

1-1 By: Hull (Senate Sponsor - Middleton) H.B. No. 1087
 1-2 (In the Senate - Received from the House May 8, 2023;
 1-3 May 9, 2023, read first time and referred to Committee on State
 1-4 Affairs; May 19, 2023, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18			X	

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the contents of a petition in certain suits affecting
 1-22 the parent-child relationship.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 262.101, Family Code, is amended to read
 1-25 as follows:

1-26 Sec. 262.101. FILING PETITION BEFORE TAKING POSSESSION OF
 1-27 CHILD. (a) An original suit filed by a governmental entity that
 1-28 requests permission to take possession of a child without prior
 1-29 notice and a hearing must be supported by an affidavit sworn to by a
 1-30 person with personal knowledge and stating facts sufficient to
 1-31 satisfy a person of ordinary prudence and caution that:

1-32 (1) there is an immediate danger to the physical
 1-33 health or safety of the child or the child has been a victim of
 1-34 neglect or sexual abuse;

1-35 (2) continuation in the home would be contrary to the
 1-36 child's welfare;

1-37 (3) there is no time, consistent with the physical
 1-38 health or safety of the child, for a full adversary hearing under
 1-39 Subchapter C; and

1-40 (4) reasonable efforts, consistent with the
 1-41 circumstances and providing for the safety of the child, were made
 1-42 to prevent or eliminate the need for the removal of the child.

1-43 (b) The affidavit required by Subsection (a) must describe
 1-44 all reasonable efforts, consistent with the circumstances and
 1-45 providing for the safety of the child, that were made to prevent or
 1-46 eliminate the need for the removal of the child.

1-47 SECTION 2. Section 262.102, Family Code, is amended by
 1-48 adding Subsection (e) to read as follows:

1-49 (e) The temporary order, temporary restraining order, or
 1-50 attachment of a child rendered by the court under Subsection (a)
 1-51 must describe the reasonable efforts, consistent with the
 1-52 circumstances and providing for the safety of the child, that were
 1-53 made to prevent or eliminate the need for the removal of the child
 1-54 as required by Subsection (a)(4).

1-55 SECTION 3. Section 262.105, Family Code, is amended by
 1-56 adding Subsection (c) to read as follows:

1-57 (c) The affidavit required by Subsection (b) must describe
 1-58 all reasonable efforts, consistent with the circumstances and
 1-59 providing for the safety of the child, that were made to prevent or
 1-60 eliminate the need for the removal of the child.

1-61 SECTION 4. Section 262.107, Family Code, is amended by

2-1 adding Subsection (c) to read as follows:

2-2 (c) If the court does not order the return of the child at an
2-3 initial hearing under Subsection (a), the court must describe in
2-4 writing the reasonable efforts, consistent with the circumstances
2-5 and providing for the safety of the child, that were made to prevent
2-6 or eliminate the need for the removal of the child.

2-7 SECTION 5. Section 262.201, Family Code, is amended by
2-8 adding Subsection (g-2) to read as follows:

2-9 (g-2) If, at the conclusion of a full adversary hearing, the
2-10 court renders an order under Subsection (g) or (g-1), the court must
2-11 describe in writing:

2-12 (1) the reasonable efforts that were made to enable
2-13 the child to return home and the substantial risk of a continuing
2-14 danger if the child is returned home, as required by Subsection
2-15 (g)(3); or

2-16 (2) the reasonable efforts that were made to enable a
2-17 person's possession of the child and the continuing danger to the
2-18 physical health or safety of the child as required by Subsection
2-19 (g-1)(2).

2-20 SECTION 6. The changes in law made by this Act apply to a
2-21 suit affecting the parent-child relationship filed on or after the
2-22 effective date of this Act. A suit filed before the effective date
2-23 of this Act is governed by the law in effect on the date the suit is
2-24 filed, and the former law is continued in effect for that purpose.

2-25 SECTION 7. This Act takes effect September 1, 2023.

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