

## **BILL ANALYSIS**

Senate Research Center

H.B. 1566  
By: Morrison (Harris)  
Jurisprudence  
5/9/2001  
Engrossed

### **DIGEST AND PURPOSE**

Recent federal legislation and policy interpretations have raised some concerns regarding the wording of provisions relating to “reasonable efforts” to prevent removal of a child from a home or to permit the return of the child to the home. H.B. 1566 ensures technical requirements of federal law are met by requiring a court to determine if reasonable efforts were made to prevent or eliminate the removal of the child.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 262.101, Family Code, to require an original suit filed by a governmental entity that requests permission to take possession of a child without prior notice and a hearing to be supported by an affidavit sworn to by a person with personal knowledge and stating facts sufficient to satisfy a person of ordinary prudence and caution that certain conditions exist.

SECTION 2. Amends Section 262.102(a), Family Code, to require the court, before a court may, without prior notice and a hearing, issue a temporary restraining order or attachment of a child in a suit brought by a governmental entity, to make certain findings.

SECTION 3. Amends Section 262.107(a), Family Code, to require the court to order the return of the child at the initial hearing regarding a child taken in possession without a court order by a governmental entity unless the court is satisfied that certain conditions exist.

SECTION 4. Amends Section 262.201(b), Family Code, to require the court, at the conclusion of the full adversary hearing, to order the return of the child to the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian entitled to possession unless the court finds sufficient evidence to satisfy a person of ordinary prudence and caution that certain conditions existed.

SECTION 5. Amends Sections 262.2015(a)-(c), Family Code, to delete existing text regarding certain reasonable efforts. Authorizes the court to find under Subsection (a) that a parent has subjected the child to aggravated circumstances under certain conditions. Deletes existing text regarding the need to remove the child.

SECTION 6. Amends Section 263.301(b), Family Code, to provide that certain specific persons are entitled to at least 10 days' notice of a permanency hearing and are entitled to present evidence and be heard at the hearing.

SECTION 7. Amends Section 263.306, Family Code, as follows:

- (a) Requires the court, at each permanency hearing, to take certain enumerated actions.

(b) Requires the court to also review the service plan, permanency report, and other information submitted at the hearing for certain purposes.

SECTION 8. Amends Section 263.501(d), Family Code, to make a conforming change.

SECTION 9. Amends Section 263.503, Family Code, to require the court, at each placement review hearing, to make certain determinations.

SECTION 10. Repealer: Section 262.111 (Finding That Child Cannot Remain in or be Returned to Home), Family Code.

SECTION 11. Effective date: September 1, 2001.

Makes application of this Act prospective.