

By: Dutton

H.B. No. 5026

A BILL TO BE ENTITLED

1 AN ACT
2 relating to grounds for the involuntary termination of the
3 parent-child relationship.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 154.001(a-1), Family Code, is amended to
6 read as follows:

16 (1) until the earliest of:

17 (A) the child's adoption;

18 (B) the child's 18th birthday or graduation from
19 high school, whichever occurs later;

20 (C) removal of the child's disabilities of
21 minority by court order, marriage, or other operation of law; or

22 (D) the child's death; or

23 (2) if the child is disabled as defined in this
24 chapter, for an indefinite period.

1 SECTION 2. Section [161.001\(b\)](#), Family Code, is amended to
2 read as follows:

3 (b) The court may order termination of the parent-child
4 relationship if the court finds by clear and convincing evidence:

5 (1) that the parent has:

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

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

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

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

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

22 (F) failed to support the child in accordance
23 with the parent's ability during a period of one year ending within
24 six months of the date of the filing of the petition;

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

1 diligence;

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

9 (I) contumaciously refused to submit to a
10 reasonable and lawful order of a court under Subchapter [D](#), Chapter
11 [261](#);

12 (J) been the major cause of:

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

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

18 (K) executed before or after the suit is filed an
19 unrevoked or irrevocable affidavit of relinquishment of parental
20 rights as provided by this chapter;

21 (L) been convicted or has been placed on
22 community supervision, including deferred adjudication community
23 supervision, for being criminally responsible for the death or
24 serious injury of a child under the following sections of the Penal
25 Code, or under a law of another jurisdiction that contains elements
26 that are substantially similar to the elements of an offense under
27 one of the following Penal Code sections, or adjudicated under

1 Title 3 for conduct that caused the death or serious injury of a
2 child and that would constitute a violation of one of the following
3 Penal Code sections:

- 4 (i) Section [19.02](#) (murder);
- 5 (ii) Section [19.03](#) (capital murder);
- 6 (iii) Section [19.04](#) (manslaughter);
- 7 (iv) Section [21.11](#) (indecency with a
8 child);
- 9 (v) Section [22.01](#) (assault);
- 10 (vi) Section [22.011](#) (sexual assault);
- 11 (vii) Section [22.02](#) (aggravated assault);
- 12 (viii) Section [22.021](#) (aggravated sexual
13 assault);
- 14 (ix) Section [22.04](#) (injury to a child,
15 elderly individual, or disabled individual);
- 16 (x) Section [22.041](#) (abandoning or
17 endangering a child, elderly individual, or disabled individual);
- 18 (xi) Section [25.02](#) (prohibited sexual
19 conduct);
- 20 (xii) Section [43.25](#) (sexual performance by
21 a child);
- 22 (xiii) Section [43.26](#) (possession or
23 promotion of child pornography);
- 24 (xiv) Section [21.02](#) (continuous sexual
25 abuse of young child or disabled individual);
- 26 (xv) Section [20A.02](#)(a)(7) or (8)
27 (trafficking of persons); and

1 (xvi) Section [43.05\(a\)\(2\)](#) (compelling
2 prostitution);

3 (M) had his or her parent-child relationship
4 terminated with respect to another child based on a finding that the
5 parent's conduct was in violation of Paragraph (D) or (E) or
6 substantially equivalent provisions of the law of another state;

7 (N) constructively abandoned the child who has
8 been in the permanent or temporary managing conservatorship of the
9 Department of Family and Protective Services for not less than six
10 months, and:

11 (i) the department has made reasonable
12 efforts to return the child to the parent;

13 (ii) the parent has not regularly visited
14 or maintained significant contact with the child; and

15 (iii) the parent has demonstrated an
16 inability to provide the child with a safe environment;

17 (O) ~~failed to comply with the provisions of a~~
~~court order that specifically established the actions necessary for~~
~~the parent to obtain the return of the child who has been in the~~
~~permanent or temporary managing conservatorship of the Department~~
~~of Family and Protective Services for not less than nine months as a~~
~~result of the child's removal from the parent under Chapter 262 for~~
~~the abuse or neglect of the child;~~

24 [~~(P)~~] used a controlled substance, as defined by
25 Chapter [481](#), Health and Safety Code, in a manner that endangered the
26 health or safety of the child, and:

27 (i) failed to complete a court-ordered

1 substance abuse treatment program; or
2 (ii) after completion of a court-ordered
3 substance abuse treatment program, continued to abuse a controlled
4 substance;

5 (P) ~~(Q)~~ knowingly engaged in criminal conduct
6 that has resulted in the parent's:
7 (i) conviction of an offense; and
8 (ii) confinement or imprisonment and
9 inability to care for the child for not less than two years from the
10 date of filing the petition;

11 (Q) ~~(R)~~ been the cause of the child being born
12 addicted to alcohol or a controlled substance, other than a
13 controlled substance legally obtained by prescription;

14 (R) ~~(S)~~ voluntarily delivered the child to a
15 designated emergency infant care provider under Section 262.302
16 without expressing an intent to return for the child;

17 (S) ~~(T)~~ been convicted of:
18 (i) the murder of the other parent of the
19 child under Section 19.02 or 19.03, Penal Code, or under a law of
20 another state, federal law, the law of a foreign country, or the
21 Uniform Code of Military Justice that contains elements that are
22 substantially similar to the elements of an offense under Section
23 19.02 or 19.03, Penal Code;
24 (ii) criminal attempt under Section 15.01,
25 Penal Code, or under a law of another state, federal law, the law of
26 a foreign country, or the Uniform Code of Military Justice that
27 contains elements that are substantially similar to the elements of

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1 an offense under Section 15.01, Penal Code, to commit the offense
2 described by Subparagraph (i):

3 (iii) criminal solicitation under Section
4 15.03, Penal Code, or under a law of another state, federal law, the
5 law of a foreign country, or the Uniform Code of Military Justice
6 that contains elements that are substantially similar to the
7 elements of an offense under Section 15.03, Penal Code, of the
8 offense described by Subparagraph (i); or

9 (iv) the sexual assault of the other parent
10 of the child under Section 22.011 or 22.021, Penal Code, or under a
11 law of another state, federal law, or the Uniform Code of Military
12 Justice that contains elements that are substantially similar to
13 the elements of an offense under Section 22.011 or 22.021, Penal
14 Code;

24 (U) [(v)] been convicted of:

25 (i) criminal solicitation of a minor under
26 Section 15.031, Penal Code, or under a law of another state, federal
27 law, the law of a foreign country, or the Uniform Code of Military

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1 Justice that contains elements that are substantially similar to
2 the elements of an offense under Section [15.031](#), Penal Code; or
3 (ii) online solicitation of a minor under
4 Section [33.021](#), Penal Code, or under a law of another state, federal
5 law, the law of a foreign country, or the Uniform Code of Military
6 Justice that contains elements that are substantially similar to
7 the elements of an offense under Section [33.021](#), Penal Code; and
8 (2) that termination is in the best interest of the
9 child.

10 SECTION 3. The change in law made by this Act applies to a
11 suit affecting the parent-child relationship that is pending in a
12 trial court on the effective date of this Act or that is filed on or
13 after the effective date of this Act.

14 SECTION 4. This Act takes effect September 1, 2025.