

1-1 By: Goodman (Senate Sponsor - Nelson) H.B. No. 409  
1-2 (In the Senate - Received from the House April 21, 2005;  
1-3 April 22, 2005, read first time and referred to Committee on Health  
1-4 and Human Services; May 5, 2005, reported favorably by the  
1-5 following vote: Yeas 8, Nays 0; May 5, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the appeal of certain orders regarding children in the  
1-9 conservatorship of the Department of Family and Protective  
1-10 Services.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 263.405, Family Code, is amended by  
1-13 adding Subsection (i) to read as follows:

1-14 (i) The appellate court may not consider any issue that was  
1-15 not specifically presented to the trial court in a timely filed  
1-16 statement of the points on which the party intends to appeal or in a  
1-17 statement combined with a motion for new trial. For purposes of  
1-18 this subsection, a claim that a judicial decision is contrary to the  
1-19 evidence or that the evidence is factually or legally insufficient  
1-20 is not sufficiently specific to preserve an issue for appeal.

1-21 SECTION 2. Section 263.405(i), Family Code, as added by  
1-22 this Act, applies only to an appeal of a final order under  
1-23 Subchapter E, Chapter 263, Family Code, filed on or after the  
1-24 effective date of this Act. An appeal of a final order under  
1-25 Subchapter E, Chapter 263, Family Code, filed before the effective  
1-26 date of this Act is governed by the law in effect on the date the  
1-27 appeal was filed, and the former law is continued in effect for that  
1-28 purpose.

1-29 SECTION 3. This Act takes effect September 1, 2005.

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