

BILL ANALYSIS

Senate Research Center
86R25710 MCK-D

H.B. 1780
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Department of Family and Protective Services (DFPS), in 2017, 71 percent of all confirmed investigations with instances of abuse and/or neglect in Texas involved neglectful supervision. In 2018, DFPS completed 58,839 investigations involving neglect, which made up 79 percent of all investigations the agency completed. Of the 58,839 completed investigations for neglect, 53,773 involved neglectful supervision encompassing drug abuse. Under current statute, DFPS has one year from the original start date of a removal case to resolve all matters pertaining to the removal before terminating parental rights. However, an extension can be granted under extraordinary circumstances for six months for the child to remain in the temporary managing conservatorship of DFPS.

Interested parties contend that there is no set standard across the state for an extension to be granted under extraordinary circumstances. In one county, a parent can complete everything prescribed in their court appointed substance abuse treatment plan but have one relapse and not be granted an extension. However, in another county, an extension could be granted because the parent's lawyer could not appear in court on the ordered day.

H.B. 1780 seeks to remedy this by amending Section 263.401 of the Family Code to require that, when determining whether to grant a six month extension under extraordinary circumstances, the court consider whether the parent made a good faith effort to successfully complete the substance abuse treatment plan. The intent of the legislation is that by amending this section of code, it will give good parents a chance to break the cycle of drug addiction and lead to fewer parents having their rights terminated.

H.B. 1780 amends current law relating to the mandatory dismissal date of certain suits affecting the parent-child relationship involving the Department of Family and Protective Services.

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 263.401, Family Code, by adding Subsection (b-2), as follows:

(b-2) Requires the court, when considering under Subsection (b) (relating to prohibiting the court from retaining a suit on the court's docket after a certain time unless certain criteria are met) whether to find that extraordinary circumstances necessitate the child remaining in the temporary managing conservatorship of the Department of Family and Protective Services for a case in which the court orders a parent to complete a substance abuse treatment program, to consider whether the parent made a good faith effort to successfully complete the program.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.