

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-27-2017

Date

Honorable Dan Patrick
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 999 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached

Royce West

SEN. WEST

Helen Giddings

Rep. Giddings

J. W. Kolkhorst

SEN. KOLKHORST

Jim Frank

Rep. Frank

Charles Perry

SEN. PERRY

Stephanie Flick

Rep. Flick

Sen. Schwertner

SEN. SCHWERTNER

Rep. Raymond

Rep. Raymond

Sen. Uresti

On the part of the Senate

SEN. URESTI

Rep. Wu

On the part of the House

Rep Wu

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 999

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 155.201, Family Code, is amended by adding Subsection (d) to read as follows:

(d) On receiving notice that a court exercising jurisdiction under Chapter 262 has ordered the transfer of a suit under Section 262.203(a)(2), the court of continuing, exclusive jurisdiction shall, in accordance with the requirements of Section 155.204(i), transfer the proceedings to the court in which the suit under Chapter 262 is pending within the time required by Section 155.207(a).

SECTION 2. Section 155.204(i), Family Code, is amended to read as follows:

(i) If a transfer order has been signed by a court exercising jurisdiction under Chapter 262, the Department of Family and Protective Services shall ~~[a party may]~~ file the transfer order with the clerk of the court of continuing, exclusive jurisdiction. On receipt and without a hearing or further order from the court of continuing, exclusive jurisdiction, the clerk of the court of continuing, exclusive jurisdiction shall transfer the files as provided by this subchapter within the time required by Section

1 155.207(a).

2 SECTION 3. Subchapter A, Chapter 262, Family Code, is
3 amended by adding Section 262.013 to read as follows:

4 Sec. 262.013. FILING REQUIREMENT FOR PETITION REGARDING
5 MORE THAN ONE CHILD. Each suit under this chapter based on
6 allegations of abuse or neglect arising from the same incident or
7 occurrence and involving children that live in the same home must be
8 filed in the same court.

9 SECTION 4. Section 262.101, Family Code, is amended to read
10 as follows:

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

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

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

22 (3) ~~[(2)]~~ there is no time, consistent with the
23 physical health or safety of the child, for a full adversary hearing
24 under Subchapter C; and

25 (4) ~~[(3)]~~ reasonable efforts, consistent with the
26 circumstances and providing for the safety of the child, were made
27 to prevent or eliminate the need for the removal of the child.

1 SECTION 5. Section 262.1015(d), Family Code, is amended to
2 read as follows:

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

7 SECTION 6. Section 262.102(a), Family Code, is amended to
8 read as follows:

9 (a) Before a court may, without prior notice and a hearing,
10 issue a temporary order for the conservatorship of a child under
11 Section 105.001(a)(1) or a temporary restraining order or
12 attachment of a child authorizing a governmental entity to take
13 possession of a child in a suit brought by a governmental entity,
14 the court must find 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 neglect or sexual abuse;

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

20 (3) [~~(2)~~] there is no time, consistent with the
21 physical health or safety of the child and the nature of the
22 emergency, for a full adversary hearing under Subchapter C; and

23 (4) [~~(3)~~] reasonable efforts, consistent with the
24 circumstances and providing for the safety of the child, were made
25 to prevent or eliminate the need for removal of the child.

26 SECTION 7. Section 262.103, Family Code, is amended to read
27 as follows:

1 Sec. 262.103. DURATION OF TEMPORARY ORDER, TEMPORARY
2 RESTRAINING ORDER, AND ATTACHMENT. A temporary order, temporary
3 restraining order, or attachment of the child issued under Section
4 262.102(a) expires not later than 14 days after the date it is
5 issued unless it is extended as provided by the Texas Rules of Civil
6 Procedure or Section 262.201(e) [~~262.201(a-3)~~].

7 SECTION 8. Section 262.105, Family Code, is amended to read
8 as follows:

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

13 (1) file a suit affecting the parent-child
14 relationship;

15 (2) request the court to appoint an attorney ad litem
16 for the child; and

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

20 (b) An original suit filed by a governmental entity after
21 taking possession of a child under Section 262.104 must be
22 supported by an affidavit stating facts sufficient to satisfy a
23 person of ordinary prudence and caution that:

24 (1) based on the affiant's personal knowledge or on
25 information furnished by another person corroborated by the
26 affiant's personal knowledge, one of the following circumstances
27 existed at the time the child was taken into possession:

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

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

5 (C) the parent or person who had possession of
6 the child was using a controlled substance as defined by Chapter
7 481, Health and Safety Code, and the use constituted an immediate
8 danger to the physical health or safety of the child; or

9 (D) the parent or person who had possession of
10 the child permitted the child to remain on premises used for the
11 manufacture of methamphetamine; and

12 (2) based on the affiant's personal knowledge:

13 (A) continuation of the child in the home would
14 have been contrary to the child's welfare;

15 (B) there was no time, consistent with the
16 physical health or safety of the child, for a full adversary hearing
17 under Subchapter C; and

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

21 SECTION 9. Sections 262.106(a) and (d), Family Code, are
22 amended to read as follows:

23 (a) The court in which a suit has been filed after a child
24 has been taken into possession without a court order by a
25 governmental entity shall hold an initial hearing on or before the
26 first business [~~working~~] day after the date the child is taken into
27 possession. The court shall render orders that are necessary to

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

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

13 SECTION 10. Section 262.107(a), Family Code, is amended to
14 read as follows:

15 (a) The court shall order the return of the child at the
16 initial hearing regarding a child taken in possession without a
17 court order by a governmental entity unless the court is satisfied
18 that:

19 (1) the evidence shows that one of the following
20 circumstances exists:

21 (A) there is a continuing danger to the physical
22 health or safety of the child if the child is returned to the
23 parent, managing conservator, possessory conservator, guardian,
24 caretaker, or custodian who is presently entitled to possession of
25 the child;

26 (B) [~~or the evidence shows that~~] the child has
27 been the victim of sexual abuse or of trafficking under Section

1 20A.02 or 20A.03, Penal Code, on one or more occasions and that
2 there is a substantial risk that the child will be the victim of
3 sexual abuse or of trafficking in the future;

4 (C) the parent or person who has possession of
5 the child is currently using a controlled substance as defined by
6 Chapter 481, Health and Safety Code, and the use constitutes an
7 immediate danger to the physical health or safety of the child; or

8 (D) the parent or person who has possession of
9 the child has permitted the child to remain on premises used for the
10 manufacture of methamphetamine;

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

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

16 SECTION 11. Section 262.109(b), Family Code, is amended to
17 read as follows:

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

21 SECTION 12. Subchapter B, Chapter 262, Family Code, is
22 amended by adding Section 262.1131 to read as follows:

23 Sec. 262.1131. TEMPORARY RESTRAINING ORDER BEFORE FULL
24 ADVERSARY HEARING. In a suit filed under Section 262.113, the court
25 may render a temporary restraining order as provided by Section
26 105.001.

27 SECTION 13. Section 262.201, Family Code, is amended to

1 read as follows:

2 Sec. 262.201. FULL ADVERSARY HEARING; FINDINGS OF THE
3 COURT. (a) In a suit filed under Section 262.101 or 262.105,
4 unless [~~Unless~~] the child has already been returned to the parent,
5 managing conservator, possessory conservator, guardian, caretaker,
6 or custodian entitled to possession and the temporary order, if
7 any, has been dissolved, a full adversary hearing shall be held not
8 later than the 14th day after the date the child was taken into
9 possession by the governmental entity, unless the court grants an
10 extension under Subsection (e) or (e-1) [~~(a-3)~~].

11 (b) A full adversary hearing in a suit filed under Section
12 262.113 requesting possession of a child shall be held not later
13 than the 30th day after the date the suit is filed.

14 (c) [~~(a-1)~~] Before commencement of the full adversary
15 hearing, the court must inform each parent not represented by an
16 attorney of:

- 17 (1) the right to be represented by an attorney; and
18 (2) if a parent is indigent and appears in opposition
19 to the suit, the right to a court-appointed attorney.

20 (d) [~~(a-2)~~] If a parent claims indigence and requests the
21 appointment of an attorney before the full adversary hearing, the
22 court shall require the parent to complete and file with the court
23 an affidavit of indigence. The court may consider additional
24 evidence to determine whether the parent is indigent, including
25 evidence relating to the parent's income, source of income, assets,
26 property ownership, benefits paid in accordance with a federal,
27 state, or local public assistance program, outstanding

1 obligations, and necessary expenses and the number and ages of the
2 parent's dependents. If the appointment of an attorney for the
3 parent is requested, the court shall make a determination of
4 indigence before commencement of the full adversary hearing. If
5 the court determines the parent is indigent, the court shall
6 appoint an attorney to represent the parent.

7 (e) [~~(a-3)~~] The court may, for good cause shown, postpone
8 the full adversary hearing for not more than seven days from the
9 date of the attorney's appointment to provide the attorney time to
10 respond to the petition and prepare for the hearing. The court may
11 shorten or lengthen the extension granted under this subsection if
12 the parent and the appointed attorney agree in writing. If the
13 court postpones the full adversary hearing, the court shall extend
14 a temporary order, temporary restraining order, or attachment
15 issued by the court under Section 262.102(a) or Section 262.1131
16 for the protection of the child until the date of the rescheduled
17 full adversary hearing.

18 (e-1) If a parent who is not indigent appears in opposition
19 to the suit, the court may, for good cause shown, postpone the full
20 adversary hearing for not more than seven days from the date of the
21 parent's appearance to allow the parent to hire an attorney or to
22 provide the parent's attorney time to respond to the petition and
23 prepare for the hearing. A postponement under this subsection is
24 subject to the limits and requirements prescribed by Subsection
25 (e).

26 (f) [~~(a-4)~~] The court shall ask all parties present at the
27 full adversary hearing whether the child or the child's family has a

1 Native American heritage and identify any Native American tribe
2 with which the child may be associated.

3 (g) In a suit filed under Section 262.101 or 262.105, at
4 ~~[(b) At]~~ the conclusion of the full adversary hearing, the court
5 shall order the return of the child to the parent, managing
6 conservator, possessory conservator, guardian, caretaker, or
7 custodian entitled to possession unless the court finds sufficient
8 evidence to satisfy a person of ordinary prudence and caution that:

9 (1) there was a danger to the physical health or safety
10 of the child, including a danger that the child would be a victim of
11 trafficking under Section 20A.02 or 20A.03, Penal Code, which was
12 caused by an act or failure to act of the person entitled to
13 possession and for the child to remain in the home is contrary to
14 the welfare of the child;

15 (2) the urgent need for protection required the
16 immediate removal of the child and reasonable efforts, consistent
17 with the circumstances and providing for the safety of the child,
18 were made to eliminate or prevent the child's removal; and

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

22 (h) In a suit filed under Section 262.101 or 262.105, if
23 ~~[(c) If]~~ the court finds sufficient evidence to satisfy a person
24 of ordinary prudence and caution that there is a continuing danger
25 to the physical health or safety of the child and for the child to
26 remain in the home is contrary to the welfare of the child, the
27 court shall issue an appropriate temporary order under Chapter 105.

1 (i) In determining whether there is a continuing danger to
2 the physical health or safety of the child under Subsection (g), the
3 court may consider whether the household to which the child would be
4 returned includes a person who:

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

7 (2) has sexually abused another child.

8 (j) In a suit filed under Section 262.113, at the conclusion
9 of the full adversary hearing, the court shall issue an appropriate
10 temporary order under Chapter 105 if the court finds sufficient
11 evidence to satisfy a person of ordinary prudence and caution that:

12 (1) there is a continuing danger to the physical
13 health or safety of the child caused by an act or failure to act of
14 the person entitled to possession of the child and continuation of
15 the child in the home would be contrary to the child's welfare; and

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

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

23 (l) The court shall require each parent, alleged father, or
24 relative of the child before the court to complete the proposed
25 child placement resources form provided under Section 261.307 and
26 file the form with the court, if the form has not been previously
27 filed with the court, and provide the Department of Family and

1 Protective Services with information necessary to locate any other
2 absent parent, alleged father, or relative of the child. The court
3 shall inform each parent, alleged father, or relative of the child
4 before the court that the person's failure to submit the proposed
5 child placement resources form will not delay any court proceedings
6 relating to the child.

7 (m) The court shall inform each parent in open court that
8 parental and custodial rights and duties may be subject to
9 restriction or to termination unless the parent or parents are
10 willing and able to provide the child with a safe environment. [~~If~~
11 ~~the court finds that the child requires protection from family~~
12 ~~violence by a member of the child's family or household, the court~~
13 ~~shall render a protective order under Title 4 for the child. In~~
14 ~~this subsection, "family violence" has the meaning assigned by~~
15 ~~Section 71.004.~~

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

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

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

23 (n) [~~(e)~~] The court shall place a child removed from the
24 child's custodial parent with the child's noncustodial parent or
25 with a relative of the child if placement with the noncustodial
26 parent is inappropriate, unless placement with the noncustodial
27 parent or a relative is not in the best interest of the child.

1 (o) [~~(f)~~] When citation by publication is needed for a
2 parent or alleged or probable father in an action brought under this
3 chapter because the location of the parent, alleged father, or
4 probable father is unknown, the court may render a temporary order
5 without delay at any time after the filing of the action without
6 regard to whether notice of the citation by publication has been
7 published.

8 (p) [~~(g)~~] For the purpose of determining under Subsection
9 (a) the 14th day after the date the child is taken into possession,
10 a child is considered to have been taken into possession by the
11 Department of Family and Protective Services on the expiration of
12 the five-day period permitted under Section 262.007(c) or
13 262.110(b), as appropriate.

14 SECTION 14. Section 262.203(a), Family Code, is amended to
15 read as follows:

16 (a) On the motion of a party or the court's own motion, if
17 applicable, the court that rendered the temporary order shall in
18 accordance with procedures provided by Chapter 155:

19 (1) transfer the suit to the court of continuing,
20 exclusive jurisdiction, if any, within the time required by Section
21 155.207(a), if the court finds that the transfer is:

22 (A) necessary for the convenience of the parties;

23 and

24 (B) in the best interest of the child;

25 (2) [~~if grounds exist for mandatory transfer from the~~
26 ~~court of continuing, exclusive jurisdiction under Section~~
27 ~~155.201,~~] order transfer of the suit from the [~~that~~] court of

1 continuing, exclusive jurisdiction; or

2 (3) if grounds exist for transfer based on improper
3 venue, order transfer of the suit to the court having venue of the
4 suit under Chapter 103.

5 SECTION 15. Section 262.205, Family Code, is repealed.

6 SECTION 16. The changes in law made by this Act apply only
7 to a suit affecting the parent-child relationship that is filed on
8 or after the effective date of this Act. A suit filed before the
9 effective date of this Act is governed by the law in effect on the
10 date the suit is filed, and the former law is continued in effect
11 for that purpose.

12 SECTION 17. This Act takes effect September 1, 2017.

Senate Bill 999
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION __. Section 155.201, Family Code, is amended by adding Subsection (d) to read as follows:

(d) On receiving notice that a court exercising jurisdiction under Chapter 262 has ordered the transfer of a suit under Section 262.203(a)(2), the court of continuing, exclusive jurisdiction shall, pursuant to the requirements of Section 155.204(i), transfer the proceedings to the court in which the suit under Chapter 262 is pending, within the time required by Subsection 155.207(a). [FA2]

SECTION 1. Substantially the same as House version.

No equivalent provision.

SECTION __. Section 155.204(i), Family Code, is amended to read as follows:

(i) If a transfer order has been signed by a court exercising jurisdiction under Chapter 262, the Department of Family and Protective Services shall [a party may] file the transfer order with the clerk of the court of continuing, exclusive jurisdiction. On receipt and without a hearing or further order from the court of continuing, exclusive jurisdiction, the clerk of the court of continuing, exclusive jurisdiction shall transfer the files as provided by this subchapter within the time required by Subsection 155.207(a). [FA2]

SECTION 2. Substantially the same as House version.

No equivalent provision.

SECTION __. Section 161.101, Family Code, is amended. [FA1]

Same as Senate version.

No equivalent provision.

SECTION __. Chapter 262, Family Code, is amended by adding Section 262.012 to read as follows:

Sec. 262.012. For allegations of abuse or neglect arising from the same incident or occurrence, the Department of Family and Protective Services shall file petitions for the protection of children in same home in the same court. [FA2]

SECTION 3. Subchapter A, Chapter 262, Family Code, is amended by adding Section 262.013 to read as follows:

Sec. 262.013. FILING REQUIREMENT FOR PETITION REGARDING MORE THAN ONE CHILD. Each suit under this chapter based on allegations of abuse or neglect arising from the same incident or occurrence and involving children that live in the same home must be filed in the same court.

Senate Bill 999
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Section 262.101, Family Code, is amended.

SECTION 2. Section 262.1015(d), Family Code, is amended.

SECTION 3. Section 262.102(a), Family Code, is amended.

SECTION 4. Section 262.103, Family Code, is amended.

SECTION 5. Section 262.105, Family Code, is amended to read as follows:

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

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

~~(2) request the court to appoint an attorney ad litem for the child; and~~

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

(b) An original suit filed by a governmental entity after taking possession of a child under Section 262.104 must be supported by an affidavit stating facts sufficient to satisfy a person of ordinary prudence and caution that:

(1) based on the affiant's personal knowledge or on information furnished by another person corroborated by the affiant's personal knowledge, one of the following circumstances existed at the time the child was taken into possession:

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

HOUSE VERSION (IE)

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

SECTION 4. Same as Senate version.

SECTION 5. Section 262.105, Family Code, is amended to read as follows:

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

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

(2) request the court to appoint an attorney ad litem for the child; and

(3) request an initial hearing to be held by no later than the first business ~~[working]~~ day after the date the child is taken into possession. [FA1,3rd]

(b) An original suit filed by a governmental entity after taking possession of a child under Section 262.104 must be supported by an affidavit stating facts sufficient to satisfy a person of ordinary prudence and caution that:

(1) based on the affiant's personal knowledge or on information furnished by another person corroborated by the affiant's personal knowledge, one of the following circumstances existed at the time the child was taken into possession:

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

CONFERENCE

SECTION 4. Same as Senate version.

SECTION 5. Same as Senate version.

SECTION 6. Same as Senate version.

SECTION 7. Same as Senate version.

SECTION 8. Same as House version.

Senate Bill 999
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(B) the child was the victim of sexual abuse or of trafficking under Section 20A.02 or 20A.03, Penal Code;
(C) the parent or person who had possession of the child was using a controlled substance as defined by Chapter 481, Health and Safety Code, and the use constituted an immediate danger to the physical health or safety of the child; or
(D) the parent or person who had possession of the child permitted the child to remain on premises used for the manufacture of methamphetamine; and
(2) based on the affiant's personal knowledge:
(A) continuation of the child in the home would have been contrary to the child's welfare;
(B) there was no time, consistent with the physical health or safety of the child, for a full adversary hearing under Subchapter C; and
(C) reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for the removal of the child.

SECTION 6. Sections 262.106(a) and (d), Family Code, are amended.

SECTION 7. Section 262.107(a), Family Code, is amended.

SECTION 8. Section 262.109(b), Family Code, is amended.

SECTION 9. Subchapter B, Chapter 262, Family Code, is amended.

SECTION 10. Section 262.201, Family Code, is amended.

HOUSE VERSION (IE)

(B) the child was the victim of sexual abuse or of trafficking under Section 20A.02 or 20A.03, Penal Code;
(C) the parent or person who had possession of the child was using a controlled substance as defined by Chapter 481, Health and Safety Code, and the use constituted an immediate danger to the physical health or safety of the child; or
(D) the parent or person who had possession of the child permitted the child to remain on premises used for the manufacture of methamphetamine; and
(2) based on the affiant's personal knowledge:
(A) continuation of the child in the home would have been contrary to the child's welfare;
(B) there was no time, consistent with the physical health or safety of the child, for a full adversary hearing under Subchapter C; and
(C) reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for the removal of the child.

SECTION 6. Same as Senate version.

SECTION 7. Same as Senate version.

SECTION 8. Same as Senate version.

SECTION 9. Same as Senate version.

SECTION 10. Same as Senate version.

CONFERENCE

SECTION 9. Same as Senate version.

SECTION 10. Same as Senate version.

SECTION 11. Same as Senate version.

SECTION 12. Same as Senate version.

SECTION 13. Same as Senate version.

Senate Bill 999
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION (IE)

CONFERENCE

No equivalent provision.

SECTION __. Section 262.203(a), Family Code, is amended to read as follows:

(a) On the motion of a party or the court's own motion, if applicable, the court that rendered the temporary order shall in accordance with procedures provided by Chapter 155:

(1) transfer the suit to the court of continuing, exclusive jurisdiction, if any, within the time required by Subsection 155.207(a), if the court finds that the transfer is:

(A) necessary for the convenience of the parties; and

(B) in the best interest of the child;

(2) [~~if grounds exist for mandatory transfer from the court of continuing, exclusive jurisdiction under Section 155.201,~~] order transfer of the suit from the [that] court of continuing, exclusive jurisdiction; or

(3) if grounds exist for transfer based on improper venue, order transfer of the suit to the court having venue of the suit under Chapter 103. [FA2]

SECTION 14. Substantially the same as House version.

SECTION 11. Section 262.205, Family Code, is repealed.

SECTION 11. Same as Senate version.

SECTION 15. Same as Senate version.

SECTION 12. Saving provision.

SECTION 12. Same as Senate version.

SECTION 16. Same as Senate version.

SECTION 13. This Act takes effect September 1, 2017.

SECTION 13. Same as Senate version.

SECTION 17. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 27, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB999 by West (Relating to procedures for taking possession of a child and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Services.), **Conference Committee Report**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code relating to procedures for taking possession of a child and for certain hearings in a suit affecting the parent-child relationship involving the Department of Family and Protective Services (DFPS). Based on information provided by DFPS and the Office of Court Administration, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

LBB Staff: UP, JGA, KCA, EP, JLi

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on SB999 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Alan Giddings

(name)

5-27-17

(date)

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