

- SUBJECT:** Court retention of suit to terminate parent-child relationship
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 6 ayes — Dutton, Bolton, Farias, Farrar, Gonzalez Toureilles, Hernandez
0 nays
3 absent — Eiland, Strama, Vaught
- WITNESSES:** For — None
Against — None
On — Beth Engelking, Department of Family and Protective Services
- BACKGROUND:** The Department of Family and Protective Services (DFPS) may file orders to terminate a parent-child relationship. DFPS may assume temporary managing conservatorship of a child while such a suit is in progress. Unless a court renders a final order or grants an extension in the suit, the suit is dropped after a year elapses since the date DFPS assumed temporary conservatorship. A party wishing to dismiss a suit must make that motion before DFPS has introduced all its evidence at the trial on the merits.
- DIGEST:** HB 1993 would allow a court to retain a suit regarding the termination of a parent-child relationship on the court's docket if the trial on the merits commenced by the first Monday after the first anniversary of the date the court appointed DFPS as temporary managing conservator. If a suit was for any reason retained on the court's docket following the initial year deadline, the court would render an order that scheduled the new date on which the suit would be dismissed if the trial had not commenced. A party wishing to dismiss a suit would have until the trial commenced on the merits to motion to dismiss the suit.
- HB 1993 would take effect September 1, 2007, and would apply only to child custody suits filed after this date.

**SUPPORTERS
SAY:**

HB 1993 would implement a safeguard to ensure that a suit regarding termination of a parent-child relationship could continue under limited circumstances necessitating further time for deliberation. Some circumstances that would necessitate continuing a suit in excess of a year would include needing to obtain evidence, witnesses, or experts or awaiting a paternity determination. These circumstances, among others, demonstrate a need for continuation of the matter instead of an outright case dismissal which could return a child to an unsafe home. The benefit of the doubt should be given to protecting the safety and welfare of a child. The parent would maintain the remedy to petition a court for a writ of mandamus to compel the court to make an adjudication of the parent-child relationship.

**OPPONENTS
SAY:**

The Family Code was amended to contain a statutory deadline for the completion of a suit involving the parent-child relationship so that no case could linger for years in the court system. Unresolved cases prolong a child's time in the foster care system rather than working the child towards permanency with either the biological or an adoptive family. Current law already allows for a suit to be continued if an extension is granted. This formal method of extending a suit should be used to substantiate the need for the continuance rather than re-opening the door for cases to linger in the court system.