



SUPREME COURT OF TEXAS PERMANENT JUDICIAL
COMMISSION FOR CHILDREN, YOUTH AND FAMILIES

Children's Commission

88th Texas Regular Legislative Session Report

The material in this report should not be construed as an advisory or ruling by or from the Supreme Court of Texas or any other court on specific cases or legal issues. This report is solely intended to address the improvement of the law, the legal system, and the administration of justice.

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Introduction

The 88th Regular Legislative Session was a significant one for child welfare law. Areas of focus included child abuse and neglect prevention and investigations. Parents must now be informed of certain rights at the investigative stage of the case and DFPS must document that specific reasonable efforts were made to prevent removal or reunify a family. Prevention and Early Intervention Services (PEI) was transferred from the Department of Family and Protective Services (DFPS) to the Health and Human Services Commission (HHSC). Other key issues included ensuring children in DFPS conservatorship have luggage to transport their belongings and providing court oversight for the duration of a child's placement in a Residential Treatment Center (RTC). Also, the Texas Indigent Defense Commission (TIDC) now has authority to standardize, monitor, and fund representation of indigent parents and children in child welfare cases.

The bills listed in this report are not exhaustive of all bills passed in the 88th Regular Legislative Session but represent the Children's Commission's best efforts to identify legislation most relevant to child welfare. In this report, bills directly related to child welfare have all the citations listed. Bills which are less directly related to child welfare are listed with a notation that they contain additional citations not included herein. For reference, each bill listed is hyperlinked to the PDF of the final version of the bill. The report includes summaries organized by citation and by bill number.

By House Bill Number

HB 63 (Rep. Swanson) Effective September 1, 2023

Family Code § 261.104, Amended

Requires an individual making a report of child abuse or neglect to the DFPS hotline (i.e., reporter) to identify themselves and submit contact information. The reporter must be informed that DFPS may not accept anonymous reports, that the reporter's identity remains confidential, and that the reporter may make an anonymous report to law enforcement. If the report is made over the phone, the caller must also be notified that the call is being recorded and that making a false report is a crime.

Family Code § 261.201(m), (n), New Language

Clarifies that a DFPS employee may only have access to a reporter's identity if the employee is directly involved in the case, the employee is the supervisor of a directly involved employee, or the employee has another legitimate interest in the investigation.

Family Code § 261.304(a), Amended

If a person makes an anonymous report to a law enforcement agency regarding child abuse and neglect and the agency refers the report to DFPS, DFPS must conduct a preliminary investigation to corroborate the report.

Family Code § 261.307(c), New Language

DFPS must provide information to a parent or other person with legal custody of a child regarding the DFPS employee's identity and the DFPS investigation summary. DFPS must allow a reasonable amount of time for the parent or person to read or review the summary before taking any action in investigating the report.

HB 422 (Rep. VanDeaver) Effective June 13, 2023

Family Code § 54.012(a), Amended

Authorizes a juvenile court to conduct detention hearings remotely, without the consent of the parties, unless consent is required by the U.S. or Texas Constitution.

Family Code § 54.012(a-1), (a-2), (e), New Language

A court may allow or require remote participation by a party, witness, court reporter, or other individual at a detention hearing. The juvenile court must submit a plan for remote proceedings to the Office of Court Administration (OCA) that includes the protocols for handling physical evidence and requires an unobstructed view of those providing remote testimony.

Family Code § 54.012(b), Repealed

Repeals provision that a detention hearing may not be held using video equipment unless the video equipment for the hearing provides for a two-way communication of image and sound among the child, the court, and other parties at the hearing.

HB 474 (Rep. Hull) Effective September 1, 2023

Family Code § 264.601(1-a), (1-b), New Language

Defines active and inactive volunteer advocates.

Family Code § 264.603(a), Amended

Requires reporting of the number of active and inactive volunteer advocates in Court Appointed Special Advocates (CASA) contract goals.

Family Code § 264.604(a), Amended

Requires CASA programs to adopt a grievance procedure and maintain records regarding active and inactive volunteer advocates.

HB 730 (Rep. Frank) Effective September 1, 2023

Family Code § 261.301(1), New Language

If 60 days have passed after the case was closed, DFPS may not reopen an investigation. DFPS may not reopen an investigation within 60 days of closure unless good cause is shown in procedures to be established by DFPS.

Family Code § 261.303(b), (c), Amended; (f), (g), (h), New Language

The court may order admission by DFPS to the home, school, or other place where the child may be for an interview, examination, and investigation if the court has good cause to believe the child is in imminent danger of aggravated circumstances or has probable cause to believe the admission is necessary to protect the child from abuse or neglect. To order the release of records by the parent or to order a medical, psychological, or psychiatric examination of the child, the court must have probable cause to believe the order is necessary to protect the child from abuse or neglect. A hearing for an order may not be *ex parte* unless the court has probable cause to believe there is no time consistent with the health and safety of the child for a full hearing. The order must include the court's findings regarding the sufficiency of the evidence, and the court must provide a copy of the order to a party upon request.

Applies only to an order rendered on or after the effective date.

Family Code § 261.307, Amended

Requires a DFPS investigator upon first contact to provide a parent or alleged perpetrator with a written summary that must now include an explanation that any statement or admission made by the person to anyone may be used against the person in a criminal case, as a basis to remove the child, or as a basis to terminate the person's relationship with the child.

The summary must also include known allegations under investigation and verbally notify the person of their right to:

- not speak with any agent of DFPS without legal counsel present;
- receive assistance from an attorney;
- have a court-appointed attorney if the person is indigent, they are the parent of the child, and DFPS seeks a court order under Family Code Chapter 262 or 264;
- record any interaction or interview subject to the understanding that the recording may be disclosed to DFPS, law enforcement, or another party under a court order;
- refuse to allow the investigator to enter the home or interview the children without a court order;
- have legal counsel present before allowing the investigator to enter the home or interview the child;
- withhold consent to the release of any medical or mental health records;
- withhold consent to any medical or psychological examination of the child; refuse to submit to a drug test; and
- consult with legal counsel prior to agreeing to any proposed voluntary safety plan.

DFPS must document that verbal notice was provided to the person and DFPS must adopt a form to document that the person received the written and oral summary and provide a signed copy to the person's attorney, if represented.

If the person does not receive the verbal notification and written summary, any information obtained from the person, and any other information that would not have been discovered without that information, is not admissible for use against the person in any civil proceeding.

Applies only to the investigation of a report of abuse of neglect that is made on or after the effective date.

Family Code § 261.3081, New Language

DFPS must notify the child's parent; the parent's attorney, if represented; the attorney ad litem for the child; CASA or a guardian ad litem; or any other person the court determines has an interest in the child's welfare of changes or edits to the DFPS investigation report.

Family Code § 262.206, Amended

Ex parte hearings under Family Code Chapter 262 must be recorded by either audio or video or a court reporter transcription. The court must provide a copy of the recording to a party upon request, and DFPS must provide notice of the hearing to the parent's attorney, if represented.

Applies only to an ex parte hearing held on or after the effective date.

Family Code § 264.203(e), (n), Amended

Courts may not issue a temporary restraining order under Family Code §105.001 that places the child outside the child's home or in the conservatorship of DFPS.

Family Code § 264.2032, New Language

DFPS must report the number of Family Code Chapter 264 cases where a child is in a Parental Child Safety Placement agreement (PCSP) in which a court orders a parent, managing conservator, guardian, or other member of the child's household to participate in services.

Family Code § 264.901(2), Amended

Defines a PCSP as any temporary out of home placement made by written agreement with DFPS and the parent or caregiver that ensures the safety of the child during an investigation or while the parent or caregiver is receiving services.

Family Code § 264.902 (a), Amended; (e)-(j), New Language

Before a parent may enter into a PCSP, DFPS must notify the parent of their right to counsel and give them a reasonable amount of time to consult an attorney. PCSPs automatically terminate after 30 days and DFPS may enter into not more than two 30-day extensions. Upon entering a PCSP agreement, DFPS must inform the parent of their right to refuse to enter into the agreement and to be represented by an attorney or a court-appointed attorney, if indigent and if DFPS seeks a subsequent court order. DFPS may not place a child in a PCSP for longer than 90 days unless both the parent and their attorney sign the agreement or a court renders an order under Family Code Chapter 262. Written notice of certain provisions must be placed in the PCSP.

Applies only to a PCSP executed on or after the effective date.

Family Code § 264.907, New Language

Requires DFPS to separately include the number of children in PCSPs in reports submitted to the U.S. Department of Health and Human Services regarding the number of children removed from their homes.

HB 793 (Rep. Noble) Effective September 1, 2023

Family Code § 263.1021, New Language

Allows a parent to obtain services in their service plan by a qualified or licensed provider selected by the parent. The services must be designed to achieve the goals of the service plan and may be provided remotely. The provider must certify whether the parent has satisfactorily completed the service. DFPS must reimburse the service provider at the same rate as DFPS' contracted providers in the region.

Applies only to a suit filed by DFPS on or after the effective date.

HB 844 (Rep. Patterson) Effective September 1, 2023

Code of Criminal Procedure Art. 56B.0035, New Language

Adds solicitation or patronization of forced labor or services including sexual conduct to the definition of criminally injurious conduct if it occurs in connection to a scheme that constitutes human trafficking, and victims of that conduct are considered trafficking victims for the purposes of grant programs administered by the Office of the Governor.

Applies only to conduct occurring on or after the effective date.

HB 968 (Rep. Gates) Effective September 1, 2023

Family Code § 262.101, Amended

Adds to the requirements of emergency removal affidavits that the child could not be protected by a kick-out order of the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or that placement would pose an immediate danger to the child. The affidavit must describe all reasonable efforts that were made to prevent or eliminate the need for the removal of the child.

Family Code § 262.1016, New Language

Authorizes an agreed order to remove a perpetrator. The order may not be used against an alleged perpetrator as an admission of child abuse or neglect and is enforceable civilly or criminally but is not enforceable as a contract. The person affected by an agreed order may request that the court terminate the order and the court must terminate the agreed order upon

a finding that the order is no longer needed and that terminating the order is in the best interest of the child.

Family Code § 262.102(a), Amended

Adds to findings required at the *ex parte* hearing requesting emergency removal that the child could not be protected by a kick-out order against the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or placement would pose an immediate danger to the child.

Family Code § 262.105(b), Amended; (c) New Language

Adds to the requirements of an emergency removal affidavit that the child could not be protected by a kick-out order against the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or placement would pose an immediate danger to the child. The affidavit must describe all reasonable efforts that were made to prevent or eliminate the need for the removal of the child.

Family Code § 262.107(a), Amended

Adds to findings required at the *ex parte* hearing after an emergency removal prior to a court order that the child could not be protected by a kick-out order against the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or placement would pose an immediate danger to the child.

Applies only to a Suit Affecting the Parent-Child Relationship filed on or after the effective date.

HB 969 (Rep. Cook) Effective September 1, 2023

Family Code § 157.551, New Language

Authorizes counties and municipalities to impose a fine up to \$500 for interference with a child custody order.

HB 1087 (Rep. Hull) Effective September 1, 2023

Family Code § 161.001(f), (g), New Language

Prevents the court from ordering termination of parental rights in a suit by DFPS unless the court finds by clear and convincing evidence that DFPS made reasonable efforts to return the child to the parent before commencement of a trial on the merits, and despite those reasonable efforts, a continuing danger remains in the home that prevents the return of the child to the parent. The court does not have to make a finding regarding reasonable efforts if a service plan for the parent was waived due to aggravated circumstances. The court must include in a separate section of its order written findings describing with specificity the reasonable efforts DFPS made to return the child to the child's home.

Family Code § 262.101, Amended

Requires an emergency removal affidavit to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

Family Code § 262.102(e), New Language

Requires an emergency removal order to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

Family Code § 262.105(c), New Language

Requires emergency removal affidavits to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

Family Code § 262.107(c), New Language

Requires emergency removal orders to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

Family Code § 262.201(g-2), New Language

Requires adversary hearing orders to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home and to place the child with a non-custodial parent.

Applies only to a Suit Affecting the Parent-Child Relationship filed on or after the effective date.

HB 1161 (Rep. Meyer) Effective May 24, 2023

Code of Criminal Procedure Art. 58.051(1-a), New Language

Defines child abduction victim and child abduction conduct.

Code of Criminal Procedure Art. 58.052(a), Amended

Adds child abduction victim to the attorney general's program for maintaining a confidential address.

Code of Criminal Procedure Art. 58.054, Amended

Adds child abduction victim to the list of people eligible for the program for maintaining a confidential address.

Code of Criminal Procedure Art. 58.055(a), Amended

Adds child abduction victim to the program application.

Code of Criminal Procedure Art. 58.056(a), Amended

Adds child abduction victim to the program application procedures.

HB 1361 (Rep. Morales Shaw) Effective June 12, 2023

Education Code § 51.9357, New Language

Institutions of higher learning must designate at least one employee to serve as a liaison officer to students who are parents of a child younger than 18 and provide students with information regarding available resources. The institution must also issue a report regarding the number of students who are parents of a child younger than 18 and their demographic and academic data.

HB 1423 (Rep. Campos) Effective September 1, 2023

Family Code § 85.025(d), New Language

As soon as practicable after the release of a person from incarceration who is the subject of a protective order, the Department of Public Safety must update the statewide law enforcement information system to reflect the date that the order will expire following the person's release.

Applies only to an order with respect to a person released from incarceration on or after the effective date.

Family Code § 85.026(d), New Language

Each protective order must specify when the order expires and must provide notice of any extensions that may apply as a result of the person's confinement or imprisonment.

Applies only to a protective order issued on or after the effective date.

HB 1432 (Rep. Meza) Effective September 1, 2023

Code of Criminal Procedure Art. 7B.052, Amended

Strikes the required finding that family violence is "likely to occur in the future" for a protective order regarding stalking.

Code of Criminal Procedure Art. 7B.102, Amended

Strikes the required finding that family violence is "likely to occur in the future" for a protective order prohibiting offense motivated by bias or prejudice.

Family Code § 81.001, Amended

Strikes the required finding that family violence is "likely to occur in the future" from the general provisions of a family violence protective order.

Family Code § 81.0015, Amended

Strikes that family violence is "likely to occur in the future" from the presumption regarding family violence and strikes that the respondent is "seeking or attempting to seek contact with the child" from the list of conditions that trigger the presumption.

Family Code § 85.001(a), (b), (c), Amended

Strikes the required finding that family violence is "likely to occur in the future" at the close of the protective order hearing.

Family Code § 85.002, Amended

Changes "findings" to "finding" in reference to Family Code § 81.001(a) regarding violations of expired protective orders.

Family Code § 85.025(a-1), Amended

Strikes the required finding that family violence is "likely to occur in the future" in the provision that allows protective orders to exceed two years.

Applies only to a protective order rendered on or after the effective date.

HB 1506 (Rep. Meyer) Effective September 1, 2023

Code of Criminal Procedure Art. 12.01, Amended

Increases the statute of limitations for the criminal offense of abandoning or endangering a child to 10 years after the victim's 18th birthday.

Does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date.

HB 1769 (Rep. Meyer) Effective September 1, 2023

Code of Criminal Procedure Art. 12.01(3)(K), (6), New Language

Changes the statute of limitations for the criminal offense of child pornography to seven years and trafficking persons or sexual performance by a child to 20 years after the victim's 18th birthday.

Does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date.

HB 2187 (Rep. Davis) Effective September 1, 2023

Family Code § 161.001(b), Amended

Adds abandoning an elderly or disabled person to the termination ground regarding the criminal offense of abandoning a child.

Family Code § 262.2015(b), Amended

Adds abandoning an elderly or disabled person to the list of aggravated circumstances allowing for waiver of a service plan and the requirement to make reasonable efforts to return a child to the parent.

Applies only to an offense committed on or after the effective date. An offense was committed before the effective date if any element of the offense was committed before that date.

See bill for additional citations.

HB 2658 (Rep. Leach) Effective September 1, 2023

Family Code § 161.001(b), Amended

Adds termination ground (V) that allows for termination if a parent has been convicted of criminal solicitation of a minor either online or in-person.

Applies only to a Suit Affecting the Parent-Child Relationship filed on or after the effective date.

HB 2660 (Rep. Oliverson) Effective September 1, 2023

Code of Criminal Procedure Art. 2.13(c), Amended

Updates the duty of every law enforcement officer to take possession of a child to reference new Code of Criminal Procedure Art. 63.00905.

Code of Criminal Procedure Art. 63.009(a), (d), (f), Amended; (a-1), (a-2), (g), Repealed

Amends the section so that it applies only to missing adults rather than children.

Code of Criminal Procedure Art. 63.00905, New Language

Regardless of where the child went missing, the law enforcement agency that receives a report of a missing child must immediately investigate and within no later than 2 hours enter the name of the child into the clearinghouse and the national crime information center missing person file, the Texas Law Enforcement Telecommunications System, or a successor system. Not later than 48 hours after receiving the report, the agency must electronically submit to each municipal or county law enforcement agency within 200 miles of the report and any information that may help determine the present location of the child. Not later than 30 days after the report is received, the law enforcement agency must enter the name of the child into the National Missing and Unidentified Persons System, with all available identifying features, and inform the person who made the report about the actions taken.

On determining the location of the child, if the law enforcement agency has reason to believe that the child is a victim of abuse or neglect, the agency must notify DFPS and may take possession of the child under Family Code Chapter 262. DFPS may initiate an investigation into the allegation of abuse or neglect and take possession of the child under Family Code Chapter 262.

Code of Criminal Procedure Art. 63.0091, Amended

Requires that law enforcement reports regarding children at a high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision, must include children determined by the agency to be high risk for any reason. Information entered regarding the report must now include the circumstances considered when designating the child as high risk. Agencies that receive reports for at-risk children must reasonably escalate the response and within two hours of receiving the report, notify all law enforcement agencies within 100 miles, including agencies from other states, of the circumstances and high-risk designation of the missing child.

Code of Criminal Procedure Art. 63.0092, Repealed

Repeals previous language related to designating a missing child as high risk.

Occupations Code § 1701.253(a), New Language

Requires officers to complete a basic education and training program on missing children and missing persons, including instruction on the associated reporting requirements under Code of Criminal Procedure Chapter 63.

Occupations Code § 1701.2581, New Language

A voluntary advanced education and training program on missing children and missing persons must be made available to law enforcement officers.

HB 2671 (Rep. Cook) Effective September 1, 2023

Family Code § 6.502(a-1), New Language

If the court on its own motion refers a suit to mediation in which an initial temporary orders hearing has not yet occurred in a family law matter, the court may not postpone the hearing for more than 30 days.

Family Code § 105.001(a-1), New Language

If the court on its own motion refers a suit to mediation in which an initial temporary orders hearing has not yet occurred in a Suit Affecting the Parent-Child Relationship, the court may not postpone the hearing to more than 30 days.

Applies only to a suit that is pending in a trial court on the effective date or that is filed on or after that date.

HB 2850 (Rep. Smith) Effective September 1, 2023

Amends the Family Code by creating Title 6, Civil Procedure, and Chapter 301, Discovery Procedures for Civil Actions.

Family Code § 301.001, New Language

Clarifies that Family Code Chapter 301 applies only to civil actions brought under the Texas Family Code.

Family Code § 301.002, New Language

Notwithstanding Government Code § 22.004, Family Code Chapter 301 may not be modified or repealed by a rule adopted by the Supreme Court of Texas.

Family Code § 301.003, New Language

Protects draft expert reports or draft disclosures from discovery, regardless of the form of the draft.

Family Code § 301.051, New Language

Requires a party seeking disclosures to serve the other party no later than the 30th day before the last day of any applicable discovery period with a request for disclosures. Establishes required language for making a disclosure request.

Family Code § 301.052, New Language

Codifies provisions of Texas Rules of Civil Procedure Rules 194 and 195 regarding the content of disclosures.

Family Code § 301.053, New Language

Requires a party to respond to a discovery request by the 30th day after being served with a request. If discovery request is served before the defendant's answer is due, the response is not due until the 50th day after the request. Responses regarding expert witnesses are governed by Family Code Chapter 301 Subchapter C.

Family Code § 301.054, New Language

Requires a party responding to a disclosure request under Family Code § 301.051, to provide copies of documents and other tangible items unless: (1) the documents are voluminous; (2) the responding party states a reasonable time and place for the production of the documents; (3) the responding party produces the documents at the time and place stated unless otherwise agreed or ordered by the court; and (4) the responding party provides the requesting party a reasonable opportunity to inspect the documents.

Family Code § 301.055, New Language

Prohibits a party from asserting a work product privilege or objecting based on a work product privilege to a request served under Family Code § 301.051.

Family Code § 301.056, New Language

A response to a request under Family Code § 301.052(a)(3) or (4) that has been changed by an amended or supplemental response is inadmissible and may not be used for impeachment.

Family Code §§ 301.101 - 301.108, New Language

Codifies provisions of Texas Rules of Civil Procedure Rule 195 regarding expert witnesses.

Applies only to actions filed on or after the effective date.

HB 2969 (Rep. Cook) Effective September 1, 2023

Family Code § 162.604, New Language

Restricts DFPS or Single Source Continuum Contractor (SSCC) from setting a maximum age or maximum age differential for an adoptive parent but allows them to consider the health and expected lifespan of each prospective adoptive parent when determining best interest.

HB 3186 (Rep. Leach) Effective January 1, 2024

Requires a child who was alleged to have engaged in conduct that constituted a misdemeanor punishable by fine only, other than a traffic offense, to be diverted from formal criminal prosecution.

Family Code § 264.302(e), Amended

Requires DFPS to provide services to a child and their family if the services are available in the county and the child is determined to be at-risk by a justice or municipal court under Code of Criminal Procedure Articles 45.309 and 45.310.

See bill for additional citations.

HB 3462 (Rep. Noble) Effective September 1, 2023

Government Code § 531.9912, New Language

Consolidates all DFPS Ombudsman programs under HHSC.

Government Code § 531.993, Amended

The ombudsman must assist children and youth in the conservatorship of DFPS in making complaints and reporting allegations of exploitation under Human Resources Code Chapter 48, in addition to allegations of abuse and neglect. The ombudsman must also assist any other person in making complaints against a program within the Health and Human Services system or reporting allegations of abuse, neglect, or exploitation under Human Resources Code Chapter 48. DFPS must provide written notice to the Ombudsman on adoption or rejection of the Ombudsman's corrective action, and if rejected, the reason for the rejection.

See bill for additional citations.

HB 3474 (Rep. Leach) Effective September 1, 2023

Amends various chapters of the Government Code as it relates to district court, statutory county courts, multicounty courts, justice courts, and criminal magistrates.

Government Code § 61.001(a), Amended

Increases jury compensation from \$6 for the first day to \$20 and from \$40 to \$58 for each additional day.

Government Code § 61.0015(a), Amended

State reimbursement to the counties for jury compensation increases from \$0 on the first day to \$14 and from \$34 on additional days to \$52.

See bill for additional citations.

HB 3554 (Rep. Thierry) Effective September 1, 2023

Penal Code § 20A.02(b), (b-1), Amended

Adds first degree felony enhancement to human trafficking violations that occur within 1000 feet of a juvenile detention facility, a children's shelter, or an RTC.

Applies only to an offense committed on or after the effective date. An offense was committed before the effective date if any element of the offense occurred before that date.

HB 3765 (Rep. Bucy) Effective September 1, 2023

Family Code § 263.008(b), Amended

Adds having luggage available to transport the child's personal belongings to the foster child's bill of rights.

Family Code § 264.1078, New Language

Requires DFPS to establish a luggage program for children who are being removed from their home or changing placements. The luggage belongs to the child and not the caregiver or DFPS. DFPS must document and report the inventory of the luggage program and the number of times a child is forced to use a trash bag to transport their belongings. DFPS may solicit and accept gifts, grants, and donations to the program.

HB 4233 (Rep. Zwiener) Effective September 1, 2023

Family Code § 264.015(d), (e), New Language

Each foster parent, prospective adoptive parent, and relative or other designated caregiver for children 10 years or older must complete a training program developed by DFPS on runaway prevention measures and proper procedures to support children and youth at high risk for running away.

HB 4696 (Rep. Noble) Effective September 1, 2023

Transfers certain functions from DFPS to HHSC.

Family Code § 261.105(c-1), Amended

Requires DFPS to immediately notify HHSC of reports of abuse, neglect, or exploitation related to a child with an intellectual disability receiving services in a state supported living center.

Family Code § 261.404(a), (a-1), (a-2), (a-3), (b), (c), (d), Amended; (a-4), New Language

Requires HHSC rather than DFPS to investigate reports of abuse, neglect, or exploitation of a child receiving services from providers defined by Human Resources Code § 48.251.

Health and Safety Code § 142.018(b), Amended

Requires home and community support services agencies to report abuse, neglect, and exploitation to HHSC rather than DFPS.

See bill for additional citations.

HB 5010 (Rep. Schofield) Effective September 1, 2023

Government Code § 81.073(a)(1)(B), (a)(2)(B), New Language

Requires grievances against an attorney to be classified as a complaint if submitted by the following persons in the proceeding that is the subject of the grievance:

- a family member of a ward in a guardianship proceeding;
- a family member of a decedent in a probate matter;
- a trustee of a trust or an executor of an estate;
- the judge, prosecuting attorney, defense attorney, court staff member, or juror in the legal matter;
- a trustee in a bankruptcy; or
- any other person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance.

If the grievance is submitted by any other person, it is classified as an inquiry. The complainant or attorney may appeal the classification.

Applies only to a grievance filed on or after the effective date.

Government Code § 81.074, Amended

Adds grievances submitted by person other than those listed in Government Code § 81.073 to the inquiry disposition procedures.

Applies only to a grievance filed on or after the effective date.

By Senate Bill Number

SB 24 (Sen. Kolkhorst) Effective September 1, 2023

Transfers PEI services from DFPS to HHSC, deletes Family Code Chapter 265, creates Human Resources Code Chapter 137, and renames PEI as Family Support Services.

Family Code § 261.002(d), New Language

DFPS must provide HHSC with access to the central registry as necessary for HHSC to implement its strategic plan for providing family support services.

Family Code Chapter 265 Repealed and Transferred

Repeals Family Code Chapter 265 through a transfer of relevant provisions to the newly created Human Resources Code Chapter 137.

Government Code § 531.0045, New Language

Excludes HHSC family support services and Thriving Texas Families Program services from review by the Sunset Advisory Commission under Government Code Chapter 325.

Expires September 1, 2027.

Health and Safety Code §§ 54.001 - 54.011, New Language

HHSC must establish the Thriving Texas Families Program. HHSC must contract with network contractors to promote healthy pregnancy and childbirth, promote childbirth as an alternative to abortion, increase access to resources that promote family and child development, encourage family formation, help parents implement successful parenting techniques, increase the number of families who achieve economic self-sufficiency, and provide personalized support to pregnant women. Family planning services may not be provided through the network.

Contracted service providers must have performance outcomes that include improving healthy pregnancy and childbirth outcomes, improving child health and development, assisting families in achieving economic self-sufficiency, increasing workforce participation, or promoting marriage and family formation. HHSC must identify indicators to measure performance outcomes and require periodic reporting on the outcomes. Through a competitive bidding process, HHSC must contract with an external third party to periodically conduct impact evaluations.

Human Resources Code Chapter 137, New Language

Redesign of PEI Division within DFPS to HHSC Family Support Services.

Human Resources Code §§ 137.001-137.005, New Language

Defines "at-risk family" and "family support services" and replaces the PEI Division with creation of Family Support Services. HHSC must administer grants and contracts to provide family support

services to children and at-risk families. The family support services will promote healthy outcomes, assist at-risk families in achieving self-sufficiency and stability, promote workforce participation, and prevent at-risk behaviors in children and families.

Human Resources Code §§ 137.051-137.056, New Language

Transfers relevant provisions of Family Code §§ 265.051 - 265.057 to the newly created Human Resources Code Chapter 137. Defines "child abuse and neglect prevention" and adds education on family support services to list of permissible expenditures for the child abuse and neglect prevention trust fund.

Human Resources Code §§ 137.057 - 137.060, New Language

Transfers relevant provisions of Family Code §§ 265.152 - 265.155 to the newly created Human Resources Code Chapter 137. Directs a legislative report to be submitted by Family Support Services Programs and Practices on its outcome goals and defines procedures for evaluation.

Human Resources Code §§ 137.101-137.108, New Language

Transfers relevant provisions of Family Code §§ 265.101 - 265.110 relating to the Nurse-Family Partnership Competitive Grant Program to the newly created Human Resources Code Chapter 137. Adds requirement for partnership programs funded by a grant under this subchapter to increase workforce participation. HHSC's annual report regarding the performance of each grant recipient with respect to partnership program services must include the number of low-income, first-time mothers and the number of mothers who established paternity as a result of services provided, the number of mothers who married or reside with the father, and the number of mothers who receive other services from HHSC.

Human Resources §§ 137.151-137.152, New Language

Transfers relevant provisions of Family Code §§ 265.301 - 265.302 relating to the services for at-risk youth to the newly created Human Resources Code Chapter 137.

See bill for additional citations.

SB 26 (Sen. Kolkhorst) Effective September 1, 2023

Government Code § 531.09915, New Language

Requires HHSC to establish a matching grant program for eligible community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families. HHSC must prioritize grants for entities that work with children and family members of children with a high risk of experiencing a crisis or developing a mental health condition to reduce the need for future intensive mental health services, the number of children at-risk of placement in foster care or the juvenile justice system, the demand for

placement in state hospitals, inpatient mental health facilities and residential behavioral health facilities.

See bill for additional citations.

SB 48 (Sen. Zaffirini) Effective June 18, 2023

Code of Criminal Procedure Art. 7B.001(c), New Language

Requires a person filing a protective order application to use the online form developed by OCA and requires courts to use a standard protective order application form.

Applies only to an application for a protective order that is filed on or after June 1, 2024.

Code of Criminal Procedure Art. 7B.0021, New Language

Requires courts to use the standardized temporary *ex parte* order form developed by OCA to issue a temporary *ex parte* order under Code of Criminal Procedure Article 7B.002. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Code of Criminal Procedure Art. 7B.003(d)-(e), New Language

Requires courts to use the standardized temporary *ex parte* order form developed by OCA to issue a temporary *ex parte* order under Code of Criminal Procedure Article 7B. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Code of Criminal Procedure Art. 17.292(d-1), (d-2), New Language

Magistrates must use the standardized order for emergency protection form developed by OCA to issue an order for emergency protection under the Code of Criminal Procedure Art. 17. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Family Code § 82.004, Amended

Requires a person filing a protective order application to use the online form developed by OCA. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to an application for a protective order that is filed on or after June 1, 2024.

Family Code § 83.007, New Language

Requires courts to use the standardized temporary *ex parte* order form developed by OCA to issue a temporary *ex parte* order under Family Code Chapter 83. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Family Code § 85.0221, New Language

Requires courts to use the standardized protective order form developed by OCA to issue a temporary *ex parte* order under Family Code Chapter 85. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Government Code § 72.039, New Language

Requires OCA to develop and make available on its website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce protective orders. OCA must include a procedure to ensure that a copy of the order is transmitted to all required parties and all relevant information is entered into the statewide law enforcement information system and any other applicable databases.

SB 135 (Sen. West) Effective September 1, 2023

Family Code § 262.114(a-3), New Language

Requires DFPS to record the results of home studies of relatives or designated caregivers in IMPACT.

Applies only to a home study performed on or after the effective date.

SB 182 (Sen. Miles) Effective September 1, 2023

Human Resources Code § 40.082, New Language

DFPS employees or contractors who become aware of conduct constituting a criminal offense engaged in by another employee or contractor of DFPS against a person receiving services from DFPS or a DFPS contractor must report the conduct to a local law enforcement agency not later than the 48th hour after the employee becomes aware of the conduct. The person commits an offense if the person is required to make a report and knowingly fails to make the report.

Human Resources Code § 40.083, New Language

An employer may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who in good faith reports conduct

constituting a criminal offense as required by Human Resources Code § 40.082 or initiates or cooperates with an investigation regarding Human Resources Code § 40.082.

Human Resources Code § 203.020, New Language

Texas Juvenile Justice Department (TJJD) employees or contractors who become aware of conduct constituting a criminal offense engaged in by another employee or contractor of DFPS against a person receiving services from TJJD or a TJJD contractor shall report the conduct to a local law enforcement agency not later than the 48th hour after the hour the employee becomes aware of the conduct. The person commits an offense if the person is required to make a report and knowingly fails to make the report.

Human Resources Code § 203.021, New Language

An employer may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who in good faith reports conduct constituting a criminal offense as required by Human Resources Code § 203.020 or initiates or cooperates with an investigation regarding Human Resources Code § 203.020.

SB 578 (Sen. Zaffirini) Effective September 1, 2023

Family Code § 82.011, Amended

Adds "county of residence" to the information that a court may protect as confidential in a protective order.

Applies only to an application for a protective order that is filed on or after the effective date.

Family Code § 85.007(a), Amended

Adds "county of residence" to the information that may be excluded from a protective order as well as the address and phone number of the protected person's place of work.

Applies to a protective order regardless of whether the protective order was rendered before, on, or after the effective date.

SB 593 (Sen. Sparks) Effective May 19, 2023

Human Resources Code § 42.027, New Language

Requires HHSC to engage a third party to conduct an audit of rules, minimum standards and contract requirements applying to Child-Placing Agencies (CPAs), RTCs, foster homes, kinship homes, and adoptive homes. The audit must also review the standards or oversight requirements to determine whether the standard or oversight requirement complies with federal laws, rules, or guidelines and whether the standard or oversight requirement is the best practice.

The audit must make recommendations for:

- simplifying minimum standards;

- reducing any barriers to opening a child-placing agency or a residential child-care facility or becoming a relative caregiver, a foster parent, or an adoptive parent;
- adjusting HHSC's system for assigning weights to minimum standards;
- eliminating any minimum standards that are weighted as low, medium-low, or medium by HHSC and are not directly related to child safety; addressing any licensing, training, or oversight requirements that are barriers to retaining quality residential facilities;
- updating licensing standards;
- reducing any barriers to the hiring and retention of high-quality leadership, administrators, and staff; providing maximum flexibility in applying standards to ensure that services are provided in response to the needs of each individual child;
- defining HHSC's and DFPS' role in licensing, investigating, contract oversight, and any other regulatory activity to eliminate duplicate functions or divisions of HHSC and DFPS; and
- promoting transparency and clarity of HHSC's and DFPS' expectations.

The audit must include any recommendations for legislative action, including recommendations for retaining, repealing, or modifying existing state laws or rules, or adopting new state laws or rules necessary to implement the entity's recommendations. The audit must also solicit and consider the input of relevant stakeholders, including those affected by HHSC's and DFPS' rules, minimum standards, and contract requirements that apply to child-placing agencies, residential child-care facilities including foster homes, relative caregivers, or adoptive parents.

Upon receipt of the audit, requires DFPS and HHSC to publish the report on their website and submit a copy to the Governor, Lt. Governor, and Speaker of the House and the standing committee of each house of the legislature with jurisdiction over HHSC as well as an implementation plan and an explanation for any recommendations not implemented.

Expires September 1, 2025.

SB 614 (Sen. Perry) Effective September 1, 2023

Family Code § 264.017(f), New Language

Requires DFPS to publish a monthly report on PCSPs that includes: the number of children placed under a PCSP, the average duration of a placement, the average duration of a placement during an investigation, and the percentage of children removed and placed in the managing conservatorship of DFPS.

Family Code § 264.2032, New Language

DFPS must report the number of Family Code Chapter 264 cases where a child is in a PCSP in which a court orders a parent, managing conservator, guardian, or other member of the child's household to participate in services.

Family Code § 264.901(2), Amended

Defines a PCSP as any temporary out of home placement made by written agreement with DFPS and the parent or caregiver that ensures the safety of the child during an investigation or while the parent or caregiver is receiving services.

Family Code § 264.902(a), Amended; (e)-(j), New Language

Before a parent may enter into a PCSP with DFPS, DFPS must notify the parent of their right to counsel and give them a reasonable amount of time to consult an attorney. PCSPs automatically terminate after 30 days and DFPS may enter into not more than two 30-day extensions. Upon entering a PCSP extension, DFPS must inform the parent of their right to a court-appointed attorney if indigent and if DFPS seeks a subsequent court order. DFPS may not keep a child in a PCSP for longer than 90 days unless the parent and their attorney sign the agreement or a court renders an order under Family Code Chapter 262. Requires written notice of the provisions be placed in the PCSP.

Applies only to a PCSP executed on or after the effective date.

Family Code § 264.907, New Language

Requires DFPS to separately include the number of children in PCSPs in reports submitted to the U.S. Department of Health and Human Services regarding the number of children removed from their homes.

SB 718 (Sen. Paxton) Effective September 1, 2023

Family Code § 157.168, Amended

Requires a court to order additional periods of possession and access when court-ordered access has been denied due to a DFPS investigation that did not result in a finding of Reason to Believe (RTB), unless the party denying access shows good cause as to why more access should not be granted. Does not create a cause of action against DFPS or waive sovereign immunity.

Applies only to a Suit Affecting the Parent-Child Relationship pending before a trial court on or on or after the effective date.

SB 719 (Sen. Paxton) Effective January 1, 2024

Tax Code § 11.18(d), Amended

Adds to the list of permissible functions for charitable organizations under the Tax Code "providing services related to planning for the placement of or placing children in foster or adoptive homes or providing support or relief to women who are or may be pregnant and who are considering placing their unborn children for adoption."

Applies only to an ad valorem tax year that begins on or after the effective date.

SB 780 (Sen. Hughes) Effective September 1, 2023

Family Code § 262.301(1), Amended; (3), (4), New Language

Removes the requirement that a child placing agency must be licensed by DFPS to be designated as an emergency infant care provider and adds fire departments and law enforcement agencies as emergency care providers.

Family Code § 262.302(a), Amended

Adds a newborn safety device as a method by which emergency infant care providers may take possession of certain abandoned children without a court order.

Family Code § 262.3025, New Language

Defines a "newborn safety device."

SB 855 (Sen. Alvarado) Effective September 1, 2023

Government Code § 22.110(b), (d), Amended; (d-2), New Language

Requires judicial training to include one hour on the dynamics of family violence per term in office or every four years. Judges responsible for family law or family violence matters must complete an additional hour of family violence dynamics training every two years.

A judge, master, referee, or magistrate who is in office on the effective date must complete the required training not later than December 1, 2025.

SB 870 (Sen. West) Effective September 1, 2023

Family Code § 154.017, New Language

Allows a court or Title IV-D agency to require an unemployed or underemployed obligor to participate in a program that provides employment assistance, skills training, or job placement services.

Family Code § 231.002(e), Amended

Allows the Office of the Attorney General (OAG) to administratively adjust the obligations of an incarcerated obligor.

Family Code § 231.101(f), New Language

Requires the OAG to distribute a child support payment received on behalf of a child placed in substitute care by DFPS to the appropriate state agency in accordance with applicable federal laws or regulations.

Applies only to a child support payment received by the OAG on or after the effective date.

Family Code § 231.1015, New Language

Requires the OAG to review and administratively adjust an obligor's child support, medical support, and dental support order to amounts that are based on the application of the guidelines under applicable statutory provisions to the obligor's net resources during incarceration, on verification by the OAG that a judgment or order has been rendered for the confinement of the obligor in a local, state, or federal jail or prison for a period of at least 180 consecutive days. Does not apply if the OAG determines that the obligor is confined due to the obligor's failure to comply with a child support order or for an offense constituting an act of family violence committed against the obligee or a child covered by the child support order. The OAG must provide notice of an administrative adjustment to the parties of the support order and file a copy of the notice with the court of continuing, exclusive jurisdiction. The OAG may seek modification of the support order in lieu of administratively adjusting the support obligation during the obligor's incarceration.

Applies to a child support order regardless of whether the order was rendered before, on, or after the effective date.

Family Code § 231.1016, New Language

Allows a party to the support order to contest the administrative adjustment by requesting that the OAG review the decision to grant the administrative adjustment.

Applies to a child support order regardless of whether the order was rendered before, on, or after the effective date.

Family Code § 231.1017, New Language

Requires the OAG to review the obligor's support order upon the release from incarceration.

Applies to a child support order regardless of whether the order was rendered before, on, or after the effective date.

Family Code § 231.117(d), Repealed

Repeals provision that a court or the Title IV-D agency may issue an order that requires the parent to either work, have a plan to pay overdue child support, or participate in work activities appropriate to pay the overdue support.

See bill for additional citations.

SB 1379 (Sen. Parker) Effective September 1, 2023

Family Code § 264.1215, New Language

Requires DFPS to establish a pilot program to assist youth in foster care to achieve financial security and independence. The program must include an agreement with financial institutions to establish saving and checking accounts for youth in foster care between the ages of 14 and 21. The youth

in foster care are to be the sole owners of the accounts even without a co-signor. The financial institution may not require maintenance, overdraft, insufficient funds, inactivity, or other penalty fees. DFPS may partner with non-profits and foundations to provide matching funds for deposits. DFPS must survey youth in foster care about the program and complete an evaluation of the program by December 31, 2027. If DFPS is unable to enter into an agreement with financial institutions, DFPS must report barriers to be addressed.

Expires January 1, 2028.

SB 1401 (Sen. Zaffirini) Effective September 1, 2023

Relating to the rights of victims of sexual assault and to certain procedures and reimbursements occurring with respect to a sexual assault or other sex offense.

Code of Criminal Procedure Art. 56A.303(a), Amended; (b-1), New Language

Requires a health care provider to conduct a forensic medical examination of a victim of a sexual assault who is a minor regardless of when the victim arrives at the provider, if the victim, a person authorized to act on behalf of the victim, or an employee of DFPS consents to the examination, or if consent is provided as described by Family Code §§ 32.003 or 32.005. A law enforcement agency must refer a minor victim of sexual assault for a forensic exam regardless of when the assault occurred.

Applies only to a sexual assault or other sex offense that is first reported or for which medical care is first sought on or after the effective date.

See bill for additional citations.

SB 1447 (Sen. Miles) Effective September 1, 2023

Family Code § 261.3105, New Language

Requires DFPS to develop a robust training program for persons investigating suspected child abuse or neglect. An investigator or investigative supervisor may not be assigned to investigate or supervise the investigation of any case until the investigator or supervisor successfully completes the training program and passes an examination.

Applies only to investigation of a case assigned to an investigator or investigative supervisor on or after January 1, 2025.

SB 1727 (Sen. Schwertner) Effective September 1, 2023

Human Resources Code § 203.0081(a), (e), Amended; (c-1), New Language

Adds the commissioner of DFPS to TJJJ's Advisory Council on Juvenile Services and requires the council to develop recommendations for information sharing between agencies that serve children including juvenile justice and child welfare.

See bill for additional citations.

SB 1841 (Sen. Hinojosa) Effective September 1, 2024

Human Resources Code § 51.002 (1), (2), (9) Amended; (1-a), (1-b), (8-a), New Language

Defines "dating relationship" and "dating violence." In regard to a service or service model, defines "trauma informed" to mean that the service or service model is provided in a manner that recognizes and responds to the signs and symptoms of trauma in, and the risks of trauma to, a victim of family violence to better support the victim and promote the victim's choice, trust, dignity, connection, and healing.

Human Resources Code § 51.004(a), (b), Amended

Requires family violence shelter centers to use a trauma-informed service model.

Human Resources Code § 51.005(b), Amended; (b-1), New Language

Adds to the services provided by a family violence shelter: advocacy for economic and housing stability; physical, behavioral, and mental health needs; and the needs of children who are the victims and the children of victims. Other services that can be provided include safety planning, community education, counseling, and peer support. Contracts must specify that participation in services is voluntary, and centers cannot require victims of family violence to participate in other services.

Applies only to a contract entered into or amended on or after the effective date.

SB 1849 (Sen. Kolkhorst) Effective September 1, 2023

Health and Safety Code §§ 810.001 - 810.010, New Language

Establishes an interagency child protection database and search engine to compile and aggregate reportable conduct information maintained by DFPS, HHSC, Texas Education Agency (TEA), and TJJD. Results of the search must include: the individual's full name; the individual's date of birth or the last four digits of the individual's social security number; information relevant to determining whether the individual is eligible for employment, a contract, certification, or licensure or the type or a description of the reportable conduct; when the reportable conduct occurred; when a final determination was issued on the reportable conduct; and the participating state agency that maintains the reportable conduct information.

An individual who engaged in conduct that requires the individual's inclusion in search engine results is not entitled to notice or a hearing before their information is included in the search engine results. An agency that declines a contract, license, or certification to an individual because of their inclusion in the data base must notify the individual of that determination and provide an opportunity for a hearing regarding the determination of the individual's ineligibility. At the hearing the state agency is not required to prove that an individual engaged in reportable conduct and

must prove by a preponderance of the evidence that an individual is ineligible under Health and Safety Code § 810.006.

See bill for additional citations.

SB 1930 (Sen. Kolkhorst) Effective September 1, 2023

Contains the recommendations from SB 1575 Workgroup created by the 87th Legislature regarding procedures for placing a child in an RTC or Qualified Residential Treatment Program (QRTP).

Family Code § 107.002(b), Amended

Requires the guardian ad litem to seek the child's opinion and concerns regarding their current or proposed placement.

Family Code § 107.002(j), New Language

If the child is placed or may be placed in an RTC, the guardian ad litem must review any information regarding whether the placement is appropriate to meet the child's specific needs, meet in person with the child, and provide to the court a recommendation regarding the placement that is in the best interest of the child. The guardian ad litem may request a placement conference and participate in any placement conferences regarding an RTC, QRTP, or similar placement conducted by DFPS unless good cause is shown for excluding the guardian ad litem.

Family Code § 107.004(f), New Language

If the child is considered for placement in an RTC, QRTP, or similar setting, an attorney ad litem must review any available information regarding the child's needs including the Child and Adolescent Needs and Strengths assessment (CANS), psychological evaluations, discharge notes, incident reports and counseling notes and determine if the placement is appropriate to meet the child's needs. The attorney ad litem must meet with the child to elicit the child's opinion regarding the child's current or proposed placement. The attorney ad litem must advise the child regarding DFPS' request for placement and the likelihood of the request being granted. The attorney ad litem must advocate to the court for the child's specific desires regarding the requested placement. The attorney ad litem may request a placement conference and participate in any placement conferences conducted by DFPS regarding an RTC, QRTP, or similar placement.

Family Code § 107.0131(a), Amended

An attorney appointed to represent a parent may participate in a case staffing related to a placement in an RTC or QRTP.

Family Code § 263.001(a)(3-c), New Language

Defines an RTC per Human Resources Code Chapter 42.

Family Code § 263.002(e), (f), New Language

For placement reviews under Family Code Chapter 263, if a child is placed or is awaiting placement in an RTC, the court must determine whether:

- the child's needs can be met through placement in a family-like setting;
- the RTC can provide the most effective and appropriate level of care for the child;
- if the RTC is the least restrictive setting consistent with the child's best interest and individual needs; and
- if the RTC is consistent with the short-term and long-term goals for the child, as specified by the child's permanency plan.

The court may consider: any medical, psychological, or psychiatric assessments; the child's current treatment plan and progress being made; any significant medical, legal, or behavioral incidents involving the child; the reasons for the child's discharge from current or former placement; the programs available at the RTC; the RTC's discharge plan; whether there are other programs that more effectively meet the child's needs; and other relevant information.

Family Code § 263.202(b), Amended

At the Status Hearing, the court is required to find whether continued placement in an RTC or QRTP is appropriate according to Family Code §§ 263.002 and 263.00201 respectively.

Family Code § 263.306(a-1), Amended

At Permanency Hearings prior to a final order, the court is required to determine whether continued placement in an RTC or QRTP is appropriate according to Family Code §§ 263.002 and 263.00201 respectively.

Family Code § 263.5031(a), Amended

At Permanency Hearings after a final order, the court is required to find whether continued placement in an RTC or QRTP is appropriate according to Family Code §§ 263.002 and 263.00201 respectively.

Family Code § 264.018(a)(5), Amended

Adds placement of a child in an RTC or placement conferences to determine the appropriateness of an RTC placement to the definition of a significant event requiring notice to the parent, attorney ad litem, and guardian ad litem.

SB 2069 (Sen. Bettencourt) Effective September 1, 2023

Education Code § 37.086(a), (b), (c), Amended

Relating to the required posting of signs regarding human trafficking penalties by certain schools.

SB 2120 (Sen. Zaffirini) Effective September 1, 2023

Establishes a family protection representation program within TIDC.

Government Code § 71.0355, Repealed

Repeals the requirement for the Texas Judicial Council to collect data on child welfare legal representation.

Government Code § 79.001(1), (4), Amended; (1-a), (7-a), (8-a), (12-a), (12-b), New Language

Adds serving as attorney ad litem to the definition of assigned counsel program and defines an attorney ad litem to mean a court-appointed attorney for a child or indigent parent in a suit filed by DFPS. Defines contractor defender program to include representation of indigent parents or children in a suit filed by DFPS. Defines family protection services as services provided by an attorney ad litem, investigator, social worker, forensic expert, mental health expert, or similar expert to indigent parents and children in suits filed by DFPS and investigations conducted by DFPS. Offices of parent and child representation have the meaning assigned under Family Code Chapter 107.

Government Code § 79.012(b), Amended

Adds familiarity with family protection services to the qualifications for TIDC Executive Director.

Government Code § 79.034(a), Amended; (a-1), New Language

Gives TIDC authority to develop policies and standards for providing family protection services to indigent parents and children. They may include performance standards, qualification standards, successful completion of CLE, testing, and certification. TIDC may also set standards for caseloads, compensation, determining indigency, and policies and standards for assigned counsel programs, offices of parent and child representation, contract defender programs, and managed assigned counsel programs.

Government Code § 79.035(a), (b), (d), Amended

Requires TIDC to develop a plan that establishes statewide requirements for counties reporting family protection services information and uses the information reported by a county to monitor the effectiveness of the county's family protection services policies, standards, and procedures and to ensure compliance by the county with the requirements of state law relating to family protection services and TIDC may revise the plan as necessary to improve the monitoring of family protection services. TIDC must report annually on the data collected and the quality of legal representation provided to parents and children as compared to state and national standards and report its efforts and recommendations to improve representation.

Government Code § 79.0365, New Language

Each county must biannually report to TIDC a copy of all formal and informal rules and forms governing the procedures the county uses to provide indigent parents and children with counsel, any fee schedule used by the court, and information on the court's compliance with Government Code Chapter 37 including the lists and rotation system required under that chapter. Counties

must also annually report information on the number of appointments made to each attorney and information provided to the county by those attorneys under new Family Code § 107.0042.

Government Code § 79.037(a), (b), (d), Amended

TIDC must provide technical assistance to counties to improve their systems in providing family protection services, promote compliance with state law, assist counties in providing or improving family protection services, distribute by grants any funds appropriated, and monitor each entity that receives a grant and enforce compliance with the conditions of the grant. Funds will be made available based on compliance with standards and state law and the county may not reduce the amount of funds it provides for family protection services because of funds provided by a grant.

Government Code § 79.041, New Language

TIDC may participate and assist counties in the creation, implementation, operation, and maintenance of a computerized system to be used to assist in the provision and administration of family protection services and to be used to collect data from those counties regarding representation of indigent individuals in this state and may use appropriated funds to pay costs and provide technical training.

Family Code § 107.0042, New Language

Each year and on a form prescribed by the TIDC, an attorney appointed as an attorney ad litem in a proceeding filed by DFPS shall submit to the county or TIDC a report for the preceding state fiscal year that describes the percentage of the attorney's professional practice time that was dedicated to the attorney's appointment as an attorney ad litem in the county.

Family Code § 107.259(a), (d), Amended

Requires the chief counsel for an office of child representation to have practiced law for five years instead of three.

SB 2261 (Sen. Blanco) Effective September 1, 2023

Human Resources Code § 40.035(a), (b), Amended; (a-1), New Language

Requires DFPS employees to successfully complete their training programs.

SB 2429 (Sen. Hancock) Effective September 1, 2023

Code of Criminal Procedure § 63.00905, New Language

New section applies to reports of missing children. The law enforcement agency must immediately enter the name of the child into the clearinghouse and the national crime information center missing person file, the Texas Law Enforcement Telecommunications System, or a successor system. Not later than 48 hours after receiving the report, the agency must electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that

may help determine the present location of the child. Not later than 30 days, enter the name of the child into the National Missing and Unidentified Persons System, with all available identifying features; and inform the person who made the report about the actions taken.

On determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect the agency must notify DFPS and may take possession of the child under Family Code Chapter 262. DFPS may initiate an investigation into the allegations of abuse or neglect and take possession of the child under Family Code Chapter 262.

Code of Criminal Procedure Art. 63.0091, Amended

For reports regarding certain at-risk children, adds any children determined by the agency to be high risk. Information entered regarding the report must now include the circumstances considered when designating the child as high risk. Agencies that receive reports for at-risk children must reasonably escalate the response and within two hours of receiving the report, notify all law enforcement agencies within 100 miles, including agencies from other states, of the circumstances and high-risk designation of the missing child.

Code of Criminal Procedure Art. 63.0092, Repealed

Repeals previous provisions related to reporting a missing child.

Code of Criminal Procedure Art. 63.009(a-1), (a-2), (g), Repealed

Repeals previous provisions related to reporting a missing child.

Occupations Code § 1701.253(a), New Language

Requires officers to complete a basic education and training program on missing children and missing persons, including instruction on the associated reporting requirements under Code of Criminal Procedure Chapter 63.

Occupations Code § 1701.2581, New Language

A voluntary advanced education and training program on missing children and missing persons must be made available to officers.

See bill for additional citations.

By Citation

Code of Criminal Procedure

Code of Criminal Procedure Art. 2.13(c), Amended, HB 2660 Effective September 1, 2023

Updates the duty of every law enforcement officer to take possession of a child to reference new Code of Criminal Procedure Art. 63.00905.

Code of Criminal Procedure Art. 7B.001(c), New Language, SB 48 Effective June 18, 2023

Requires a person filing a protective order application to use the online form developed by OCA and requires courts to use a standard protective order application form.

Applies only to an application for a protective order that is filed on or after June 1, 2024.

Code of Criminal Procedure Art. 7B.0021, New Language, SB 48 Effective June 18, 2023

Requires courts to use the standardized temporary *ex parte* order form developed by OCA to issue a temporary *ex parte* order under Code of Criminal Procedure Article 7B.002. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Code of Criminal Procedure Art. 7B.003(d)-(e), New Language, SB 48 Effective June 18, 2023

Requires courts to use the standardized temporary *ex parte* order form developed by OCA to issue a temporary *ex parte* order under Code of Criminal Procedure Article 7B. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Code of Criminal Procedure Art. 7B.052, Amended, HB 1432 Effective September 1, 2023

Strikes the required finding that family violence is "likely to occur in the future" for a protective order regarding stalking.

Code of Criminal Procedure Art. 7B.102, Amended, HB 1432 Effective September 1, 2023

Strikes the required finding that family violence is "likely to occur in the future" for a protective order prohibiting offense motivated by bias or prejudice.

Code of Criminal Procedure Art. 12.01, Amended, HB 1506 Effective September 1, 2023

Increases the statute of limitations for the criminal offense of abandoning or endangering a child to 10 years after the victim's 18th birthday.

Does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date.

Code of Criminal Procedure Art. 12.01(3)(K), (6), New Language, HB 1769 Effective September 1, 2023

Changes the statute of limitations for the criminal offense of child pornography to seven years and trafficking persons or sexual performance by a child to 20 years after the victim's 18th birthday.

Does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date.

Code of Criminal Procedure Art. 17.292(d-1), (d-2), New Language, SB 48 Effective June 18, 2023

Magistrates must use the standardized order for emergency protection form developed by OCA to issue an order for emergency protection under the Code of Criminal Procedure Art. 17. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Code of Criminal Procedure Art. 56A.303(a), Amended; (b-1), New Language, SB 1401 Effective September 1, 2023

Requires a health care provider to conduct a forensic medical examination of a victim of a sexual assault who is a minor regardless of when the victim arrives at the provider, if the victim, a person authorized to act on behalf of the victim, or an employee of DFPS consents to the examination, or if consent is provided as described by Family Code §§ 32.003 or 32.005. A law enforcement agency must refer a minor victim of sexual assault for a forensic exam regardless of when the assault occurred.

Applies only to a sexual assault or other sex offense that is first reported or for which medical care is first sought on or after the effective date.

Code of Criminal Procedure Art. 56B.0035, New Language, HB 844 Effective September 1, 2023

Adds solicitation or patronization of forced labor or services including sexual conduct to the definition of criminally injurious conduct if it occurs in connection to a scheme that constitutes human trafficking, and victims of that conduct are considered trafficking victims for the purposes of grant programs administered by the Office of the Governor.

Applies only to conduct occurring on or after the effective date.

Code of Criminal Procedure Art. 58.051(1-a), New Language, HB 1161 Effective May 24, 2023

Defines child abduction victim and child abduction conduct.

Code of Criminal Procedure Art. 58.052(a), Amended, HB 1161 Effective May 24, 2023

Adds child abduction victim to the attorney general's program for maintaining a confidential address.

Code of Criminal Procedure Art. 58.054, Amended, HB 1161 Effective May 24, 2023

Adds child abduction victim to the list of people eligible for the program for maintaining a confidential address.

Code of Criminal Procedure Art. 58.055(a), Amended, HB 1161 Effective May 24, 2023

Adds child abduction victim to the program application.

Code of Criminal Procedure Art. 58.056(a), Amended, HB 1161 Effective May 24, 2023

Adds child abduction victim to the program application procedures.

Code of Criminal Procedure Art. 63.009(a), (d), (f), Amended; (a-1), (a-2), (g), Repealed, HB 2660 Effective September 1, 2023

Amends the section so that it applies only to missing adults rather than children.

Code of Criminal Procedure Art. 63.009(a-1), (a-2), (g), Repealed, SB 2429 Effective September 1, 2023

Repeals previous provisions related to reporting a missing child.

Code of Criminal Procedure Art. 63.00905, New Language, HB 2660 Effective September 1, 2023

Regardless of where the child went missing, the law enforcement agency that receives a report of a missing child must immediately investigate and within no later than 2 hours enter the name of the child into the clearinghouse and the national crime information center missing person file, the Texas Law Enforcement Telecommunications System, or a successor system. Not later than 48 hours after receiving the report, the agency must electronically submit to each municipal or county law enforcement agency within 200 miles of the report and any information that may help determine the present location of the child. Not later than 30 days after the report is received, the law enforcement agency must enter the name of the child into the National Missing and Unidentified Persons System, with all available identifying features, and inform the person who made the report about the actions taken.

On determining the location of the child, if the law enforcement agency has reason to believe that the child is a victim of abuse or neglect, the agency must notify DFPS and may take possession of the child under Family Code Chapter 262. DFPS may initiate an investigation into the allegation of abuse or neglect and take possession of the child under Family Code Chapter 262.

Code of Criminal Procedure § 63.00905, New Language, SB 2429 Effective September 1, 2023

New section applies to reports of missing children. The law enforcement agency must immediately enter the name of the child into the clearinghouse and the national crime information center

missing person file, the Texas Law Enforcement Telecommunications System, or a successor system. Not later than 48 hours after receiving the report, the agency must electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the child. Not later than 30 days, enter the name of the child into the National Missing and Unidentified Persons System, with all available identifying features; and inform the person who made the report about the actions taken.

On determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect the agency must notify DFPS and may take possession of the child under Family Code Chapter 262. DFPS may initiate an investigation into the allegations of abuse or neglect and take possession of the child under Family Code Chapter 262.

Code of Criminal Procedure Art. 63.0091, Amended, HB 2660 Effective September 1, 2023

Requires that law enforcement reports regarding children at a high risk of human trafficking, sexual assault, exploitation, abuse, or neglectful supervision, must include children determined by the agency to be high risk for any reason. Information entered regarding the report must now include the circumstances considered when designating the child as high risk. Agencies that receive reports for at-risk children must reasonably escalate the response and within two hours of receiving the report, notify all law enforcement agencies within 100 miles, including agencies from other states, of the circumstances and high-risk designation of the missing child.

Code of Criminal Procedure Art. 63.0091, Amended, SB 2429 Effective September 1, 2023

For reports regarding certain at-risk children, adds any children determined by the agency to be high risk. Information entered regarding the report must now include the circumstances considered when designating the child as high risk. Agencies that receive reports for at-risk children must reasonably escalate the response and within two hours of receiving the report, notify all law enforcement agencies within 100 miles, including agencies from other states, of the circumstances and high-risk designation of the missing child.

Code of Criminal Procedure Art. 63.0092, Repealed, HB 2660 Effective September 1, 2023

Repeals previous language related to designating a missing child as high risk.

Code of Criminal Procedure Art. 63.0092, Repealed, SB 2429 Effective September 1, 2023

Repeals previous provisions related to reporting a missing child.

Education Code

Education Code § 37.086(a), (b), (c), Amended, SB 2069 Effective September 1, 2023

Relating to the required posting of signs regarding human trafficking penalties by certain schools.

Education Code § 51.9357, New Language, HB 1361 Effective June 12, 2023

Institutions of higher learning must designate at least one employee to serve as a liaison officer to students who are parents of a child younger than 18 and provide students with information regarding available resources. The institution must also issue a report regarding the number of students who are parents of a child younger than 18 and their demographic and academic data.

Family Code, Chapter 6

Family Code § 6.502(a-1), New Language, HB 2671 Effective September 1, 2023

If the court on its own motion refers a suit to mediation in which an initial temporary orders hearing has not yet occurred in a family law matter, the court may not postpone the hearing for more than 30 days.

Family Code, Chapter 54

Family Code § 54.012(a), Amended, HB 422 Effective June 13, 2023

Authorizes a juvenile court to conduct detention hearings remotely, without the consent of the parties, unless consent is required by the U.S. or Texas Constitution.

Family Code § 54.012(a-1), (a-2), (e), New Language, HB 422 Effective June 13, 2023

A court may allow or require remote participation by a party, witness, court reporter, or other individual at a detention hearing. The juvenile court must submit a plan for remote proceedings to the Office of Court Administration (OCA) that includes the protocols for handling physical evidence and requires an unobstructed view of those providing remote testimony.

Family Code § 54.012(b), Repealed, HB 422 Effective June 13, 2023

Repeals provision that a detention hearing may not be held using video equipment unless the video equipment for the hearing provides for a two-way communication of image and sound among the child, the court, and other parties at the hearing.

Family Code, Chapter 81

Family Code § 81.001, Amended, HB 1432 Effective September 1, 2023

Strikes the required finding that family violence is "likely to occur in the future" from the general provisions of a family violence protective order.

Family Code § 81.0015, Amended, HB 1432 Effective September 1, 2023

Strikes that family violence is "likely to occur in the future" from the presumption regarding family violence and strikes that the respondent is "seeking or attempting to seek contact with the child" from the list of conditions that trigger the presumption.

Family Code, Chapter 82

Family Code § 82.004, Amended, SB 48 Effective June 18, 2023

Requires a person filing a protective order application to use the online form developed by OCA. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to an application for a protective order that is filed on or after June 1, 2024.

Family Code § 82.011, Amended, SB 578 Effective September 1, 2023

Adds "county of residence" to the information that a court may protect as confidential in a protective order.

Applies only to an application for a protective order that is filed on or after the effective date.

Family Code, Chapter 83

Family Code § 83.007, New Language, SB 48 Effective June 18, 2023

Requires courts to use the standardized temporary *ex parte* order form developed by OCA to issue a temporary *ex parte* order under Family Code Chapter 83. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Family Code, Chapter 85

Family Code § 85.001(a), (b), (c), Amended, HB 1432 Effective September 1, 2023

Strikes the required finding that family violence is "likely to occur in the future" at the close of the protective order hearing.

Family Code § 85.002, Amended, HB 1432 Effective September 1, 2023

Changes "findings" to "finding" in reference to Family Code § 81.001(a) regarding violations of expired protective orders.

Family Code § 85.007(a), Amended, SB 578 Effective September 1, 2023

Adds "county of residence" to the information that may be excluded from a protective order as well as the address and phone number of the protected person's place of work.

Applies to a protective order regardless of whether the protective order was rendered before, on, or after the effective date.

Family Code § 85.0221, New Language, SB 48 Effective June 18, 2023

Requires courts to use the standardized protective order form developed by OCA to issue a temporary *ex parte* order under Family Code Chapter 85. Failure to use the form does not affect the validity or enforceability of the order.

Applies only to a protective order, magistrate's order for emergency protection, or temporary ex parte order that is issued on or after June 1, 2024.

Family Code § 85.025(a-1), Amended, HB 1432 Effective September 1, 2023

Strikes the required finding that family violence is "likely to occur in the future" in the provision that allows protective orders to exceed two years.

Applies only to a protective order rendered on or after the effective date.

Family Code § 85.025(d), New Language, HB 1423 Effective September 1, 2023

As soon as practicable after the release of a person from incarceration who is the subject of a protective order, the Department of Public Safety must update the statewide law enforcement information system to reflect the date that the order will expire following the person's release.

Applies only to an order with respect to a person released from incarceration on or after the effective date.

Family Code § 85.026(d), New Language, HB 1423 Effective September 1, 2023

Each protective order must specify when the order expires and must provide notice of any extensions that may apply as a result of the person's confinement or imprisonment.

Applies only to a protective order issued on or after the effective date.

Family Code, Chapter 105

Family Code § 105.001(a-1), New Language, HB 2671 Effective September 1, 2023

If the court on its own motion refers a suit to mediation in which an initial temporary orders hearing has not yet occurred in a Suit Affecting the Parent-Child Relationship, the court may not postpone the hearing to more than 30 days.

Applies only to a suit that is pending in a trial court on the effective date or that is filed on or after that date.

Family Code, Chapter 107

Family Code § 107.002(b), Amended, SB 1930 Effective September 1, 2023

Requires the guardian ad litem to seek the child's opinion and concerns regarding their current or proposed placement.

Family Code § 107.002(j), New Language, SB 1930 Effective September 1, 2023

If the child is placed or may be placed in an RTC, the guardian ad litem must review any information regarding whether the placement is appropriate to meet the child's specific needs, meet in person with the child, and provide to the court a recommendation regarding the placement that is in the best interest of the child. The guardian ad litem may request a placement

conference and participate in any placement conferences regarding an RTC, QRTP, or similar placement conducted by DFPS unless good cause is shown for excluding the guardian ad litem.

Family Code § 107.004(f), New Language, SB 1930 Effective September 1, 2023

If the child is considered for placement in an RTC, QRTP, or similar setting, an attorney ad litem must review any available information regarding the child's needs including the Child and Adolescent Needs and Strengths assessment (CANS), psychological evaluations, discharge notes, incident reports and counseling notes and determine if the placement is appropriate to meet the child's needs. The attorney ad litem must meet with the child to elicit the child's opinion regarding the child's current or proposed placement. The attorney ad litem must advise the child regarding DFPS' request for placement and the likelihood of the request being granted. The attorney ad litem must advocate to the court for the child's specific desires regarding the requested placement. The attorney ad litem may request a placement conference and participate in any placement conferences conducted by DFPS regarding an RTC, QRTP, or similar placement.

Family Code § 107.0042, New Language, SB 2120 Effective September 1, 2023

Each year and on a form prescribed by the TIDC, an attorney appointed as an attorney ad litem in a proceeding filed by DFPS shall submit to the county or TIDC a report for the preceding state fiscal year that describes the percentage of the attorney's professional practice time that was dedicated to the attorney's appointment as an attorney ad litem in the county.

Family Code § 107.0131(a), Amended, SB 1930 Effective September 1, 2023

An attorney appointed to represent a parent may participate in a case staffing related to a placement in an RTC or QRTP.

Family Code § 107.259(a), (d), Amended, SB 2120 Effective September 1, 2023

Requires the chief counsel for an office of child representation to have practiced law for five years instead of three.

Family Code, Chapter 154

Family Code § 154.017, New Language, SB 870 Effective September 1, 2023

Allows a court or Title IV-D agency to require an unemployed or underemployed obligor to participate in a program that provides employment assistance, skills training, or job placement services.

Family Code, Chapter 157

Family Code § 157.168, Amended, SB 718 Effective September 1, 2023

Requires a court to order additional periods of possession and access when court-ordered access has been denied due to a DFPS investigation that did not result in a finding of Reason to Believe

(RTB), unless the party denying access shows good cause as to why more access should not be granted. Does not create a cause of action against DFPS or waive sovereign immunity.

Applies only to a Suit Affecting the Parent-Child Relationship pending before a trial court on or on or after the effective date.

Family Code § 157.551, New Language, HB 969 Effective September 1, 2023

Authorizes counties and municipalities to impose a fine up to \$500 for interference with a child custody order.

Family Code, Chapter 161

Family Code § 161.001(b), Amended, HB 2187 Effective September 1, 2023

Adds abandoning an elderly or disabled person to the termination ground regarding the criminal offense of abandoning a child.

Family Code § 161.001(b), Amended, HB 2658 Effective September 1, 2023

Adds termination ground (V) that allows for termination if a parent has been convicted of criminal solicitation of a minor either online or in-person.

Applies only to a Suit Affecting the Parent-Child Relationship filed on or after the effective date.

Family Code § 161.001(f), (g), New Language, HB 1087 Effective September 1, 2023

Prevents the court from ordering termination of parental rights in a suit by DFPS unless the court finds by clear and convincing evidence that DFPS made reasonable efforts to return the child to the parent before commencement of a trial on the merits, and despite those reasonable efforts, a continuing danger remains in the home that prevents the return of the child to the parent. The court does not have to make a finding regarding reasonable efforts if a service plan for the parent was waived due to aggravated circumstances. The court must include in a separate section of its order written findings describing with specificity the reasonable efforts DFPS made to return the child to the child's home.

Family Code, Chapter 162

Family Code § 162.604, New Language, HB 2969 Effective September 1, 2023

Restricts DFPS or Single Source Continuum Contractor (SSCC) from setting a maximum age or maximum age differential for an adoptive parent but allows them to consider the health and expected lifespan of each prospective adoptive parent when determining best interest.

Family Code, Chapter 231

Family Code § 231.002(e), Amended, SB 870 Effective September 1, 2023

Allows the Office of the Attorney General (OAG) to administratively adjust the obligations of an incarcerated obligor.

Family Code § 231.101(f), New Language, SB 870 Effective September 1, 2023

Requires the OAG to distribute a child support payment received on behalf of a child placed in substitute care by DFPS to the appropriate state agency in accordance with applicable federal laws or regulations.

Applies only to a child support payment received by the OAG on or after the effective date.

Family Code § 231.1015, New Language, SB 870 Effective September 1, 2023

Requires the OAG to review and administratively adjust an obligor's child support, medical support, and dental support order to amounts that are based on the application of the guidelines under applicable statutory provisions to the obligor's net resources during incarceration, on verification by the OAG that a judgment or order has been rendered for the confinement of the obligor in a local, state, or federal jail or prison for a period of at least 180 consecutive days. Does not apply if the OAG determines that the obligor is confined due to the obligor's failure to comply with a child support order or for an offense constituting an act of family violence committed against the obligee or a child covered by the child support order. The OAG must provide notice of an administrative adjustment to the parties of the support order and file a copy of the notice with the court of continuing, exclusive jurisdiction. The OAG may seek modification of the support order in lieu of administratively adjusting the support obligation during the obligor's incarceration.

Applies to a child support order regardless of whether the order was rendered before, on, or after the effective date.

Family Code § 231.1016, New Language, SB 870 Effective September 1, 2023

Allows a party to the support order to contest the administrative adjustment by requesting that the OAG review the decision to grant the administrative adjustment.

Applies to a child support order regardless of whether the order was rendered before, on, or after the effective date.

Family Code § 231.1017, New Language, SB 870 Effective September 1, 2023

Requires the OAG to review the obligor's support order upon the release from incarceration.

Applies to a child support order regardless of whether the order was rendered before, on, or after the effective date.

Family Code § 231.117(d), Repealed, SB 870 Effective September 1, 2023

Repeals provision that a court or the Title IV-D agency may issue an order that requires the parent to either work, have a plan to pay overdue child support, or participate in work activities appropriate to pay the overdue support.

Family Code, Chapter 261

Family Code § 261.002(d), New Language, SB 24 Effective September 1, 2023

DFPS must provide HHSC with access to the central registry as necessary for HHSC to implement its strategic plan for providing family support services.

Family Code § 261.104, Amended, HB 63 Effective September 1, 2023

Requires an individual making a report of child abuse or neglect to the DFPS hotline (i.e., reporter) to identify themselves and submit contact information. The reporter must be informed that DFPS may not accept anonymous reports, that the reporter's identity remains confidential, and that the reporter may make an anonymous report to law enforcement. If the report is made over the phone, the caller must also be notified that the call is being recorded and that making a false report is a crime.

Family Code § 261.105(c-1), Amended, HB 4696 Effective September 1, 2023

Requires DFPS to immediately notify HHSC of reports of abuse, neglect, or exploitation related to a child with an intellectual disability receiving services in a state supported living center.

Family Code § 261.201(m), (n), New Language, HB 63 Effective September 1, 2023

Clarifies that a DFPS employee may only have access to a reporter's identity if the employee is directly involved in the case, the employee is the supervisor of a directly involved employee, or the employee has another legitimate interest in the investigation.

Family Code § 261.301(1), New Language, HB 730 Effective September 1, 2023

If 60 days have passed after the case was closed, DFPS may not reopen an investigation. DFPS may not reopen an investigation within 60 days of closure unless good cause is shown in procedures to be established by DFPS.

Family Code § 261.303(b), (c), Amended; (f), (g), (h), New Language, HB 730 Effective September 1, 2023

The court may order admission by DFPS to the home, school, or other place where the child may be for an interview, examination, and investigation if the court has good cause to believe the child is in imminent danger of aggravated circumstances or has probable cause to believe the admission is necessary to protect the child from abuse or neglect. To order the release of records

by the parent or to order a medical, psychological, or psychiatric examination of the child, the court must have probable cause to believe the order is necessary to protect the child from abuse or neglect. A hearing for an order may not be *ex parte* unless the court has probable cause to believe there is no time consistent with the health and safety of the child for a full hearing. The order must include the court's findings regarding the sufficiency of the evidence, and the court must provide a copy of the order to a party upon request.

Applies only to an order rendered on or after the effective date.

Family Code § 261.304(a), Amended, HB 63 Effective September 1, 2023

If a person makes an anonymous report to a law enforcement agency regarding child abuse and neglect and the agency refers the report to DFPS, DFPS must conduct a preliminary investigation to corroborate the report.

Family Code § 261.307(c), New Language, HB 63 Effective September 1, 2023

DFPS must provide information to a parent or other person with legal custody of a child regarding the DFPS employee's identity and the DFPS investigation summary. DFPS must allow a reasonable amount of time for the parent or person to read or review the summary before taking any action in investigating the report.

Family Code § 261.307, Amended, HB 730 Effective September 1, 2023

Requires a DFPS investigator upon first contact to provide a parent or alleged perpetrator with a written summary that must now include an explanation that any statement or admission made by the person to anyone may be used against the person in a criminal case, as a basis to remove the child, or as a basis to terminate the person's relationship with the child.

The summary must also include known allegations under investigation and verbally notify the person of their right to:

- not speak with any agent of DFPS without legal counsel present;
- receive assistance from an attorney;
- have a court-appointed attorney if the person is indigent, they are the parent of the child, and DFPS seeks a court order under Family Code Chapter 262 or 264;
- record any interaction or interview subject to the understanding that the recording may be disclosed to DFPS, law enforcement, or another party under a court order;
- refuse to allow the investigator to enter the home or interview the children without a court order;
- have legal counsel present before allowing the investigator to enter the home or interview the child;
- withhold consent to the release of any medical or mental health records;
- withhold consent to any medical or psychological examination of the child; refuse to submit to a drug test; and
- consult with legal counsel prior to agreeing to any proposed voluntary safety plan.

DFPS must document that verbal notice was provided to the person and DFPS must adopt a form to document that the person received the written and oral summary and provide a signed copy to the person's attorney, if represented.

If the person does not receive the verbal notification and written summary, any information obtained from the person, and any other information that would not have been discovered without that information, is not admissible for use against the person in any civil proceeding.

Applies only to the investigation of a report of abuse of neglect that is made on or after the effective date.

Family Code § 261.3081, New Language, HB 730 Effective September 1, 2023

DFPS must notify the child's parent; the parent's attorney, if represented; the attorney ad litem for the child; CASA or a guardian ad litem; or any other person the court determines has an interest in the child's welfare of changes or edits to the DFPS investigation report.

Family Code § 261.3105, New Language, SB 1447 Effective September 1, 2023

Requires DFPS to develop a robust training program for persons investigating suspected child abuse or neglect. An investigator or investigative supervisor may not be assigned to investigate or supervise the investigation of any case until the investigator or supervisor successfully completes the training program and passes an examination.

Applies only to investigation of a case assigned to an investigator or investigative supervisor on or after January 1, 2025.

Family Code § 261.404(a), (a-1), (a-2), (a-3), (b), (c), (d), Amended; (a-4), New Language, HB 4696 Effective September 1, 2023

Requires HHSC rather than DFPS to investigate reports of abuse, neglect, or exploitation of a child receiving services from providers defined by Human Resources Code § 48.251.

Family Code, Chapter 262

Family Code § 262.101, Amended, HB 968 Effective September 1, 2023

Adds to the requirements of emergency removal affidavits that the child could not be protected by a kick-out order of the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or that placement would pose an immediate danger to the child. The affidavit must describe all reasonable efforts that were made to prevent or eliminate the need for the removal of the child.

Family Code § 262.101, Amended, HB 1087 Effective September 1, 2023

Requires an emergency removal affidavit to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

Family Code § 262.1016, New Language, HB 968 Effective September 1, 2023

Authorizes an agreed order to remove a perpetrator. The order may not be used against an alleged perpetrator as an admission of child abuse or neglect and is enforceable civilly or criminally but is not enforceable as a contract. The person affected by an agreed order may request that the court terminate the order and the court must terminate the agreed order upon a finding that the order is no longer needed and that terminating the order is in the best interest of the child.

Family Code § 262.102(a), Amended, HB 968 Effective September 1, 2023

Adds to findings required at the *ex parte* hearing requesting emergency removal that the child could not be protected by a kick-out order against the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or placement would pose an immediate danger to the child.

Family Code § 262.102(e), New Language, HB 1087 Effective September 1, 2023

Requires an emergency removal order to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

Family Code § 262.105(b), Amended; (c) New Language, HB 968 Effective September 1, 2023

Adds to the requirements of an emergency removal affidavit that the child could not be protected by a kick-out order against the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or placement would pose an immediate danger to the child. The affidavit must describe all reasonable efforts that were made to prevent or eliminate the need for the removal of the child.

Family Code § 262.105(c), New Language, HB 1087 Effective September 1, 2023

Requires emergency removal affidavits to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

Family Code § 262.107(a), Amended, HB 968 Effective September 1, 2023

Adds to findings required at the *ex parte* hearing after an emergency removal prior to a court order that the child could not be protected by a kick-out order against the perpetrator or by placement with a relative or designated caregiver under a PCSP because it was refused, was not possible, or placement would pose an immediate danger to the child.

Applies only to a Suit Affecting the Parent-Child Relationship filed on or after the effective date.

Family Code § 262.107(c), New Language, HB 1087 Effective September 1, 2023

Requires emergency removal orders to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home.

Family Code § 262.114(a-3), New Language, SB 135 Effective September 1, 2023

Requires DFPS to record the results of home studies of relatives or designated caregivers in IMPACT.

Applies only to a home study performed on or after the effective date.

Family Code § 262.201(g-2), New Language, HB 1087 Effective September 1, 2023

Requires adversary hearing orders to describe with specificity in a separate section all reasonable efforts made to prevent or eliminate removal or return the child home and to place the child with a non-custodial parent.

Applies only to a Suit Affecting the Parent-Child Relationship filed on or after the effective date.

Family Code § 262.2015(b), Amended, HB 2187 Effective September 1, 2023

Adds abandoning an elderly or disabled person to the list of aggravated circumstances allowing for waiver of a service plan and the requirement to make reasonable efforts to return a child to the parent.

Applies only to an offense committed on or after the effective date. An offense was committed before the effective date if any element of the offense was committed before that date.

Family Code § 262.206, Amended, HB 730 Effective September 1, 2023

Ex parte hearings under Family Code Chapter 262 must be recorded by either audio or video or a court reporter transcription. The court must provide a copy of the recording to a party upon request, and DFPS must provide notice of the hearing to the parent's attorney, if represented.

Applies only to an ex parte hearing held on or after the effective date.

Family Code § 262.301(1), Amended; (3), (4), New Language, SB 780 Effective September 1, 2023

Removes the requirement that a child placing agency must be licensed by DFPS to be designated as an emergency infant care provider and adds fire departments and law enforcement agencies as emergency care providers.

Family Code § 262.302(a), Amended, New Language, SB 780 Effective September 1, 2023

Adds a newborn safety device as a method by which emergency infant care providers may take possession of certain abandoned children without a court order.

Family Code § 262.3025, New Language, New Language, SB 780 Effective September 1, 2023

Defines a "newborn safety device."

Family Code, Chapter 263

Family Code § 263.001(a)(3-c), New Language, SB 1930 Effective September 1, 2023

Defines an RTC per Human Resources Code Chapter 42.

Family Code § 263.002(e), (f), New Language, SB 1930 Effective September 1, 2023

For placement reviews under Family Code Chapter 263, if a child is placed or is awaiting placement in an RTC, the court must determine whether:

- the child's needs can be met through placement in a family-like setting;
- the RTC can provide the most effective and appropriate level of care for the child;
- if the RTC is the least restrictive setting consistent with the child's best interest and individual needs; and
- if the RTC is consistent with the short-term and long-term goals for the child, as specified by the child's permanency plan.

The court may consider: any medical, psychological, or psychiatric assessments; the child's current treatment plan and progress being made; any significant medical, legal, or behavioral incidents involving the child; the reasons for the child's discharge from current or former placement; the programs available at the RTC; the RTC's discharge plan; whether there are other programs that more effectively meet the child's needs; and other relevant information.

Family Code § 263.008(b), Amended, HB 3765 Effective September 1, 2023

Adds having luggage available to transport the child's personal belongings to the foster child's bill of rights.

Family Code § 263.1021, New Language, HB 793 Effective September 1, 2023

Allows a parent to obtain services in their service plan by a qualified or licensed provider selected by the parent. The services must be designed to achieve the goals of the service plan and may be provided remotely. The provider must certify whether the parent has satisfactorily completed the service. DFPS must reimburse the service provider at the same rate as DFPS' contracted providers in the region.

Applies only to a suit filed by DFPS on or after the effective date.

Family Code § 263.202(b), Amended, SB 1930 Effective September 1, 2023

At the Status Hearing, the court is required to find whether continued placement in an RTC or QRTP is appropriate according to Family Code §§ 263.002 and 263.00201 respectively.

Family Code § 263.306(a-1), Amended, SB 1930 Effective September 1, 2023

At Permanency Hearings prior to a final order, the court is required to determine whether continued placement in an RTC or QRTP is appropriate according to Family Code §§ 263.002 and 263.00201 respectively.

Family Code § 263.5031(a), Amended, SB 1930 Effective September 1, 2023

At Permanency Hearings after a final order, the court is required to find whether continued placement in an RTC or QRTP is appropriate according to Family Code §§ 263.002 and 263.00201 respectively.

Family Code, Chapter 264

Family Code § 264.015(d), (e), New Language, HB 4233 Effective September 1, 2023

Each foster parent, prospective adoptive parent, and relative or other designated caregiver for children 10 years or older must complete a training program developed by DFPS on runaway prevention measures and proper procedures to support children and youth at high risk for running away.

Family Code § 264.017(f), New Language, SB 614 Effective September 1, 2023

Requires DFPS to publish a monthly report on PCSPs that includes: the number of children placed under a PCSP, the average duration of a placement, the average duration of a placement during an investigation, and the percentage of children removed and placed in the managing conservatorship of DFPS.

Family Code § 264.018(a)(5), Amended, SB 1930 Effective September 1, 2023

Adds placement of a child in an RTC or placement conferences to determine the appropriateness of an RTC placement to the definition of a significant event requiring notice to the parent, attorney ad litem, and guardian ad litem.

Family Code § 264.1078, New Language, HB 3765 Effective September 1, 2023

Requires DFPS to establish a luggage program for children who are being removed from their home or changing placements. The luggage belongs to the child and not the caregiver or DFPS. DFPS must document and report the inventory of the luggage program and the number of times a child is forced to use a trash bag to transport their belongings. DFPS may solicit and accept gifts, grants, and donations to the program.

Family Code § 264.1215, New Language, SB 1379 Effective September 1, 2023

Requires DFPS to establish a pilot program to assist youth in foster care to achieve financial security and independence. The program must include an agreement with financial institutions to establish saving and checking accounts for youth in foster care between the ages of 14 and 21. The youth in foster care are to be the sole owners of the accounts even without a co-signor. The financial institution may not require maintenance, overdraft, insufficient funds, inactivity, or other penalty fees. DFPS may partner with non-profits and foundations to provide matching funds for deposits. DFPS must survey youth in foster care about the program and complete an evaluation of the program by December 31, 2027. If DFPS is unable to enter into an agreement with financial institutions, DFPS must report barriers to be addressed.

Expires January 1, 2028.

Family Code § 264.203(e), (n), Amended, HB 730 Effective September 1, 2023

Courts may not issue a temporary restraining order under Family Code §105.001 that places the child outside the child's home or in the conservatorship of DFPS.

Family Code § 264.2032, New Language, SB 614 Effective September 1, 2023

DFPS must report the number of Family Code Chapter 264 cases where a child is in a PCSP in which a court orders a parent, managing conservator, guardian, or other member of the child's household to participate in services.

Family Code § 264.2032, New Language, HB 730 Effective September 1, 2023

DFPS must report the number of Family Code Chapter 264 cases where a child is in a Parental Child Safety Placement agreement (PCSP) in which a court orders a parent, managing conservator, guardian, or other member of the child's household to participate in services.

Family Code § 264.302(e), Amended, HB 3186 Effective January 1, 2024

Requires DFPS to provide services to a child and their family if the services are available in the county and the child is determined to be at-risk by a justice or municipal court under Code of Criminal Procedure Articles 45.309 and 45.310.

Family Code § 264.601(1-a), (1-b), New Language, HB 474 Effective September 1, 2023

Defines active and inactive volunteer advocates.

Family Code § 264.603(a), Amended, HB 474 Effective September 1, 2023

Requires reporting of the number of active and inactive volunteer advocates in Court Appointed Special Advocates (CASA) contract goals.

Family Code § 264.604(a), Amended, HB 474 Effective September 1, 2023

Requires CASA programs to adopt a grievance procedure and maintain records regarding active and inactive volunteer advocates.

Family Code § 264.901(2), Amended, HB 730 Effective September 1, 2023

Defines a PCSP as any temporary out of home placement made by written agreement with DFPS and the parent or caregiver that ensures the safety of the child during an investigation or while the parent or caregiver is receiving services.

Family Code § 264.901(2), Amended, SB 614 Effective September 1, 2023

Defines a PCSP as any temporary out of home placement made by written agreement with DFPS and the parent or caregiver that ensures the safety of the child during an investigation or while the parent or caregiver is receiving services.

Family Code § 264.902 (a), Amended; (e)-(j), New Language, HB 730 Effective September 1, 2023

Before a parent may enter into a PCSP, DFPS must notify the parent of their right to counsel and give them a reasonable amount of time to consult an attorney. PCSPs automatically terminate after 30 days and DFPS may enter into not more than two 30-day extensions. Upon entering a PCSP agreement, DFPS must inform the parent of their right to refuse to enter into the agreement and to be represented by an attorney or a court-appointed attorney, if indigent and if DFPS seeks a subsequent court order. DFPS may not place a child in a PCSP for longer than 90 days unless both the parent and their attorney sign the agreement or a court renders an order under Family Code Chapter 262. Written notice of certain provisions must be placed in the PCSP.

Applies only to a PCSP executed on or after the effective date.

Family Code § 264.902(a), Amended; (e)-(j), New Language, SB 614 Effective September 1, 2023

Before a parent may enter into a PCSP with DFPS, DFPS must notify the parent of their right to counsel and give them a reasonable amount of time to consult an attorney. PCSPs automatically terminate after 30 days and DFPS may enter into not more than two 30-day extensions. Upon entering a PCSP extension, DFPS must inform the parent of their right to a court-appointed attorney if indigent and if DFPS seeks a subsequent court order. DFPS may not keep a child in a PCSP for longer than 90 days unless the parent and their attorney sign the agreement or a court renders an order under Family Code Chapter 262. Requires written notice of the provisions be placed in the PCSP.

Applies only to a PCSP executed on or after the effective date.

Family Code § 264.907, New Language, HB 730 Effective September 1, 2023

Requires DFPS to separately include the number of children in PCSPs in reports submitted to the U.S. Department of Health and Human Services regarding the number of children removed from their homes.

Family Code § 264.907, New Language, SB 614 Effective September 1, 2023

Requires DFPS to separately include the number of children in PCSPs in reports submitted to the U.S. Department of Health and Human Services regarding the number of children removed from their homes.

Family Code, Chapter 265

Family Code Chapter 265 Repealed and Transferred, SB 24 Effective September 1, 2023

Repeals Family Code Chapter 265 through a transfer of relevant provisions to the newly created Human Resources Code Chapter 137.

Family Code, Chapter 301

Family Code § 301.001, New Language, HB 2850 Effective September 1, 2023

Clarifies that Family Code Chapter 301 applies only to civil actions brought under the Texas Family Code.

Family Code § 301.002, New Language, HB 2850 Effective September 1, 2023

Notwithstanding Government Code § 22.004, Family Code Chapter 301 may not be modified or repealed by a rule adopted by the Supreme Court of Texas.

Family Code § 301.003, New Language, HB 2850 Effective September 1, 2023

Protects draft expert reports or draft disclosures from discovery, regardless of the form of the draft.

Family Code § 301.051, New Language, HB 2850 Effective September 1, 2023

Requires a party seeking disclosures to serve the other party no later than the 30th day before the last day of any applicable discovery period with a request for disclosures. Establishes required language for making a disclosure request.

Family Code § 301.052, New Language, HB 2850 Effective September 1, 2023

Codifies provisions of Texas Rules of Civil Procedure Rules 194 and 195 regarding the content of disclosures.

Family Code § 301.053, New Language, HB 2850 Effective September 1, 2023

Requires a party to respond to a discovery request by the 30th day after being served with a request. If discovery request is served before the defendant's answer is due, the response is not due until the 50th day after the request. Responses regarding expert witnesses are governed by Family Code Chapter 301 Subchapter C.

Family Code § 301.054, New Language, HB 2850 Effective September 1, 2023

Requires a party responding to a disclosure request under Family Code § 301.051, to provide copies of documents and other tangible items unless: (1) the documents are voluminous; (2) the responding party states a reasonable time and place for the production of the documents; (3) the responding party produces the documents at the time and place stated unless otherwise agreed or ordered by the court; and (4) the responding party provides the requesting party a reasonable opportunity to inspect the documents.

Family Code § 301.055, New Language, HB 2850 Effective September 1, 2023

Prohibits a party from asserting a work product privilege or objecting based on a work product privilege to a request served under Family Code § 301.051.

Family Code § 301.056, New Language, HB 2850 Effective September 1, 2023

A response to a request under Family Code § 301.052(a)(3) or (4) that has been changed by an amended or supplemental response is inadmissible and may not be used for impeachment.

Family Code §§ 301.101 - 301.108, New Language, HB 2850 Effective September 1, 2023

Codifies provisions of Texas Rules of Civil Procedure Rule 195 regarding expert witnesses.

Applies only to actions filed on or after the effective date.

Government Code

Government Code § 22.110(b), (d), Amended; (d-2), New Language, SB 855 Effective September 1, 2023

Requires judicial training to include one hour on the dynamics of family violence per term in office or every four years. Judges responsible for family law or family violence matters must complete an additional hour of family violence dynamics training every two years.

A judge, master, referee, or magistrate who is in office on the effective date must complete the required training not later than December 1, 2025.

Government Code § 61.001(a), Amended, HB 3474 Effective September 1, 2023

Increases jury compensation from \$6 for the first day to \$20 and from \$40 to \$58 for each additional day.

Government Code § 61.0015(a), Amended, HB 3474 Effective September 1, 2023

State reimbursement to the counties for jury compensation increases from \$0 on the first day to \$14 and from \$34 on additional days to \$52.

Government Code § 71.0355, Repealed, SB 2120 Effective September 1, 2023

Repeals the requirement for the Texas Judicial Council to collect data on child welfare legal representation.

Government Code § 72.039, New Language, SB 48 Effective June 18, 2023

Requires OCA to develop and make available on its website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce protective orders. OCA must include a procedure to ensure that a copy of the order is transmitted to all required parties and all relevant information is entered into the statewide law enforcement information system and any other applicable databases.

Government Code § 79.001(1), (4), Amended; (1-a), (7-a), (8-a), (12-a), (12-b), New Language, SB 2120 Effective September 1, 2023

Adds serving as attorney ad litem to the definition of assigned counsel program and defines an attorney ad litem to mean a court-appointed attorney for a child or indigent parent in a suit filed by DFPS. Defines contractor defender program to include representation of indigent parents or children in a suit filed by DFPS. Defines family protection services as services provided by an attorney ad litem, investigator, social worker, forensic expert, mental health expert, or similar

expert to indigent parents and children in suits filed by DFPS and investigations conducted by DFPS. Offices of parent and child representation have the meaning assigned under Family Code Chapter 107.

Government Code § 79.012(b), Amended, SB 2120 Effective September 1, 2023

Adds familiarity with family protection services to the qualifications for TIDC Executive Director.

Government Code § 79.034(a), Amended; (a-1), New Language, SB 2120 Effective September 1, 2023

Gives TIDC authority to develop policies and standards for providing family protection services to indigent parents and children. They may include performance standards, qualification standards, successful completion of CLE, testing, and certification. TIDC may also set standards for caseloads, compensation, determining indigency, and policies and standards for assigned counsel programs, offices of parent and child representation, contract defender programs, and managed assigned counsel programs.

Government Code § 79.035(a), (b), (d), Amended, SB 2120 Effective September 1, 2023

Requires TIDC to develop a plan that establishes statewide requirements for counties reporting family protection services information and uses the information reported by a county to monitor the effectiveness of the county's family protection services policies, standards, and procedures and to ensure compliance by the county with the requirements of state law relating to family protection services and TIDC may revise the plan as necessary to improve the monitoring of family protection services. TIDC must report annually on the data collected and the quality of legal representation provided to parents and children as compared to state and national standards and report its efforts and recommendations to improve representation.

Government Code § 79.0365, New Language, SB 2120 Effective September 1, 2023

Each county must biannually report to TIDC a copy of all formal and informal rules and forms governing the procedures the county uses to provide indigent parents and children with counsel, any fee schedule used by the court, and information on the court's compliance with Government Code Chapter 37 including the lists and rotation system required under that chapter. Counties must also annually report information on the number of appointments made to each attorney and information provided to the county by those attorneys under new Family Code § 107.0042.

Government Code § 79.037(a), (b), (d), Amended, SB 2120 Effective September 1, 2023

TIDC must provide technical assistance to counties to improve their systems in providing family protection services, promote compliance with state law, assist counties in providing or improving family protection services, distribute by grants any funds appropriated, and monitor each entity that receives a grant and enforce compliance with the conditions of the grant. Funds will be made available based on compliance with standards and state law and the county may not reduce the amount of funds it provides for family protection services because of funds provided by a grant.

Government Code § 79.041, New Language, SB 2120 Effective September 1, 2023

TIDC may participate and assist counties in the creation, implementation, operation, and maintenance of a computerized system to be used to assist in the provision and administration of family protection services and to be used to collect data from those counties regarding representation of indigent individuals in this state and may use appropriated funds to pay costs and provide technical training.

Government Code § 81.073(a)(1)(B), (a)(2)(B), New Language, HB 5010 Effective September 1, 2023

Requires grievances against an attorney to be classified as a complaint if submitted by the following persons in the proceeding that is the subject of the grievance:

- a family member of a ward in a guardianship proceeding;
- a family member of a decedent in a probate matter;
- a trustee of a trust or an executor of an estate;
- the judge, prosecuting attorney, defense attorney, court staff member, or juror in the legal matter;
- a trustee in a bankruptcy; or
- any other person who has a cognizable individual interest in or connection to the legal matter or facts alleged in the grievance.

If the grievance is submitted by any other person, it is classified as an inquiry. The complainant or attorney may appeal the classification.

Applies only to a grievance filed on or after the effective date.

Government Code § 81.074, Amended, HB 5010 Effective September 1, 2023

Adds grievances submitted by person other than those listed in Government Code § 81.073 to the inquiry disposition procedures.

Applies only to a grievance filed on or after the effective date.

Government Code § 531.0045, New Language, SB 24 Effective September 1, 2023

Excludes HHSC family support services and Thriving Texas Families Program services from review by the Sunset Advisory Commission under Government Code Chapter 325.

Expires September 1, 2027.

Government Code § 531.09915, New Language, SB 26 Effective September 1, 2023

Requires HHSC to establish a matching grant program for eligible community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families. HHSC must prioritize grants for entities that work with children and family members of children with a high risk of experiencing a crisis or developing a mental health condition to reduce the need for future intensive mental health services, the number of

children at-risk of placement in foster care or the juvenile justice system, the demand for placement in state hospitals, inpatient mental health facilities and residential behavioral health facilities.

Government Code § 531.9912, New Language, HB 3462 Effective September 1, 2023

Consolidates all DFPS Ombudsman programs under HHSC.

Government Code § 531.993, Amended, HB 3462 Effective September 1, 2023

The ombudsman must assist children and youth in the conservatorship of DFPS in making complaints and reporting allegations of exploitation under Human Resources Code Chapter 48, in addition to allegations of abuse and neglect. The ombudsman must also assist any other person in making complaints against a program within the Health and Human Services system or reporting allegations of abuse, neglect, or exploitation under Human Resources Code Chapter 48. DFPS must provide written notice to the Ombudsman on adoption or rejection of the Ombudsman's corrective action, and if rejected, the reason for the rejection.

Health and Safety Code

Health and Safety Code §§ 54.001 - 54.011, New Language, SB 24 Effective September 1, 2023

HHSC must establish the Thriving Texas Families Program. HHSC must contract with network contractors to promote healthy pregnancy and childbirth, promote childbirth as an alternative to abortion, increase access to resources that promote family and child development, encourage family formation, help parents implement successful parenting techniques, increase the number of families who achieve economic self-sufficiency, and provide personalized support to pregnant women. Family planning services may not be provided through the network.

Contracted service providers must have performance outcomes that include improving healthy pregnancy and childbirth outcomes, improving child health and development, assisting families in achieving economic self-sufficiency, increasing workforce participation, or promoting marriage and family formation. HHSC must identify indicators to measure performance outcomes and require periodic reporting on the outcomes. Through a competitive bidding process, HHSC must contract with an external third party to periodically conduct impact evaluations.

Health and Safety Code § 142.018(b), Amended, HB 4696 Effective September 1, 2023

Requires home and community support services agencies to report abuse, neglect, and exploitation to HHSC rather than DFPS.

Health and Safety Code §§ 810.001 - 810.010, New Language, SB 1849 Effective September 1, 2023

Establishes an interagency child protection database and search engine to compile and aggregate reportable conduct information maintained by DFPS, HHSC, Texas Education Agency (TEA), and TJJD. Results of the search must include: the individual's full name; the individual's date

of birth or the last four digits of the individual's social security number; information relevant to determining whether the individual is eligible for employment, a contract, certification, or licensure or the type or a description of the reportable conduct; when the reportable conduct occurred; when a final determination was issued on the reportable conduct; and the participating state agency that maintains the reportable conduct information.

An individual who engaged in conduct that requires the individual's inclusion in search engine results is not entitled to notice or a hearing before their information is included in the search engine results. An agency that declines a contract, license, or certification to an individual because of their inclusion in the data base must notify the individual of that determination and provide an opportunity for a hearing regarding the determination of the individual's ineligibility. At the hearing the state agency is not required to prove that an individual engaged in reportable conduct and must prove by a preponderance of the evidence that an individual is ineligible under Health and Safety Code § 810.006.

Human Resources Code

Human Resources Code § 40.035(a), (b), Amended; (a-1), New Language, SB 2261 Effective September 1, 2023

Requires DFPS employees to successfully complete their training programs.

Human Resources Code § 40.082, New Language, SB 182 Effective September 1, 2023

DFPS employees or contractors who become aware of conduct constituting a criminal offense engaged in by another employee or contractor of DFPS against a person receiving services from DFPS or a DFPS contractor must report the conduct to a local law enforcement agency not later than the 48th hour after the employee becomes aware of the conduct. The person commits an offense if the person is required to make a report and knowingly fails to make the report.

Human Resources Code § 40.083, New Language, SB 182 Effective September 1, 2023

An employer may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who in good faith reports conduct constituting a criminal offense as required by Human Resources Code § 40.082 or initiates or cooperates with an investigation regarding Human Resources Code § 40.082.

Human Resources Code § 42.027, New Language, SB 593 Effective May 19, 2023

Requires HHSC to engage a third party to conduct an audit of rules, minimum standards and contract requirements applying to Child-Placing Agencies (CPAs), RTCs, foster homes, kinship homes, and adoptive homes. The audit must also review the standards or oversight requirements to determine whether the standard or oversight requirement complies with federal laws, rules, or guidelines and whether the standard or oversight requirement is the best practice.

The audit must make recommendations for:

- simplifying minimum standards;
- reducing any barriers to opening a child-placing agency or a residential child-care facility or becoming a relative caregiver, a foster parent, or an adoptive parent;
- adjusting HHSC's system for assigning weights to minimum standards;
- eliminating any minimum standards that are weighted as low, medium-low, or medium by HHSC and are not directly related to child safety; addressing any licensing, training, or oversight requirements that are barriers to retaining quality residential facilities;
- updating licensing standards;
- reducing any barriers to the hiring and retention of high-quality leadership, administrators, and staff; providing maximum flexibility in applying standards to ensure that services are provided in response to the needs of each individual child;
- defining HHSC's and DFPS' role in licensing, investigating, contract oversight, and any other regulatory activity to eliminate duplicate functions or divisions of HHSC and DFPS; and
- promoting transparency and clarity of HHSC's and DFPS' expectations.

The audit must include any recommendations for legislative action, including recommendations for retaining, repealing, or modifying existing state laws or rules, or adopting new state laws or rules necessary to implement the entity's recommendations. The audit must also solicit and consider the input of relevant stakeholders, including those affected by HHSC's and DFPS' rules, minimum standards, and contract requirements that apply to child-placing agencies, residential child-care facilities including foster homes, relative caregivers, or adoptive parents.

Upon receipt of the audit, requires DFPS and HHSC to publish the report on their website and submit a copy to the Governor, Lt. Governor, and Speaker of the House and the standing committee of each house of the legislature with jurisdiction over HHSC as well as an implementation plan and an explanation for any recommendations not implemented.

Expires September 1, 2025.

Human Resources Code § 51.002 (1), (2), (9) Amended; (1-a), (1-b), (8-a), New Language, SB 1841 Effective September 1, 2024

Defines "dating relationship" and "dating violence." In regard to a service or service model, defines "trauma informed" to mean that the service or service model is provided in a manner that recognizes and responds to the signs and symptoms of trauma in, and the risks of trauma to, a victim of family violence to better support the victim and promote the victim's choice, trust, dignity, connection, and healing.

Human Resources Code § 51.004(a), (b), Amended, SB 1841 Effective September 1, 2024

Requires family violence shelter centers to use a trauma-informed service model.

Human Resources Code § 51.005(b), Amended; (b-1), New Language, SB 1841 Effective September 1, 2024

Adds to the services provided by a family violence shelter: advocacy for economic and housing stability; physical, behavioral, and mental health needs; and the needs of children who are the victims and the children of victims. Other services that can be provided include safety planning, community education, counseling, and peer support. Contracts must specify that participation in services is voluntary, and centers cannot require victims of family violence to participate in other services.

Applies only to a contract entered into or amended on or after the effective date.

Human Resources Code Chapter 137, New Language, SB 24 Effective September 1, 2023

Redesign of PEI Division within DFPS to HHSC Family Support Services.

Human Resources Code §§ 137.001-137.005, New Language, SB 24 Effective September 1, 2023

Defines “at-risk family” and “family support services” and replaces the PEI Division with creation of Family Support Services. HHSC must administer grants and contracts to provide family support services to children and at-risk families. The family support services will promote healthy outcomes, assist at-risk families in achieving self-sufficiency and stability, promote workforce participation, and prevent at-risk behaviors in children and families.

Human Resources Code §§ 137.051-137.056, New Language, SB 24 Effective September 1, 2023

Transfers relevant provisions of Family Code §§ 265.051 - 265.057 to the newly created Human Resources Code Chapter 137. Defines “child abuse and neglect prevention” and adds education on family support services to list of permissible expenditures for the child abuse and neglect prevention trust fund.

Human Resources Code §§ 137.057 - 137.060, New Language, SB 24 Effective September 1, 2023

Transfers relevant provisions of Family Code §§ 265.152 - 265.155 to the newly created Human Resources Code Chapter 137. Directs a legislative report to be submitted by Family Support Services Programs and Practices on its outcome goals and defines procedures for evaluation.

Human Resources Code §§ 137.101-137.108, New Language, SB 24 Effective September 1, 2023

Transfers relevant provisions of Family Code §§ 265.101 - 265.110 relating to the Nurse-Family Partnership Competitive Grant Program to the newly created Human Resources Code Chapter 137. Adds requirement for partnership programs funded by a grant under this subchapter to increase workforce participation. HHSC's annual report regarding the performance of each grant recipient with respect to partnership program services must include the number of low-income, first-time mothers and the number of mothers who established paternity as a result of services provided, the number of mothers who married or reside with the father, and the number of mothers who receive other services from HHSC.

Human Resources §§ 137.151-137.152, New Language, SB 24 Effective September 1, 2023

Transfers relevant provisions of Family Code §§ 265.301 - 265.302 relating to the services for at-risk youth to the newly created Human Resources Code Chapter 137.

Human Resources Code § 203.0081(a), (e), Amended; (c-1), New Language, SB 1727 Effective September 1, 2023

Adds the commissioner of DFPS to TJJD's Advisory Council on Juvenile Services and requires the council to develop recommendations for information sharing between agencies that serve children including juvenile justice and child welfare.

Human Resources Code § 203.020, New Language, SB 182 Effective September 1, 2023

Texas Juvenile Justice Department (TJJD) employees or contractors who become aware of conduct constituting a criminal offense engaged in by another employee or contractor of DFPS against a person receiving services from TJJD or a TJJD contractor shall report the conduct to a local law enforcement agency not later than the 48th hour after the hour the employee becomes aware of the conduct. The person commits an offense if the person is required to make a report and knowingly fails to make the report.

Human Resources Code § 203.021, New Language, SB 182 Effective September 1, 2023

An employer may not suspend or terminate the employment of, discriminate against, or take any other adverse employment action against a person who in good faith reports conduct constituting a criminal offense as required by Human Resources Code § 203.020 or initiates or cooperates with an investigation regarding Human Resources Code § 203.020.

Occupations Code

Occupations Code § 1701.253(a), New Language, SB 2429 Effective September 1, 2023

Requires officers to complete a basic education and training program on missing children and missing persons, including instruction on the associated reporting requirements under Code of Criminal Procedure Chapter 63.

Occupations Code § 1701.253(a), New Language, HB 2660 Effective September 1, 2023

Requires officers to complete a basic education and training program on missing children and missing persons, including instruction on the associated reporting requirements under Code of Criminal Procedure Chapter 63.

Occupations Code § 1701.2581, New Language, HB 2660 Effective September 1, 2023

A voluntary advanced education and training program on missing children and missing persons must be made available to law enforcement officers.

Occupations Code § 1701.2581, New Language, SB 2429 Effective September 1, 2023

A voluntary advanced education and training program on missing children and missing persons must be made available to officers.

Penal Code

Penal Code § 20A.02(b), (b-1), Amended, HB 3554 Effective September 1, 2023

Adds first degree felony enhancement to human trafficking violations that occur within 1000 feet of a juvenile detention facility, a children's shelter, or an RTC.

Applies only to an offense committed on or after the effective date. An offense was committed before the effective date if any element of the offense occurred before that date.

Tax Code

Tax Code § 11.18(d), Amended, SB 719 Effective January 1, 2024

Adds to the list of permissible functions for charitable organizations under the Tax Code "providing services related to planning for the placement of or placing children in foster or adoptive homes or providing support or relief to women who are or may be pregnant and who are considering placing their unborn children for adoption."

Applies only to an ad valorem tax year that begins on or after the effective date.

The material in this report should not be construed as an advisory or ruling by or from the Supreme Court of Texas or any other court on specific cases or legal issues. This report is solely intended to address the improvement of the law, the legal system, and the administration of justice.