

CHAPTER 934

H.B. No. 2291

AN ACT

relating to the involuntary termination of the parent-child relationship.

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

SECTION 1. Chapter 15, Family Code, is amended by adding Section 15.024 to read as follows:

*Sec. 15.024. INVOLUNTARY TERMINATION: INABILITY TO CARE FOR CHILD. (a) A petition by the Texas Department of Human Services 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 mental or emotional illness or a mental deficiency that renders the parent unable to provide for the physical, emotional, and mental needs of the child, and the illness or deficiency, in all reasonable probability, proved by clear and convincing evidence, renders the parent unable to provide for those needs from the time of the court's finding until the 18th birthday of the child;*

*(2) the department has been the permanent managing conservator of the child of the parent for the six months preceding the filing of the petition; and*

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

*(b) Immediately after the filing of a petition for termination of the parent-child relationship under this section, the court shall appoint an attorney ad litem to represent the interests of the parent against whom the suit is brought.*

*(c) A hearing on the petition on the issue of termination may not be held earlier than 180 days after the date on which the petition was filed.*

*(d) An attorney appointed under Subsection (b) of this section shall represent the parent for the duration of the suit unless the parent, with the permission of the court, retains another attorney.*

SECTION 2. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 19, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2291 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by the following vote: Yeas 31, Nays 0.

Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.