

BILL ANALYSIS

C.S.H.B. 3906
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. Interested parties explain that courts handling CPS cases must conduct four to six review hearings for each child in CPS custody within 12 to 18 months and may only retain a suit on the court's docket after the first anniversary of the date the court renders the initial order appointing DFPS as temporary managing conservator under certain limited circumstances. The parties assert that this timeline can become particularly straining when cases are transferred between counties. C.S.H.B. 3906 seeks to ensure that state-mandated deadlines and party appointments are not missed in such cases.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3906 amends the Family Code to change the time frame within which the clerk of the court transferring a proceeding in a suit affecting the parent-child relationship is required to send certain case-related documents to the proper court in the county to which transfer is being made from on the signing of the order of transfer to not later than the 10th working day after the date the order of transfer is signed. The bill includes a certified copy of the order of transfer signed by the transferring court among the documents the clerk of the court is required to send to the court to which transfer is being made. The bill includes the judge of the transferee court among the persons required to be notified by the clerk of the transferee court that the suit has been docketed after the clerk has received the pleadings, documents, and orders from the transferring court and docketed the suit.

C.S.H.B. 3906 requires an order of transfer in a child protection suit to include the date of any future hearings in the case that have been scheduled by the transferring court, any date scheduled by the transferring court for the dismissal of the suit, and the name and contact information of each attorney ad litem or guardian ad litem appointed in the suit. The bill authorizes the court to which a child protection suit is transferred to retain an attorney ad litem or guardian ad litem appointed by the transferring court. The bill requires 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 the 10th day after the date of receiving the order of transfer or the date of the first scheduled hearing after the transfer.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3906 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 155.207(a), Family Code, is amended to read as follows:

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

- (1) the pleadings in the pending proceeding and any other document specifically requested by a party;
- (2) certified copies of all entries in the minutes; ~~and~~
- (3) a certified copy of each final order; and
- (4) a certified copy of the order of transfer signed by the transferring court.

SECTION 2. Section 262.203, Family Code, is amended.

SECTION 3. 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. An order of transfer in a suit affecting the parent-child relationship rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Sections 155.207(a) and (c), Family Code, are amended to read as follows:

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

- (1) the pleadings in the pending proceeding and any other document specifically requested by a party;
- (2) certified copies of all entries in the minutes; ~~and~~
- (3) a certified copy of each final order; and
- (4) a certified copy of the order of transfer signed by the transferring court.

(c) On receipt of the pleadings, documents, and orders from the transferring court, the clerk of the transferee court shall docket the suit and shall 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. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.