

BILL ANALYSIS

S.B. 1929
By: Garcia
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Child protective services (CPS) cases are governed by very strict timelines to ensure that the Department of Family and Protective Services (DFPS), the courts, and other child welfare stakeholders use time efficiently and wisely so that children do not spend more time in the state's foster care system than necessary. Interested parties explain that courts handling CPS cases must conduct four to six review hearings for each child in CPS custody within 12 to 18 months and may only retain a suit on the court's docket after the first anniversary of the date the court renders the initial order appointing DFPS as temporary managing conservator under certain limited circumstances. The parties assert that this timeline can become particularly straining when cases are transferred between counties. S.B. 1929 seeks to ensure that state-mandated deadlines and party appointments are not missed in such cases.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 1929 amends the Family Code to change the time frame within which the clerk of the court transferring a proceeding in a suit affecting the parent-child relationship is required to send certain case-related documents to the proper court in the county to which transfer is being made from on the signing of the order of transfer to not later than the 10th working day after the date the order of transfer is signed. The bill includes a certified copy of the order of transfer signed by the transferring court among the documents the clerk of the court is required to send to the court to which transfer is being made. The bill includes the judge of the transferee court among the persons required to be notified by the clerk of the transferee court that the suit has been docketed after the clerk has received the pleadings, documents, and orders from the transferring court and docketed the suit.

S.B. 1929 requires an order of transfer in a child protection suit to include the date of any future hearings in the case that have been scheduled by the transferring court, any date scheduled by the transferring court for the dismissal of the suit, and the name and contact information of each attorney ad litem or guardian ad litem appointed in the suit. The bill authorizes the court to which a child protection suit is transferred to retain an attorney ad litem or guardian ad litem appointed by the transferring court. The bill requires the court, if the court finds that the appointment of a new attorney ad litem or guardian ad litem is appropriate, to appoint that attorney ad litem or guardian ad litem before the earlier of the 10th day after the date of receiving the order of transfer or the date of the first scheduled hearing after the transfer.

EFFECTIVE DATE

September 1, 2015.