20 on all persons entitled to service of citation under Section  
21 102.009; and

22                   (B) obtaining the assistance of a parent in  
23 providing information necessary to locate an absent parent, alleged  
24 father, relative of the child, or other adult identified by the  
25 child as a potential relative or designated caregiver;

26           (3) ask all parties present whether the child or the  
27 child's family has a Native American heritage and identify any

1 Native American tribe with which the child may be associated;

2 (4) review the extent of the parties' compliance with  
3 temporary orders and the service plan and the extent to which  
4 progress has been made toward alleviating or mitigating the causes  
5 necessitating the placement of the child in foster care;

6 (5) review the permanency progress report to  
7 determine:

8 (A) the safety and well-being of the child and  
9 whether the child's needs, including any medical or special needs,  
10 are being adequately addressed;

11 (B) the continuing necessity and appropriateness  
12 of the placement of the child, including with respect to a child who  
13 has been placed outside of this state, whether the placement  
14 continues to be in the best interest of the child;

15 (C) the appropriateness of the primary and  
16 alternative permanency goals for the child developed in accordance  
17 with department rule and whether the department has made active  
18 [~~reasonable~~] efforts to finalize the permanency plan, including the  
19 concurrent permanency goals, in effect for the child;

20 (D) whether the child has been provided the  
21 opportunity, in a developmentally appropriate manner, to express  
22 the child's opinion on any medical care provided;

23 (E) whether the child has been provided the  
24 opportunity, in a developmentally appropriate manner, to identify  
25 any adults, particularly an adult residing in the child's  
26 community, who could be a relative or designated caregiver for the  
27 child;

1 (F) for a child receiving psychotropic  
2 medication, whether the child:

3 (i) has been provided appropriate  
4 nonpharmacological interventions, therapies, or strategies to meet  
5 the child's needs; or

6 (ii) has been seen by the prescribing  
7 physician, physician assistant, or advanced practice nurse at least  
8 once every 90 days;

9 (G) whether an education decision-maker for the  
10 child has been identified, the child's education needs and goals  
11 have been identified and addressed, and there have been major  
12 changes in the child's school performance or there have been  
13 serious disciplinary events;

14 (H) for a child 14 years of age or older, whether  
15 services that are needed to assist the child in transitioning from  
16 substitute care to independent living are available in the child's  
17 community;

18 (I) for a child whose permanency goal is another  
19 planned permanent living arrangement:

20 (i) the desired permanency outcome for the  
21 child, by asking the child;

22 (ii) whether, as of the date of the hearing,  
23 another planned permanent living arrangement is the best permanency  
24 plan for the child and, if so, provide compelling reasons why it  
25 continues to not be in the best interest of the child to:

26 (a) return home;

27 (b) be placed for adoption;



1 (c) be placed with a legal guardian;

2 or

3 (d) be placed with a fit and willing  
4 relative;

5 (iii) whether the department has conducted  
6 an independent living skills assessment under Section  
7 [264.121\(a-3\)](#);

8 (iv) whether the department has addressed  
9 the goals identified in the child's permanency plan, including the  
10 child's housing plan, and the results of the independent living  
11 skills assessment;

12 (v) if the youth is 16 years of age or  
13 older, whether there is evidence that the department has provided  
14 the youth with the documents and information listed in Section  
15 [264.121\(e\)](#); and

16 (vi) if the youth is 18 years of age or  
17 older or has had the disabilities of minority removed, whether  
18 there is evidence that the department has provided the youth with  
19 the documents and information listed in Section [264.121\(e-1\)](#);

20 (J) based on the court's determination under  
21 Section [263.002](#), whether continued placement is appropriate if the  
22 child is placed in a residential treatment center; and

23 (K) based on the court's determination under  
24 Section [263.00201](#), whether continued placement is appropriate if  
25 the child is placed in a qualified residential treatment program;

26 (6) determine whether to return the child to the  
27 child's parents if the child's parents are willing and able to

1 provide the child with a safe environment and the return of the  
2 child is in the child's best interest;

3 (7) estimate a likely date by which the child may be  
4 returned to and safely maintained in the child's home, placed for  
5 adoption, or placed in permanent managing conservatorship; and

6 (8) announce in open court the dismissal date and the  
7 date of any upcoming hearings.

8 SECTION 15. Section 263.5031(a), Family Code, is amended to  
9 read as follows:

10 (a) At each permanency hearing after the court renders a  
11 final order, the court shall:

12 (1) identify all persons and parties present at the  
13 hearing;

14 (2) review the efforts of the department or other  
15 agency in notifying persons entitled to notice under Section  
16 263.0021;

17 (3) for a child placed with a relative of the child or  
18 other designated caregiver, review the efforts of the department to  
19 inform the caregiver of:

20 (A) the option to become verified by a licensed  
21 child-placing agency to operate an agency foster home, if  
22 applicable; and

23 (B) the permanency care assistance program under  
24 Subchapter K, Chapter 264; and

25 (4) review the permanency progress report to  
26 determine:

27 (A) the safety and well-being of the child and

1 whether the child's needs, including any medical or special needs,  
2 are being adequately addressed;

3 (B) whether the child has been provided the  
4 opportunity, in a developmentally appropriate manner, to identify  
5 any adult, particularly an adult residing in the child's community,  
6 who could be a relative or designated caregiver for the child;

7 (C) whether the department placed the child with  
8 a relative or designated caregiver and the continuing necessity and  
9 appropriateness of the placement of the child, including with  
10 respect to a child who has been placed outside of this state,  
11 whether the placement continues to be in the best interest of the  
12 child;

13 (D) if the child is placed in institutional care,  
14 whether efforts have been made to ensure that the child is placed in  
15 the least restrictive environment consistent with the child's best  
16 interest and special needs;

17 (E) the appropriateness of the primary and  
18 alternative permanency goals for the child, whether the department  
19 has made active [~~reasonable~~] efforts to finalize the permanency  
20 plan, including the concurrent permanency goals, in effect for the  
21 child, and whether:

22 (i) the department has exercised due  
23 diligence in attempting to place the child for adoption if parental  
24 rights to the child have been terminated and the child is eligible  
25 for adoption; or

26 (ii) another permanent placement,  
27 including appointing a relative as permanent managing conservator

1 or returning the child to a parent, is appropriate for the child;

2 (F) for a child whose permanency goal is another  
3 planned permanent living arrangement:

4 (i) the desired permanency outcome for the  
5 child, by asking the child;

6 (ii) whether, as of the date of the hearing,  
7 another planned permanent living arrangement is the best permanency  
8 plan for the child and, if so, provide compelling reasons why it  
9 continues to not be in the best interest of the child to:

10 (a) return home;

11 (b) be placed for adoption;

12 (c) be placed with a legal guardian;

13 or

14 (d) be placed with a fit and willing  
15 relative;

16 (iii) whether the department has conducted  
17 an independent living skills assessment under Section  
18 [264.121\(a-3\)](#);

19 (iv) whether the department has addressed  
20 the goals identified in the child's permanency plan, including the  
21 child's housing plan, and the results of the independent living  
22 skills assessment;

23 (v) if the youth is 16 years of age or  
24 older, whether there is evidence that the department has provided  
25 the youth with the documents and information listed in Section  
26 [264.121\(e\)](#); and

27 (vi) if the youth is 18 years of age or

1 older or has had the disabilities of minority removed, whether  
2 there is evidence that the department has provided the youth with  
3 the documents and information listed in Section 264.121(e-1);

4 (G) if the child is 14 years of age or older,  
5 whether services that are needed to assist the child in  
6 transitioning from substitute care to independent living are  
7 available in the child's community;

8 (H) whether the child is receiving appropriate  
9 medical care and has been provided the opportunity, in a  
10 developmentally appropriate manner, to express the child's opinion  
11 on any medical care provided;

12 (I) for a child receiving psychotropic  
13 medication, whether the child:

14 (i) has been provided appropriate  
15 nonpharmacological interventions, therapies, or strategies to meet  
16 the child's needs; or

17 (ii) has been seen by the prescribing  
18 physician, physician assistant, or advanced practice nurse at least  
19 once every 90 days;

20 (J) whether an education decision-maker for the  
21 child has been identified, the child's education needs and goals  
22 have been identified and addressed, and there are major changes in  
23 the child's school performance or there have been serious  
24 disciplinary events;

25 (K) for a child for whom the department has been  
26 named managing conservator in a final order that does not include  
27 termination of parental rights, whether to order the department to

1 provide services to a parent for not more than six months after the  
2 date of the permanency hearing if:

3 (i) the child has not been placed with a  
4 relative or other individual, including a foster parent, who is  
5 seeking permanent managing conservatorship of the child; and

6 (ii) the court determines that further  
7 efforts at reunification with a parent are:

8 (a) in the best interest of the child;  
9 and

10 (b) likely to result in the child's  
11 safe return to the child's parent;

12 (L) whether the department has identified a  
13 family or other caring adult who has made a permanent commitment to  
14 the child;

15 (M) based on the court's determination under  
16 Section 263.002, whether continued placement is appropriate if the  
17 child is placed in a residential treatment center; and

18 (N) based on the court's determination under  
19 Section 263.00201, whether continued placement is appropriate if  
20 the child is placed in a qualified residential treatment program.

21 SECTION 16. Section 263.602(b), Family Code, is amended to  
22 read as follows:

23 (b) A court with extended jurisdiction over a young adult in  
24 extended foster care shall conduct extended foster care review  
25 hearings every six months for the purpose of reviewing and making  
26 findings regarding:

27 (1) whether the young adult's living arrangement is

1 safe and appropriate and whether the department has made active  
2 [~~reasonable~~] efforts to place the young adult in the least  
3 restrictive environment necessary to meet the young adult's needs;

4 (2) whether the department is making active  
5 [~~reasonable~~] efforts to finalize the permanency plan that is in  
6 effect for the young adult, including a permanency plan for  
7 independent living;

8 (3) whether, for a young adult whose permanency plan  
9 is independent living:

10 (A) the young adult participated in the  
11 development of the plan of service;

12 (B) the young adult's plan of service reflects  
13 the independent living skills and appropriate services needed to  
14 achieve independence by the projected date; and

15 (C) the young adult continues to make reasonable  
16 progress in developing the skills needed to achieve independence by  
17 the projected date; and

18 (4) whether additional services that the department is  
19 authorized to provide are needed to meet the needs of the young  
20 adult.

21 SECTION 17. To the extent of any conflict, this Act prevails  
22 over another Act of the 89th Legislature, Regular Session, 2025,  
23 relating to nonsubstantive additions to and corrections in enacted  
24 codes.

25 SECTION 18. This Act takes effect September 1, 2025.