

By: West

S.B. No. 999

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to procedures for taking possession of a child and for  
3 certain hearings in a suit affecting the parent-child relationship  
4 involving the Department of Family and Protective Services.

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

6 SECTION 1. Section 7.029(a), Education Code, is amended to  
7 read as follows:

8 (a) The agency and the Department of Family and Protective  
9 Services shall enter into a memorandum of understanding regarding  
10 the exchange of information as appropriate to facilitate the  
11 department's evaluation of educational outcomes of students in  
12 foster care. The memorandum of understanding must require:

13 (1) the department to provide the agency each year  
14 with demographic information regarding individual students who  
15 during the preceding school year were in the conservatorship of the  
16 department following a show cause [~~an adversarial~~] hearing under  
17 Section 262.201, Family Code; and

18 (2) the agency, in a manner consistent with federal  
19 law, to provide the department with aggregate information regarding  
20 educational outcomes of students for whom the agency received  
21 demographic information under Subdivision (1).

22 SECTION 2. Section 29.153(b), Education Code, is amended to  
23 read as follows:

24 (b) A child is eligible for enrollment in a prekindergarten

1 class under this section if the child is at least three years of age  
2 and:

3 (1) is unable to speak and comprehend the English  
4 language;

5 (2) is educationally disadvantaged;

6 (3) is a homeless child, as defined by 42 U.S.C.  
7 Section 11434a, regardless of the residence of the child, of either  
8 parent of the child, or of the child's guardian or other person  
9 having lawful control of the child;

10 (4) is the child of an active duty member of the armed  
11 forces of the United States, including the state military forces or  
12 a reserve component of the armed forces, who is ordered to active  
13 duty by proper authority;

14 (5) is the child of a member of the armed forces of the  
15 United States, including the state military forces or a reserve  
16 component of the armed forces, who was injured or killed while  
17 serving on active duty; or

18 (6) is or ever has been in the conservatorship of the  
19 Department of Family and Protective Services following a show cause  
20 [~~an adversary~~] hearing held as provided by Section 262.201, Family  
21 Code.

22 SECTION 3. Section 61.0909(b), Education Code, is amended  
23 to read as follows:

24 (b) The board and the department shall enter into a  
25 memorandum of understanding regarding the exchange of information  
26 as appropriate to facilitate the department's evaluation of  
27 educational outcomes of students at institutions of higher

1 education who were formerly in the conservatorship of the  
2 department. The memorandum of understanding must require:

3 (1) the department to provide the board each year with  
4 demographic information regarding individual students enrolled at  
5 institutions of higher education who were formerly in the  
6 conservatorship of the department following a show cause [~~an~~  
7 ~~adversarial~~] hearing under Section 262.201, Family Code; and

8 (2) the board, in a manner consistent with federal  
9 law, to provide the department with aggregate information regarding  
10 educational outcomes of students for whom the board received  
11 demographic information under Subdivision (1).

12 SECTION 4. Section 105.001(h), Family Code, is amended to  
13 read as follows:

14 (h) An order under Subsection (a)(1) may be rendered without  
15 notice and a show cause [~~an adversary~~] hearing if the order is an  
16 emergency order sought by a governmental entity under Chapter 262.

17 SECTION 5. Section 107.011(a), Family Code, is amended to  
18 read as follows:

19 (a) Except as otherwise provided by this subchapter, in a  
20 suit filed by a governmental entity seeking termination of the  
21 parent-child relationship or the appointment of a conservator for a  
22 child, the court shall appoint a guardian ad litem to represent the  
23 best interests of the child immediately after the filing of the  
24 petition but before the show cause [~~full adversary~~] hearing.

25 SECTION 6. Section 107.012, Family Code, is amended to read  
26 as follows:

27 Sec. 107.012. MANDATORY APPOINTMENT OF ATTORNEY AD LITEM

1 FOR CHILD. In a suit filed by a governmental entity requesting  
2 termination of the parent-child relationship or to be named  
3 conservator of a child, the court shall appoint an attorney ad litem  
4 to represent the interests of the child immediately after the  
5 filing, but before the show cause [~~full-adversary~~] hearing, to  
6 ensure adequate representation of the child.

7 SECTION 7. Sections 107.0141(a) and (c), Family Code, are  
8 amended to read as follows:

9 (a) The court may appoint an attorney ad litem to represent  
10 the interests of a parent for a limited period beginning at the time  
11 the court issues a temporary restraining order or attachment of the  
12 parent's child under Chapter 262 and ending on the court's  
13 determination of whether the parent is indigent before commencement  
14 of the show cause [~~full-adversary~~] hearing.

15 (c) If the attorney ad litem identifies and locates the  
16 parent, the attorney ad litem shall:

17 (1) inform the parent of the parent's right to be  
18 represented by an attorney and of the parent's right to an attorney  
19 ad litem appointed by the court, if the parent is indigent and  
20 appears in opposition to the suit;

21 (2) if the parent claims indigence and requests an  
22 attorney ad litem beyond the period of the temporary appointment  
23 under this section, assist the parent in making a claim of indigence  
24 for the appointment of an attorney ad litem; and

25 (3) assist the parent in preparing for the show cause  
26 [~~full-adversary~~] hearing under Subchapter C, Chapter 262.

27 SECTION 8. Section 262.011, Family Code, as added by

1 Chapter 338 (H.B. 418), Acts of the 84th Legislature, Regular  
2 Session, 2015, is amended to read as follows:

3       Sec. 262.011. PLACEMENT IN SECURE AGENCY FOSTER HOME OR  
4 SECURE AGENCY FOSTER GROUP HOME. A court in an emergency, initial,  
5 or show cause [~~full-adversary~~] hearing conducted under this chapter  
6 may order that the child who is the subject of the hearing be placed  
7 in a secure agency foster home or secure agency foster group home  
8 verified in accordance with Section [42.0531](#), Human Resources Code,  
9 if the court finds that:

10               (1) the placement is in the best interest of the child;  
11 and

12               (2) the child's physical health or safety is in danger  
13 because the child has been recruited, harbored, transported,  
14 provided, or obtained for forced labor or commercial sexual  
15 activity, including any child subjected to an act specified in  
16 Section [20A.02](#) or [20A.03](#), Penal Code.

17       SECTION 9. Section [262.101](#), Family Code, is amended to read  
18 as follows:

19       Sec. 262.101. FILING PETITION BEFORE TAKING POSSESSION OF  
20 CHILD. An original suit filed by a governmental entity that  
21 requests permission to take possession of a child without prior  
22 notice and a hearing must be supported by an affidavit sworn to by a  
23 person with personal knowledge and stating facts sufficient to  
24 satisfy a person of ordinary prudence and caution that:

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

1           (2) [~~and that~~] continuation in the home would be  
2 contrary to the child's welfare;

3           (3) [~~(2)~~] there is no time, consistent with the  
4 physical health or safety of the child, for a show cause [~~full~~  
5 ~~adversary~~] hearing under Subchapter C; and

6           (4) [~~(3)~~] reasonable efforts, consistent with the  
7 circumstances and providing for the safety of the child, were made  
8 to prevent or eliminate the need for the removal of the child.

9           SECTION 10. Sections 262.1015(b) and (d), Family Code, are  
10 amended to read as follows:

11           (b) A court may issue a temporary restraining order in a  
12 suit by the department for the removal of an alleged perpetrator  
13 under Subsection (a) if the department's petition states facts  
14 sufficient to satisfy the court that:

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

18           (2) there is no time, consistent with the physical  
19 health or safety of the child, for a show cause [~~an adversary~~]  
20 hearing;

21           (3) the child is not in danger of abuse from a parent  
22 or other adult with whom the child will continue to reside in the  
23 residence of the child;

24           (4) the parent or other adult with whom the child will  
25 continue to reside in the child's home is likely to:

26           (A) make a reasonable effort to monitor the  
27 residence; and

1 (B) report to the department and the appropriate  
2 law enforcement agency any attempt by the alleged perpetrator to  
3 return to the residence; and

4 (5) the issuance of the order is in the best interest  
5 of the child.

6 (d) A temporary restraining order under this section  
7 expires not later than the 14th day after the date the order was  
8 rendered, unless the court grants an extension under Section  
9 262.201(e) [~~262.201(a-3)~~].

10 SECTION 11. Section 262.102(a), Family Code, is amended to  
11 read as follows:

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

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

21 (2) [~~and that~~] continuation in the home would be  
22 contrary to the child's welfare;

23 (3) [~~(2)~~] there is no time, consistent with the  
24 physical health or safety of the child and the nature of the  
25 emergency, for a show cause [~~full adversary~~] hearing under  
26 Subchapter C; and

27 (4) [~~(3)~~] reasonable efforts, consistent with the

1 circumstances and providing for the safety of the child, were made  
2 to prevent or eliminate the need for removal of the child.

3 SECTION 12. Section 262.103, Family Code, is amended to  
4 read as follows:

5 Sec. 262.103. DURATION OF TEMPORARY ORDER, TEMPORARY  
6 RESTRAINING ORDER, AND ATTACHMENT. A temporary order, temporary  
7 restraining order, or attachment of the child issued under Section  
8 262.102(a) expires not later than 14 days after the date it is  
9 issued unless it is extended as provided by the Texas Rules of Civil  
10 Procedure or Section 262.201(e) [~~262.201(a-3)~~].

11 SECTION 13. Section 262.105, Family Code, is amended to  
12 read as follows:

13 Sec. 262.105. FILING PETITION AFTER TAKING POSSESSION OF  
14 CHILD IN EMERGENCY. (a) When a child is taken into possession  
15 without a court order, the person taking the child into possession,  
16 without unnecessary delay, shall:

17 (1) file a suit affecting the parent-child  
18 relationship; and

19 (2) [~~request the court to appoint an attorney ad litem~~  
20 ~~for the child, and~~

21 [~~(3)~~] request an initial hearing to be held by no later  
22 than the first business [~~working~~] day after the date the child is  
23 taken into possession.

24 (b) An original suit filed by a governmental entity after  
25 taking possession of a child under Section 262.104 must be  
26 supported by an affidavit sworn to by a person with personal  
27 knowledge and stating facts sufficient to satisfy a person of



1 ordinary prudence and caution that:

2 (1) one of the following circumstances existed at the  
3 time the child was taken into possession:

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

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

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

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

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

17 (3) there was no time, consistent with the physical  
18 health or safety of the child, for a show cause hearing under  
19 Subchapter C; and

20 (4) reasonable efforts, consistent with the  
21 circumstances and providing for the safety of the child, were made  
22 to prevent or eliminate the need for the removal of the child.

23 SECTION 14. Sections 262.106(a), (b), and (d), Family Code,  
24 are amended to read as follows:

25 (a) The court in which a suit has been filed after a child  
26 has been taken into possession without a court order by a  
27 governmental entity shall hold an initial hearing on or before the

1 first business [~~working~~] day after the date the child is taken into  
2 possession. The court shall render orders that are necessary to  
3 protect the physical health and safety of the child. If the court  
4 is unavailable for a hearing on the first business [~~working~~] day,  
5 then, and only in that event, the hearing shall be held no later  
6 than the first business [~~working~~] day after the court becomes  
7 available, provided that the hearing is held no later than the third  
8 business [~~working~~] day after the child is taken into possession.

9 (b) The initial hearing may be ex parte and proof may be by  
10 sworn petition or affidavit if a show cause [~~full-adversary~~]  
11 hearing is not practicable.

12 (d) For the purpose of determining under Subsection (a) the  
13 first business [~~working~~] day after the date the child is taken into  
14 possession, the child is considered to have been taken into  
15 possession by the Department of Family and Protective Services on  
16 the expiration of the five-day period permitted under Section  
17 [262.007\(c\)](#) or [262.110\(b\)](#), as appropriate.

18 SECTION 15. Section [262.107\(a\)](#), Family Code, is amended to  
19 read as follows:

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

24 (1) one of the following circumstances exists:

25 (A) there is a continuing danger to the physical  
26 health or safety of the child if the child is returned to the  
27 parent, managing conservator, possessory conservator, guardian,

1 caretaker, or custodian who is presently entitled to possession of  
2 the child; or

3 (B) the evidence shows that:

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

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

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

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

19 (3) reasonable efforts, consistent with the  
20 circumstances and providing for the safety of the child, were made  
21 to prevent or eliminate the need for removal of the child.

22 SECTION 16. Section 262.109(b), Family Code, is amended to  
23 read as follows:

24 (b) The written notice must be given as soon as practicable,  
25 but in any event not later than the first business [~~working~~] day  
26 after the date the child is taken into possession.

27 SECTION 17. Subchapter B, Chapter 262, Family Code, is

1 amended by adding Section 262.1131 to read as follows:

2 Sec. 262.1131. TEMPORARY RESTRAINING ORDER BEFORE SHOW  
3 CAUSE HEARING. In a suit filed under Section 262.113, the court may  
4 render a temporary restraining order as provided by Section  
5 105.001.

6 SECTION 18. Sections 262.114(a), (a-1), and (a-2), Family  
7 Code, are amended to read as follows:

8 (a) Before a show cause [~~full adversary~~] hearing under  
9 Subchapter C, the Department of Family and Protective Services must  
10 perform a background and criminal history check of the relatives or  
11 other designated individuals identified as a potential relative or  
12 designated caregiver, as defined by Section 264.751, on the  
13 proposed child placement resources form provided under Section  
14 261.307. The department shall evaluate each person listed on the  
15 form to determine the relative or other designated individual who  
16 would be the most appropriate substitute caregiver for the child  
17 and must complete a home study of the most appropriate substitute  
18 caregiver, if any, before the show cause [~~full adversary~~] hearing.  
19 Until the department identifies a relative or other designated  
20 individual qualified to be a substitute caregiver, the department  
21 must continue to explore substitute caregiver options. The time  
22 frames in this subsection do not apply to a relative or other  
23 designated individual located in another state.

24 (a-1) At the show cause [~~full adversary~~] hearing under  
25 Section 262.201, the department shall, after redacting any social  
26 security numbers, file with the court:

27 (1) a copy of each proposed child placement resources

1 form completed by the parent or other person having legal custody of  
2 the child;

3 (2) a copy of any completed home study performed under  
4 Subsection (a); and

5 (3) the name of the relative or other designated  
6 caregiver, if any, with whom the child has been placed.

7 (a-2) If the child has not been placed with a relative or  
8 other designated caregiver by the time of the show cause [~~full~~  
9 ~~adversary~~] hearing under Section 262.201, the department shall file  
10 with the court a statement that explains:

11 (1) the reasons why the department has not placed the  
12 child with a relative or other designated caregiver listed on the  
13 proposed child placement resources form; and

14 (2) the actions the department is taking, if any, to  
15 place the child with a relative or other designated caregiver.

16 SECTION 19. The heading to Subchapter C, Chapter 262,  
17 Family Code, is amended to read as follows:

18 SUBCHAPTER C. SHOW CAUSE [~~ADVERSARY~~] HEARING

19 SECTION 20. Section 262.201, Family Code, is amended to  
20 read as follows:

21 Sec. 262.201. SHOW CAUSE [~~FULL—ADVERSARY~~] HEARING;

22 FINDINGS OF THE COURT. (a) In a suit filed under Section 262.101 or  
23 262.105, unless [~~Unless~~] the child has already been returned to the

24 parent, managing conservator, possessory conservator, guardian,  
25 caretaker, or custodian entitled to possession and the temporary  
26 order, if any, has been dissolved, a show cause [~~full adversary~~]

27 hearing shall be held not later than the 14th day after the date the

1 child was taken into possession by the governmental entity, unless  
2 the court grants an extension under Subsection (e) [~~(a-3)~~].

3 (b) A show cause hearing in a suit filed under Section  
4 262.113 requesting possession of a child shall be held not later  
5 than the 30th day after the date the suit is filed.

6 (c) [~~(a-1)~~] Before commencement of the show cause [~~full~~  
7 ~~adversary~~] hearing, the court must inform each parent not  
8 represented by an attorney of:

9 (1) the right to be represented by an attorney; and

10 (2) if a parent is indigent and appears in opposition  
11 to the suit, the right to a court-appointed attorney.

12 (d) [~~(a-2)~~] If a parent claims indigence and requests the  
13 appointment of an attorney before the show cause [~~full adversary~~]  
14 hearing, the court shall require the parent to complete and file  
15 with the court an affidavit of indigence. The court may consider  
16 additional evidence to determine whether the parent is indigent,  
17 including evidence relating to the parent's income, source of  
18 income, assets, property ownership, benefits paid in accordance  
19 with a federal, state, or local public assistance program,  
20 outstanding obligations, and necessary expenses and the number and  
21 ages of the parent's dependents. If the appointment of an attorney  
22 for the parent is requested, the court shall make a determination of  
23 indigence before commencement of the show cause [~~full adversary~~]  
24 hearing. If the court determines the parent is indigent, the court  
25 shall appoint an attorney to represent the parent.

26 (e) [~~(a-3)~~] The court may, for good cause shown, postpone  
27 the show cause [~~full adversary~~] hearing for not more than seven days

1 from the date of the attorney's appointment to provide the attorney  
2 time to respond to the petition and prepare for the hearing. The  
3 court may shorten or lengthen the extension granted under this  
4 subsection if the parent and the appointed attorney agree in  
5 writing. If the court postpones the show cause [~~full adversary~~]  
6 hearing, the court shall extend a temporary order, temporary  
7 restraining order, or attachment issued by the court under Section  
8 [262.102\(a\)](#) for the protection of the child until the date of the  
9 rescheduled show cause [~~full adversary~~] hearing.

10 (f) [~~(a-4)~~] The court shall ask all parties present at the  
11 show cause [~~full adversary~~] hearing whether the child or the  
12 child's family has a Native American heritage and identify any  
13 Native American tribe with which the child may be associated.

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

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

27 (2) the urgent need for protection required the

1 immediate removal of the child and reasonable efforts, consistent  
2 with the circumstances and providing for the safety of the child,  
3 were made to eliminate or prevent the child's removal; and

4 (3) reasonable efforts have been made to enable the  
5 child to return home, but there is a substantial risk of a  
6 continuing danger if the child is returned home.

7 (h) In determining whether there is a continuing danger to  
8 the physical health or safety of the child under Subsection (g), the  
9 court may consider whether the household to which the child would be  
10 returned or in which the child would be allowed to remain includes a  
11 person who:

12 (1) has abused or neglected another child in a manner  
13 that caused serious injury to or the death of the other child; or

14 (2) has sexually abused another child.

15 (i) In a suit filed under Section 262.101 or 262.105, if  
16 ~~[(c) — If]~~ the court finds sufficient evidence to satisfy a person  
17 of ordinary prudence and caution that there is a continuing danger  
18 to the physical health or safety of the child and for the child to  
19 remain in the home is contrary to the welfare of the child, the  
20 court shall issue an appropriate temporary order under Chapter 105.

21 (j) In a suit filed under Section 262.113, at the conclusion  
22 of the show cause hearing, the court may grant the request to remove  
23 the child from the parent, managing conservator, possessory  
24 conservator, guardian, caretaker, or custodian entitled to  
25 possession of the child if the court finds sufficient evidence to  
26 satisfy a person of ordinary prudence and caution that:

27 (1) continuation of the child in the home would be



1 contrary to the child's welfare; and

2 (2) reasonable efforts, consistent with the  
3 circumstances and providing for the safety of the child, were made  
4 to prevent or eliminate the need for the removal of the child.

5 (k) If the court finds that the child requires protection  
6 from family violence, as that term is defined by Section 71.004, by  
7 a member of the child's family or household, the court shall render  
8 a protective order for the child under Title 4.

9 (1) The court shall require each parent, alleged father, or  
10 relative of the child before the court to complete the proposed  
11 child placement resources form provided under Section 261.307 and  
12 file the form with the court, if the form has not been previously  
13 filed with the court, and provide the Department of Family and  
14 Protective Services with information necessary to locate any other  
15 absent parent, alleged father, or relative of the child. The court  
16 shall inform each parent, alleged father, or relative of the child  
17 before the court that the person's failure to submit the proposed  
18 child placement resources form will not delay any court proceedings  
19 relating to the child.

20 (m) The court shall inform each parent in open court that  
21 parental and custodial rights and duties may be subject to  
22 restriction or to termination unless the parent or parents are  
23 willing and able to provide the child with a safe environment. [~~If~~  
24 ~~the court finds that the child requires protection from family~~  
25 ~~violence by a member of the child's family or household, the court~~  
26 ~~shall render a protective order under Title 4 for the child. In~~  
27 ~~this subsection, "family violence" has the meaning assigned by~~

1 ~~Section 71.004.~~

2 ~~[(d) In determining whether there is a continuing danger to~~  
3 ~~the physical health or safety of the child, the court may consider~~  
4 ~~whether the household to which the child would be returned includes~~  
5 ~~a person who:~~

6 ~~[(1) has abused or neglected another child in a manner~~  
7 ~~that caused serious injury to or the death of the other child; or~~

8 ~~[(2) has sexually abused another child.]~~

9 (n) ~~[(e)]~~ The court shall place a child removed from the  
10 child's custodial parent with the child's noncustodial parent or  
11 with a relative of the child if placement with the noncustodial  
12 parent is inappropriate, unless placement with the noncustodial  
13 parent or a relative is not in the best interest of the child.

14 (o) ~~[(f)]~~ When citation by publication is needed for a  
15 parent or alleged or probable father in an action brought under this  
16 chapter because the location of the parent, alleged father, or  
17 probable father is unknown, the court may render a temporary order  
18 without delay at any time after the filing of the action without  
19 regard to whether notice of the citation by publication has been  
20 published.

21 (p) ~~[(g)]~~ For the purpose of determining under Subsection  
22 (a) the 14th day after the date the child is taken into possession,  
23 a child is considered to have been taken into possession by the  
24 Department of Family and Protective Services on the expiration of  
25 the five-day period permitted under Section 262.007(c) or  
26 262.110(b), as appropriate.

27 SECTION 21. Section 262.202, Family Code, is amended to

1 read as follows:

2           Sec. 262.202. IDENTIFICATION OF COURT OF CONTINUING,  
3 EXCLUSIVE JURISDICTION. If at the conclusion of the show cause  
4 [~~full adversary~~] hearing the court renders a temporary order, the  
5 governmental entity shall request identification of a court of  
6 continuing, exclusive jurisdiction as provided by Chapter 155.

7           SECTION 22. Section 263.0021(c), Family Code, is amended to  
8 read as follows:

9           (c) Notice of a hearing under this chapter may be given:

10           (1) as provided by Rule 21a, Texas Rules of Civil  
11 Procedure;

12           (2) in a temporary order following a show cause [~~full~~  
13 ~~adversary~~] hearing;

14           (3) in an order following a hearing under this  
15 chapter;

16           (4) in open court; or

17           (5) in any manner that would provide actual notice to a  
18 person entitled to notice.

19           SECTION 23. Section 263.004(b), Family Code, is amended to  
20 read as follows:

21           (b) Not later than the fifth day after the date a show cause  
22 [~~an adversary~~] hearing under Section 262.201 [~~or 262.205~~] is  
23 concluded, the information required by Subsection (a) shall be  
24 filed with the court and a copy shall be provided to the school the  
25 child attends.

26           SECTION 24. Section 262.205, Family Code, is repealed.

27           SECTION 25. The changes in law made by this Act apply only

1 to a suit affecting the parent-child relationship that is filed on  
2 or after the effective date of this Act. A suit filed before the  
3 effective date of this Act is governed by the law in effect on the  
4 date the suit is filed, and the former law is continued in effect  
5 for that purpose.

6 SECTION 26. This Act takes effect September 1, 2017.