

BILL ANALYSIS

Senate Research Center
84R12942 JSC-F

C.S.S.B. 1929
By: Garcia
State Affairs
4/20/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. Unless the court has commenced the trial on the merits, or there are extraordinary circumstances that justify an extension, the court may not retain the suit on the court's docket after the time described by Section 263.401(a), Family Code.

Although there are very strict timelines governing how courts handle and process cases, there are no timelines that govern when a case transfer must occur, and what information must be transferred to the receiving jurisdiction to ensure that Section 263.401(a), Family Code, is not violated. If a court loses jurisdiction of the case, a child may be returned to a family who still poses a danger to the child's safety and well-being.

C.S.S.B. 1929 amends the Family Code to place tighter controls on the process used when child protection cases transfer from one county to another to help ensure that state-mandated deadlines and appointments are not missed.

C.S.S.B. 1929 amends current law relating to the transfer of jurisdiction and the appointment of an attorney ad litem or guardian ad litem in certain suits affecting the parent-child relationship.

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 Sections 155.207(a) and (c), Family Code, as follows:

(a) Requires the clerk of the court transferring a proceeding, not later than the 10th working day after the date an order of transfer is signed, rather than on the signing of an order of transfer, to send to the proper court in the county to which transfer is being made:

- (1) Makes no change to this subdivision;
- (2) and (3) Makes nonsubstantive changes;
- (4) a certified copy of the order of transfer signed by the transferring court.

(c) Requires the clerk of the transferee court, on receipt of the pleadings, documents, and orders from the transferring court, to docket the suit and to notify the judge of the transferee court, all parties, the clerk of the transferring court, and, if appropriate, the transferring court's local registry that the suit has been docketed.

SECTION 2. Amends Section 262.203, Family Code, by adding Subsections (d) and (e), as follows:

(d) Requires that an order of transfer include:

- (1) the date of any future hearings in the case that have been scheduled by the transferring court;
- (2) any date scheduled by the transferring court for the dismissal of the suit under Section 263.401 (Dismissal After One Year; Extension); and
- (3) the name and contact information of each attorney ad litem or guardian ad litem appointed in the suit.

(e) Authorizes the court to which a suit is transferred to retain an attorney ad litem or guardian ad litem appointed by the transferring court. Require 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:

- (1) the 10th day after the date of receiving the order of transfer; or
- (2) the date of the first scheduled hearing after the transfer.

SECTION 3. Provides that the change in law made by this Act applies only to an order of transfer rendered in a suit affecting the parent-child relationship on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2015.