

SUBJECT: Requiring timely final orders in a suit affecting a child under DFPS care

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 8 ayes — Neave, Swanson, Cook, Frank, Leach, Talarico, Vasut, Wu
0 nays
1 absent — Ramos

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: No public hearing.

BACKGROUND: Concerns have been raised about the negative impact on children in the care of the Department of Family and Protective Services (DFPS) of trials that continue for months or years before they are completed. It has been suggested that requiring a court to render a final order in a suit affecting the parent-child relationship no more than 90 days after the trial commenced would reduce the uncertainty and potential instability faced by these children.

DIGEST: CSSB 185 would require a court in a suit affecting the parent-child relationship for a child under the care of the Department of Family and Protective Services to render a final order no later than 90 days after the date the trial commenced. The 90-day period for rendering a final order would not be tolled for any recess during the trial.

The court would be authorized to extend the 90-day period for a term the court determined necessary if, after a hearing, it found good cause for the extension.

If an extension for good cause was granted by the court, the court would have to render a written order that specified:

- the grounds on which the extension was granted; and

- the length of the extension.

If the court failed to render a final order within the time required by this bill, a party to the suit could file a mandamus proceeding.

The bill would take effect September 1, 2021, and would apply only to a suit affecting the parent-child relationship filed on or after the effective date.

NOTES:

The House companion bill, HB 1319 by Noble, was heard by the House Juvenile Justice and Family Issues Committee in a public hearing on March 15 and left pending.