

By: Dukes

H.B. No. 1364

Substitute the following for H.B. No. 1364:

By: Castro

C.S.H.B. No. 1364

A BILL TO BE ENTITLED

AN ACT

relating to emergency shelter and care for minors.

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

SECTION 1. Section 32.201, Family Code, is amended to read as follows:

Sec. 32.201. EMERGENCY SHELTER OR CARE FOR MINORS [~~MINOR MOTHERS~~]. (a) An emergency shelter facility may provide shelter and care to a minor and the minor's child or children, if any [~~mother who is the sole financial support of her child or children~~].

(b) An emergency shelter facility may provide shelter or care only during an emergency constituting an immediate danger to the physical health or safety of the minor or the minor's [~~mother or her~~] child or children.

(c) Shelter or care provided under this section may not be provided after the 15th day after the date the shelter or care is commenced unless:

(1) the facility receives consent to continue services from [~~a parent or guardian of~~] the minor in accordance with Section 32.202 [~~mother~~]; or

(2) the minor [~~mother~~] has qualified for financial assistance [~~Aid to Families with Dependent Children~~] under Chapter 31, Human Resources Code, and is on the waiting list for housing assistance.

SECTION 2. Subchapter C, Chapter 32, Family Code, is

1 amended by adding Section 32.202 to read as follows:

2 Sec. 32.202. CONSENT TO EMERGENCY SHELTER OR CARE BY MINOR.

3 (a) A minor may consent to emergency shelter or care to be provided
4 to the minor or the minor's child or children, if any, under Section
5 32.201(c) if the minor is:

6 (1) 16 years of age or older and:

7 (A) resides separate and apart from the minor's
8 parent, managing conservator, or guardian, regardless of whether
9 the parent, managing conservator, or guardian consents to the
10 residence and regardless of the duration of the residence; and

11 (B) manages the minor's own financial affairs,
12 regardless of the source of income; or

13 (2) unmarried and is pregnant or is the parent of a
14 child.

15 (b) Consent by a minor to emergency shelter or care under
16 this section is not subject to disaffirmance because of minority.

17 (c) An emergency shelter facility may, with or without the
18 consent of the minor's parent, managing conservator, or guardian,
19 provide emergency shelter or care to the minor or the minor's child
20 or children under Section 32.201(c).

21 (d) An emergency shelter facility is not liable for
22 providing emergency shelter or care to the minor or the minor's
23 child or children if the minor consents as provided by this section,
24 except that the facility is liable for the facility's own acts of
25 negligence.

26 (e) An emergency shelter facility may rely on the minor's
27 written statement containing the grounds on which the minor has

1 capacity to consent to emergency shelter or care.

2 (f) To the extent of any conflict between this section and
3 Section 32.003, Section 32.003 prevails.

4 SECTION 3. The changes in law made by this Act apply only to
5 an emergency shelter facility that provides emergency shelter or
6 care to a minor on or after the effective date of this Act.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2003.