

BILL SUMMARY

1st Session of the 60th Legislature

Bill No.:	HB1965
Version:	CS
Request Number:	13372
Author:	Rep. Williams
Date:	3/25/2025
Impact:	OJA: Unknown

Research Analysis

The floor amendment for HB 1965 determines that if the jury trial to determine the termination of parental rights is waived, then the court will issue a scheduling order within 30 days and a bench trial will commence within three months unless exceptional circumstance supports the delay or if the parties and guardian ad litem agree. The measure requires consideration of each family's and child's circumstances when preparing an individualized service plan. The measure provides that the individual service plan leads to reunification for the first period of 15 months. If the parent has not corrected their circumstances in this time and the court makes a referenced finding, then the petition or motion for termination of parental rights will be filed by the district attorney. The measure provides that a the court may terminate parental rights upon the grounds that a child has been in foster care for not less than 15 months of the last 22 and the parent has not corrected their circumstances unless a parent has made substantial progress, the child has a close and positive relationship with the parent, the child is 14 or older and firmly opposed to the termination of parental rights, the child cannot function in a family setting, a parent is terminally ill but in remission, the child is an unaccompanied, refugee minor, adoption is not appropriate, and the parent's incarceration and involvement in a court-ordered residential substance abuse treatment program is primarily why the child is in substitute care.

The child will be considered to have entered foster care on the earlier date of the adjudication date or the date 60 days after removal from the home. The measure provides additional factors the court may consider. The measure requires informal adjustment to be considered for a child charged with a delinquent act that would be an adult misdemeanor as the result of a first-time, nonviolent offense. The measure requires the Office of Juvenile Affairs to conduct an assessment for any child who successfully completes an informal adjustment utilizing program evaluations and data collection. The data may include recidivism, school engagement, social engagement, and graduation rates.

CHANGES IN FLOOR SUB VERSION FROM COMMITTEE SUBSTITUTE:

The floor amendment provides that if a child is charged with a delinquent act as the result of a first-time, nonviolent offense which would be a misdemeanor if an adult, an informal adjustment will be considered for the child. The floor amendment removes this language for an offense that would be considered a felony if committed by an adult.

Prepared By: Suzie Nahach, House Research Staff

Fiscal Analysis

The CS to HB1965 sets forth that the Office of Juvenile Affairs (OJA) shall conduct an assessment on certain children in reunification proceedings. Officials with the OJA have provided the following information:

To comply with the social engagement portion of the measure, the OJA may need the design of a data validated tool, or a platform for the data collection related to these cases. However, without more clarity, it is unknown whether or not the agency can administer the measure's provisions within existing budgetary resources.

Therefore, in its current form, the OJA may seek additional funding to carry out the provisions of HB1965. The amount of funding that would be needed is unknown, and is pending further clarification regarding the legislative intent behind the measure's metrics for school engagement and social engagement.

The FA1 does not change the fiscal impact of the measure.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.