

CHAPTER 597

H.B. No. 1639

AN ACT

relating to the termination of the parent-child relationship.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 15.02, Family Code, is amended to read as follows:

Sec. 15.02. INVOLUNTARY TERMINATION OF PARENTAL RIGHTS. (a) *Except as provided by Subsection (b) of this section, a [A] petition requesting termination of the parent-child relationship with respect to a parent who is not the petitioner may be granted if the court finds that:*

(1) the parent has:

(A) voluntarily left the child alone or in the possession of another not the parent and expressed an intent not to return; or

(B) voluntarily left the child alone or in the possession of another not the parent without expressing an intent to return, without providing for the adequate support of the child, and remained away for a period of at least three months; or

(C) voluntarily left the child alone or in the possession of another without providing adequate support of the child and remained away for a period of at least six months; or

(D) knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child; or

(E) engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child; or

(F) failed to support the child in accordance with his ability during a period of one year ending within six months of the date of the filing of the petition; or

(G) abandoned the child without identifying the child or furnishing means of identification, and the child's identity cannot be ascertained by the exercise of reasonable diligence; or

(H) voluntarily, and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from the child or failed to support the child since the birth; or

(I) contumaciously refused to submit to a reasonable and lawful order of a court under Section 34.05 of this code; or

(J) been the major cause of:

(i) the failure of the child to be enrolled in school as required by the Texas Education Code; or

(ii) the child's absence from his home without the consent of his parents or guardian for a substantial length of time or without the intent to return; or

(K) executed before or after the suit is filed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Section 15.03 of this code; or

(L) been adjudicated to be criminally responsible for the death or serious injury of another of his or her children; or

(M) had his or her parent-child relationship terminated with respect to another child based on a finding that the parent's conduct was in violation of Paragraph (D) or (E) of this subdivision; and in addition, the court further finds that

(2) termination is in the best interest of the child.

(b) A petition requesting termination of the parent-child relationship with respect to a parent who is not the petitioner that is filed after the court has entered an order or decree under Section 15.05(c) of this code denying a petition to terminate the parent-child relationship of that parent may be granted only as provided by Section 15.025 of this code.

SECTION 2. Chapter 15, Family Code, is amended by adding Section 15.025 to read as follows:

Sec. 15.025. TERMINATION OF PARENTAL RIGHTS AFTER DENIAL OF PRIOR PETITION TO TERMINATE. (a) The court may grant a petition to terminate the parent-child relationship of a parent who is not the petitioner after an order or decree under Section 15.05(c) of this code that denied a petition to terminate the parent-child relationship of that parent has been entered only if:

(1) the petition under this section is filed after the date the order or decree under Section 15.05(c) of this code is entered; and

(2) the court makes a finding under Subsection (b) or (c) of this section.

(b) The court may grant a petition to terminate under Subsection (a) of this section if the court finds clear and convincing evidence that:

(1) since the date the order or decree under Section 15.05(c) of this code was entered the parent committed an act listed under Section 15.02(a)(1) of this code; and

(2) termination is in the best interest of the child.

(c) The court may grant a petition to terminate under Subsection (a) of this section if the court finds clear and convincing evidence that:

(1) the circumstances of the child, parent, sole managing conservator, possessory conservator, or another party affected by the order or decree under Section 15.05(c) of this code have materially and substantially changed since the date that order or decree was entered;

(2) the parent committed an act listed under Section 15.02(a)(1) of this code before the date the court's order or decree under Section 15.05(c) was entered; and

(3) termination is in the best interest of the child.

(d) At the hearing on a petition under this section, the court may consider evidence presented at a previous hearing on a petition to terminate the parent-child relationship of the parent with respect to the same child.

SECTION 3. Section 11.08, Family Code, is amended by adding Subsection (e) to read as follows:

(e) A petition for the involuntary termination of the parent-child relationship that alleges in the statutory language each statutory ground for the termination relied on and that alleges that the termination is in the best interest of the child is sufficient without the necessity of specifying the underlying facts.

SECTION 4. This Act takes effect September 1, 1993, and applies only to a petition to terminate the parent-child relationship filed after a court order or decree that denied a petition to terminate the parent-child relationship if the court order or decree was entered on or after that date.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 14, 1993, by a non-record vote; passed by the Senate on May 27, 1993, by a viva-voce vote.

Approved June 13, 1993.

Effective Sept. 1, 1993.

Passed by the House on May 8, 1993, by a non-record vote; passed by the Senate on May 29, 1993: Yeas 31, Nays 0.

Approved June 13, 1993.

Effective Sept. 1, 1993.