

BILL SUMMARY
1st Session of the 60th Legislature

Bill No.:	HB1965
Version:	SAHB
Request Number:	
Author:	Rep. Williams
Date:	5/19/2025
Impact:	OJA: Unknown

Research Analysis

The Senate Amendments to HB 1965 adds welfare in addition to health or safety in terms of harm to the child. The Senate Amendments make changes to language used in the bill including replacing mentions of pornography as it relates to permitting a child's participation with "child sexual abuse material." The SAHB changes three months as a timeline to 90 days and also provides that termination of parental rights is in the best interest of the child unless the child is 12 or older and firmly opposed to termination of parental rights, changed from 14. The SAHB provides that if a child would be charged with a delinquent act as the result of a first-time offense with would be an adult misdemeanor, diversion services will be provided prior to the district attorney filing a petition alleging the child be in need of supervision or upon the assumption of custody. Diversion services will include Functional Family Therapy, first-time offender programs, community-at-risk services, or other programs. The Office of Juvenile Affairs will evaluate the recidivism rate for children who are offered these service and publish the rate publicly in their annual report. The Senate Amendments also provide that when appointing guardians that preference be given to relatives and persons who have a kinship relationship with the minor.

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 90 days 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 12 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. When appointing guardians, preference will be given to relatives and persons with a kinship relationship with the child.

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 diversion services to be provided to first time offenders and requires the Office of Juvenile Affairs to collect and publish recidivism rate information on children who receive those services.

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 SAHB does not change the fiscal impact of the measure as described above.

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Other Considerations

None.