

1-1 By: Smith (Senate Sponsor - Paxton) H.B. No. 461
 1-2 (In the Senate - Received from the House May 8, 2023;
 1-3 May 9, 2023, read first time and referred to Committee on State
 1-4 Affairs; May 19, 2023, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | | | X | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |
| 1-15 | X | | | |
| 1-16 | X | | | |
| 1-17 | X | | | |
| 1-18 | | | X | |

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to a waiver of the requirement for the performance of an
 1-22 adoption evaluation in certain suits for adoption.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 107.153, Family Code, is amended by
 1-25 amending Subsections (a) and (e) and adding Subsection (a-1) to
 1-26 read as follows:

1-27 (a) Except as provided by Subsection (a-1), the [The] court
 1-28 shall order the performance of an adoption evaluation to evaluate
 1-29 each party who requests termination of the parent-child
 1-30 relationship or an adoption in a suit for:

1-31 (1) termination of the parent-child relationship in
 1-32 which a person other than a parent may be appointed managing
 1-33 conservator of a child; or

1-34 (2) an adoption.

1-35 (a-1) In a suit for adoption that is uncontested, the court
 1-36 may waive the requirement under Subsection (a) for the performance
 1-37 of an adoption evaluation of the prospective adoptive parent if:

1-38 (1) the prospective adoptive parent is a stepparent of
 1-39 the child; and

1-40 (2) the court has reviewed investigative records of
 1-41 the department and any criminal history record information
 1-42 maintained by the Department of Public Safety relating to the
 1-43 prospective adoptive parent.

1-44 (e) The costs of conducting an adoption evaluation required
 1-45 under Subsection (a) or reviewing investigative records of the
 1-46 department and criminal history record information maintained by
 1-47 the Department of Public Safety under Subsection (a-1), as
 1-48 applicable, [this section] shall be paid by the prospective
 1-49 adoptive parent.

1-50 SECTION 2. Section 162.003, Family Code, is amended to read
 1-51 as follows:

1-52 Sec. 162.003. ADOPTION EVALUATION. In a suit for adoption,
 1-53 an adoption evaluation must be conducted as provided in Chapter
 1-54 107, unless the court waives the requirement for the performance of
 1-55 an adoption evaluation under Section 107.153(a-1).

1-56 SECTION 3. The change in law made by this Act applies only
 1-57 to a suit for adoption that is pending in trial court on the
 1-58 effective date of this Act or filed on or after the effective date
 1-59 of this Act.

1-60 SECTION 4. This Act takes effect September 1, 2023.

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