

By: Keough

H.B. No. 205

A BILL TO BE ENTITLED

1 AN ACT
2 Relating to child protective services; requiring burden of proof;
3 providing court appointed attorney.

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

5 SECTION 1. Section 264.203, Family Code, is amended to read
6 as follows:

7 Sec. 264.203. REQUIRED PARTICIPATION. (a) Except as
8 provided by Subsection (d), the court on request of the department;
9 and upon hearing evidence at trial; may order the parent, managing
10 conservator, guardian, or other member of the subject child's
11 household to:

12 (1) participate in the services the department
13 provides or purchases for:

14 (A) alleviating the effects of the abuse or
15 neglect that has occurred; or

16 (B) reducing the reasonable likelihood that the
17 child may be abused or neglected in the immediate or foreseeable
18 future; and

19 (2) permit the child and any siblings of the child to
20 receive the services.

21 (b) The department may request the court to order the
22 parent, managing conservator, guardian, or other member of the
23 child's household to participate in the services whether the child
24 resides in the home or has been removed from the home.

1 (c) If the person ordered to participate in the services
2 fails to follow the court's order, the court may impose appropriate
3 sanctions in order to protect the health and safety of the child,
4 including the removal of the child as specified by Chapter 262.

5 (d) If the court does not order the person to participate,
6 the court in writing shall specify the reasons for not ordering
7 participation.

8 (3) The department shall prove with clear and
9 convincing evidence during trial that respondents to suit have
10 abused or neglected a child or children in respondents care, or
11 through clear and convincing evidence the department can show that
12 respondents are likely to abuse or neglect a child or children in
13 respondents care in the immediate or foreseeable future.

14 (4) Notwithstanding any other section a parent,
15 managing conservator, guardian or other member of the subject
16 child(s) household shall be afforded and appointed a court
17 appointed attorney if a suit for required participation is brought
18 against them in a court of law.

19 SECTION 2. The changes in law made by this Act to Section
20 264.203, Family Code, apply only to case before a court after the
21 effective date of this Act. A case before a court before the
22 effective date of this Act is governed by the law in effect on the
23 date the case was filed with a court of law, and the former law is
24 continued in effect for that purpose.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.