

By: Goodman

H.B. No. 409

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the appeal of certain orders regarding children in the  
3 conservatorship of the Department of Family and Protective  
4 Services.

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

6 SECTION 1. Section 263.405, Family Code, is amended by  
7 adding Subsection (i) to read as follows:

8 (i) The appellate court may not consider any issue that was  
9 not specifically presented to the trial court in a timely filed  
10 statement of the points on which the party intends to appeal or in a  
11 statement combined with a motion for new trial. For purposes of  
12 this subsection, a claim that a judicial decision is contrary to the  
13 evidence or that the evidence is factually or legally insufficient  
14 is not sufficiently specific to preserve an issue for appeal.

15 SECTION 2. Section 263.405(i), Family Code, as added by  
16 this Act, applies only to an appeal of a final order under  
17 Subchapter E, Chapter 263, Family Code, filed on or after the  
18 effective date of this Act. An appeal of a final order under  
19 Subchapter E, Chapter 263, Family Code, filed before the effective  
20 date of this Act is governed by the law in effect on the date the  
21 appeal was filed, and the former law is continued in effect for that  
22 purpose.

23 SECTION 3. This Act takes effect September 1, 2005.