

By: Smith

H.B. No. 461

A BILL TO BE ENTITLED

AN ACT

relating to a waiver of the requirement for the performance of an adoption evaluation in certain suits for adoption.

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

SECTION 1. Section 107.153, Family Code, is amended by amending Subsections (a) and (e) and adding Subsection (a-1) to read as follows:

(a) Except as provided by Subsection (a-1), the [The] court shall order the performance of an adoption evaluation to evaluate each party who requests termination of the parent-child relationship or an adoption in a suit for:

(1) termination of the parent-child relationship in which a person other than a parent may be appointed managing conservator of a child; or

(2) an adoption.

(a-1) In a suit for adoption that is uncontested, the court may waive the requirement under Subsection (a) for the performance of an adoption evaluation of the prospective adoptive parent if:

(1) the prospective adoptive parent is a stepparent of the child; and

(2) the court has reviewed investigative records of the department and any criminal history record information maintained by the Department of Public Safety relating to the prospective adoptive parent.

1           (e) The costs of conducting an adoption evaluation required  
2 under Subsection (a) or reviewing investigative records of the  
3 department and criminal history record information maintained by  
4 the Department of Public Safety under Subsection (a-1), as  
5 applicable, [~~this section~~] shall be paid by the prospective  
6 adoptive parent.

7           SECTION 2. Section 162.003, Family Code, is amended to read  
8 as follows:

9           Sec. 162.003. ADOPTION EVALUATION. In a suit for adoption,  
10 an adoption evaluation must be conducted as provided in Chapter  
11 107, unless the court waives the requirement for the performance of  
12 an adoption evaluation under Section 107.153(a-1).

13           SECTION 3. The change in law made by this Act applies only  
14 to a suit for adoption that is pending in trial court on the  
15 effective date of this Act or filed on or after the effective date  
16 of this Act.

17           SECTION 4. This Act takes effect September 1, 2023.