

BILL ANALYSIS

C.S.H.B. 1497
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Family Code requires that a married person petitioning to adopt an adult be joined by his or her spouse. This provision has merit, since the adoption can change inheritance and other matters affecting both spouses. However, the Family Code is not clear as to whether the court can grant the adoption to only one spouse. The problem occurs when one of the spouses is adopting adult step-children from a prior marriage but his or her current spouse doesn't have a relationship with them.

C.S.H.B.1497 would authorize the Court to grant the adult adoption to one or both of the petitioning spouses.

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 Section 162.506, Family Code, by adding subsection (b) to provide that notwithstanding that both spouses have joined in a petition for the adoption of an adult, the court may grant the adoption of the adult to both spouses or, on request of the spouse, to only one spouse.

SECTION 2. Amends Section 162.506, Family Code, to apply to a suit for the adoption of an adult pending in a trial court or filed on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.1497, modifies the original H.B.1497 by amending Section 162.506, of the Family Code instead of Section 162.503, of the Family Code, which would permit a court to grant an adoption of an adult, to either both spouses or only one spouse.

