

BILL ANALYSIS

Senate Research Center

S.B. 181
By: Shapiro
Jurisprudence
2-25-97
As Filed

DIGEST

Currently, under Texas' child protective system for the fiscal years 1991-95, on a statewide basis, it took an average of 9.5 months to return a child to a family, 8.7 months to return a child to relatives, and 13.2 months to place a child in long-term substitute care. The time for adoption consummation was over 40 months, with significant variation among regions. The delays and numerous changes during this process are detrimental to a child. S.B. 181 would require courts to give precedence to cases involving the termination of the parent-child relationship based on neglect or abuse over all other civil cases. Additionally, this bill would authorize the courts to consider two options in the review of the future status of a child in the custody of the Department of Protective and Regulatory Services on or after the first anniversary of the date the child was placed in such custody.

PURPOSE

As proposed, S.B. 181 requires courts to give precedence to cases involving the termination of the parent-child relationship based on neglect or abuse over all other civil cases. Additionally, this bill authorizes the courts to consider two options in the review of the future status of a child in the custody of the Department of Protective and Regulatory Services on or after the first anniversary of the date the child was placed in such custody.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 161C, Family Code, by adding Section 161.2025, as follows:

Sec. 161.2025. EXPEDITED TRIAL IN CASES OF SEVERE ABUSE, NEGLECT, OR DRUG OR ALCOHOL ABUSE. Requires courts to expedite the trial and give precedence to cases over all other civil cases dealing with the termination of the parent-child relationship on the alleged grounds that the child's physical or mental health or welfare has been affected by severe abuse, neglect, or drug abuse. Defines "severe abuse" and "neglect."

SECTION 2. Amends Section 263.303, Family Code, by amending Subsection (b) and by adding Subsection (d), to set forth the options the Department of Protective and Regulatory Services (department) is required to recommend in a status report on a child in the conservatorship of the department for the first review hearing held on or after the first anniversary of the date the child was placed in the conservatorship of the department. Makes conforming changes.

SECTION 3. Amends Chapter 263D, Family Code, by adding Section 263.3055, as follows:

Sec. 263.3055. COURT ORDER FOLLOWING ONE YEAR OF CONSERVATORSHIP WITH DEPARTMENT. Sets forth the options a court is required to recommend at the first review hearing conducted on or after the first anniversary of the date the child was placed in the custody of the department.

SECTION 4. Amends Section 263.306, Family Code, to make conforming changes.

SECTION 5. Effective date: September 1, 1997.
 Makes application of SECTION 1 prospective.
 Makes application of SECTIONS 2 and 3 retroactive.
 Prohibits court orders specified in SECTION 3 from being issued prior to
 September 1, 1998.

SECTION 6. Emergency clause.