

BILL ANALYSIS

H.B. 1648
By: Morrison
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law now provides that any person, other than a foster parent, may join a lawsuit or file an original suit if that person can prove actual possession of a child for a period of six months. Additionally, a person, other than a foster parent, may join a lawsuit or file an original suit if that person can prove that a child and the child's managing, conservator, or guardian have lived with the person for a period of six months and the child's managing, conservator, or guardian are now deceased. However, a foster parent must have a child in their home for a minimum of one year before they have legal standing to file a lawsuit for adoption or any other purpose.

House Bill 1648 would simply allow a person who is the foster parent of a child to adopt a child at any time after the person has been approved to adopt 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 Section 102.003, Family Code by adding Subsection (c) which provides that a person who is the foster parent of a child may file suit to adopt a child for whom the person is providing foster care at any time after the person has been approved to adopt the child. The standing to file suit under this subsection applies only to the adoption of a child who is eligible to be adopted.

SECTION 2. (a) This Act takes effect September 1, 2003. (b) The change in law made by this Act applies only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before that date is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2003.