

## **BILL ANALYSIS**

C.S.H.B. 233  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, prospective adoptive parents do not have standing to file suit for adoption without a valid voluntary relinquishment of parental rights signed by the parent not earlier than 48 hours after the birth of a child. When an adoptive suit is filed, a home screening of the adoptive parents' home is required to ensure that the adoptive family is safe and suitable for the child to be adopted. Since adoptive parents have to wait until the child is born to file suit, the child is sometimes placed in a foster home during the period of the home screening.

C.S.H.B. 233 allows a birth parent to confer standing to a prospective adoptive parent prior to birth and prior to execution of an affidavit of relinquishment. Thus pre-screening of adoptive parents and social studies can begin so that adoption is facilitated shortly after birth. This does not negate a birth parent's right to change their minds upon birth of the child.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION-BY-SECTION ANALYSIS**

SECTION 1. Amends Family Code Section 102.003(a) to authorize a person who has been named as a prospective adoptive parent of a child by a pregnant woman or the parent of the child in a verified written statement to confer standing, regardless of whether the child has been born, to file an original suit affecting the parent-child relationship.

SECTION 2. Adds Family Code Section 102.0035 which provides that a pregnant woman or a parent of a child may execute a statement to confer standing to a prospective adoptive parent. Provides that a statement to confer standing to a prospective adoptive parent pursuant to Section 102.003(a)(14) cannot be executed in suits filed by a governmental entity under Chapters 262 or 263, thus clearly limiting this process to private adoptions. The bill sets out what information must be contained in the statement to confer standing, that it must be attached to the petition in a suit affecting the parent-child relationship, and that the statement may not be used for any purpose other than to confer standing in a proceeding for adoption or to terminate the parent-child relationship. The statement may be signed at any time during the pregnancy of the mother of the unborn child whose parental rights are to be terminated and may be revoked at any time prior to the person's execution of an affidavit for voluntary relinquishment of parental rights. Excludes use of the statement for any other purpose than set out in Section 102.003(a) for a prospective adoptive parent.

Requires that a person who executes a statement to confer standing may revoke such at any time before the person executes an affidavit for voluntary relinquishment of parental rights, that the revocation must be in writing, sent by certified mail and return receipt requested to prospective adoptive parent. The court must dismiss any suit filed by the prospective adoptive parent when revocation is filed with the court.

SECTION 3. This Act takes effect September 1, 2003.

**EFFECTIVE DATE**

September 1, 2003.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 233 modifies the original H.B. 233 to provide that a statement to confer standing to a prospective adoptive parent pursuant to Section 102.003(a)(14) cannot be executed in suits filed by a governmental entity under Chapters 262 or 263, thus clearly limiting this process to private adoptions.