

SUBJECT: Removing certain grounds for involuntarily terminating rights to a child

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 7 ayes — Neave, Swanson, Cook, Ramos, Talarico, Vasut, Wu

0 nays

2 absent — Frank, Leach

WITNESSES: For — Julia Hatcher, Texas Association of Family Defense Attorneys; Jeremy Newman, Texas Home School Coalition; (*Registered, but did not testify*: Alison Mohr Boleware, National Association of Social Workers - Texas Chapter; Judy Powell, Parent Guidance Center; Maggie Luna, Statewide Leadership Council; Sarah Crockett, Texas CASA; Andrew Brown, Texas Public Policy Foundation; Knox Kimberly, Upbring; Cecilia Wood)

Against — (*Registered, but did not testify*: Lindy Borchardt, for Tarrant County Criminal District Attorney Sharen Wilson; Michele Nigliazzo)

On — Carlos Salinas, Texas Family Law Foundation; (*Registered, but did not testify*: Carol Self, Department of Family and Protective Services)

BACKGROUND: Family Code sec. 161.001 establishes grounds for involuntary termination of the parent-child relationship. Under this section, the court may order termination of the parent-child relationship if the court finds by clear and convincing evidence that the parent has engaged in any of the listed types of conduct, including if the court finds that the parent has:

- knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child (sec. 161.001(b)(1)(D));
- engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child (sec. 161.001(b)(1)(E)); or

- had his or her parent-child relationship terminated with respect to another child based on a finding that the parent's conduct was in violation of the above provisions or substantially equivalent provisions of the law of another state (sec. 161.001(b)(1)(M)).

DIGEST: HB 2924 would remove Family Code sec. 161.001(b)(1)(M) as grounds for a court to order the involuntary termination of the parent-child relationship.

The bill would take effect September 1, 2021.

SUPPORTERS SAY: HB 2924 would protect a parent's right to due process by removing a provision under which parents may be penalized in a current case concerning the parent-child relationship for a past mistake. Under current law, a court may terminate a parent's parental rights to a child solely because their parental right to another child previously was terminated for certain conduct involving endangerment of the child's well-being. Parents who successfully turn their lives around and could be good parents to a subsequent child or children should not be unfairly and permanently penalized for their past behavior. Concerns about the utility of the provision removed by the bill in certain habitual cases could be addressed in a floor amendment.

CRITICS SAY: HB 2924 would eliminate a useful tool for expediting the termination of a parent's right to a child in certain habitual cases, including those in which a parent's harmful conduct has not changed over time and would endanger a child not covered by a previous order. The bill should allow the use of the current provision that allows a court to terminate a parent's parental rights to a child in such cases.

NOTES: The bill's author plans to offer a floor amendment that would strike the bill's deletion of Family Code sec. 161.001(b)(1)(m) and insert language to prohibit the court from ordering termination under that section unless the petition for the termination of the parent-child relationship was filed not later than the first anniversary of the date the Department of Family and Protective Services or an equivalent agency in another state was

granted managing conservatorship of a child in the case that resulted in the termination of the parent-child relationship with respect to that child based on a finding that the parent's conduct violated Family Code sec. (b)(1)(D) or (E) or substantially equivalent provisions of the law of another state.