

**BILL ANALYSIS**

C.S.S.B. 429  
By: Nelson  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Currently, when certain child protective services cases are dismissed, the judge is authorized, but not required, to consider issuing or amending other court orders that may be relevant to the child's best interest. C.S.S.B. 429 seeks to require judges to consider certain factors relating to a child before dismissing certain suits terminating the parent-child relationship to ensure that dismissal orders are issued with a comprehensive understanding of all related court orders impacting the best interest of a child.

**RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

**ANALYSIS**

C.S.S.B. 429 amends the Family Code to require a court, before approving a dismissal or nonsuit of a suit to terminate the parent-child relationship filed by the Department of Family and Protective Services, to consider whether the dismissal is in the best interest of each child affected by the suit and whether any orders for the conservatorship, possession of or access to, or support of each child affected by the suit continue in effect after the dismissal or nonsuit. The bill authorizes the court, before approving a dismissal or nonsuit of such a suit, to render an order for the conservatorship, possession of or access to, or support of each child affected by the suit that will continue in effect after the dismissal or nonsuit of the suit to terminate the parent-child relationship.

**EFFECTIVE DATE**

September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 429 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. The heading to Chapter 263, Family Code, is amended to read as follows:  
CHAPTER 263. REVIEW OF  
PLACEMENT OF CHILDREN UNDER  
CARE OF DEPARTMENT OF FAMILY  
AND PROTECTIVE ~~[AND]~~

SECTION 1. Section 161.203, Family Code, is amended to read as follows:

**Sec. 161.203. DISMISSAL OF PETITION.**

(a) A suit to terminate may not be dismissed nor may a nonsuit be taken unless the dismissal or nonsuit is approved by the court. The dismissal or nonsuit approved by the court is without prejudice.

(b) Before approving a dismissal or nonsuit of a suit filed by a governmental entity to terminate the parent-child relationship, the court must consider:

(1) whether any child support, visitation, or other orders affecting the child continue in effect after the dismissal; and

(2) whether the dismissal is in the best interest of each child affected by the suit.

(c) The court shall ensure that a final order dismissing a suit filed by a governmental entity to terminate the parent-child relationship includes appropriate orders for continued child support, visitation, or other orders the court determines are necessary and in the best interest of the child.

SECTION 2. Subsections (b) and (c), Section 161.203, Family Code, as added by this Act, apply only to a motion for the dismissal or nonsuit of a suit to terminate the parent-child relationship that is made on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2013.

**REGULATORY] SERVICES**

SECTION 2. Subchapter E, Chapter 263, Family Code, is amended by adding Section 263.408 to read as follows:

**Sec. 263.408. REQUIREMENTS BEFORE DISMISSAL OR NONSUIT.**

(a) Before approving a dismissal or nonsuit of a suit to terminate the parent-child relationship filed by the department, the court shall consider:

(2) whether any orders for the conservatorship, possession of or access to, or support of each child affected by the suit continue in effect after the dismissal or nonsuit.

(1) whether the dismissal or nonsuit is in the best interest of each child affected by the suit; and

(b) Before approving a dismissal or nonsuit of a suit to terminate the parent-child relationship filed by the department, the court may render an order for the conservatorship, possession of or access to, or support of each child affected by the suit that will continue in effect after the dismissal or nonsuit of the suit to terminate the parent-child relationship.

SECTION 3. Substantially the same as engrossed version.

SECTION 4. Same as engrossed version.