

1-1 By: Dukes (Senate Sponsor - Ellis) H.B. No. 1364
1-2 (In the Senate - Received from the House April 9, 2003;
1-3 April 14, 2003, read first time and referred to Committee on Health
1-4 and Human Services; May 2, 2003, reported favorably by the
1-5 following vote: Yeas 7, Nays 0; May 2, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to emergency shelter and care for minors.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 32.201, Family Code, is amended to read
1-11 as follows:

1-12 Sec. 32.201. EMERGENCY SHELTER OR CARE FOR MINORS [~~MINOR~~
1-13 ~~MOTHERS~~]. (a) An emergency shelter facility may provide shelter
1-14 and care to a minor and the minor's child or children, if any
1-15 [~~mother who is the sole financial support of her child or children~~].

1-16 (b) An emergency shelter facility may provide shelter or
1-17 care only during an emergency constituting an immediate danger to
1-18 the physical health or safety of the minor or the minor's [~~mother or~~
1-19 ~~her~~] child or children.

1-20 (c) Shelter or care provided under this section may not be
1-21 provided after the 15th day after the date the shelter or care is
1-22 commenced unless:

1-23 (1) the facility receives consent to continue services
1-24 from [~~a parent or guardian of~~] the minor in accordance with Section
1-25 32.202 [~~mother~~]; or

1-26 (2) the minor [~~mother~~] has qualified for financial
1-27 assistance [~~Aid to Families with Dependent Children~~] under Chapter
1-28 31, Human Resources Code, and is on the waiting list for housing
1-29 assistance.

1-30 SECTION 2. Subchapter C, Chapter 32, Family Code, is
1-31 amended by adding Section 32.202 to read as follows:

1-32 Sec. 32.202. CONSENT TO EMERGENCY SHELTER OR CARE BY MINOR.

1-33 (a) A minor may consent to emergency shelter or care to be provided
1-34 to the minor or the minor's child or children, if any, under Section
1-35 32.201(c) if the minor is:

1-36 (1) 16 years of age or older and:

1-37 (A) resides separate and apart from the minor's
1-38 parent, managing conservator, or guardian, regardless of whether
1-39 the parent, managing conservator, or guardian consents to the
1-40 residence and regardless of the duration of the residence; and

1-41 (B) manages the minor's own financial affairs,
1-42 regardless of the source of income; or

1-43 (2) unmarried and is pregnant or is the parent of a
1-44 child.

1-45 (b) Consent by a minor to emergency shelter or care under
1-46 this section is not subject to disaffirmance because of minority.

1-47 (c) An emergency shelter facility may, with or without the
1-48 consent of the minor's parent, managing conservator, or guardian,
1-49 provide emergency shelter or care to the minor or the minor's child
1-50 or children under Section 32.201(c).

1-51 (d) An emergency shelter facility is not liable for
1-52 providing emergency shelter or care to the minor or the minor's
1-53 child or children if the minor consents as provided by this section,
1-54 except that the facility is liable for the facility's own acts of
1-55 negligence.

1-56 (e) An emergency shelter facility may rely on the minor's
1-57 written statement containing the grounds on which the minor has
1-58 capacity to consent to emergency shelter or care.

1-59 (f) To the extent of any conflict between this section and
1-60 Section 32.003, Section 32.003 prevails.

1-61 SECTION 3. The changes in law made by this Act apply only to
1-62 an emergency shelter facility that provides emergency shelter or
1-63 care to a minor on or after the effective date of this Act.

1-64 SECTION 4. This Act takes effect immediately if it receives

2-1 a vote of two-thirds of all the members elected to each house, as
2-2 provided by Section 39, Article III, Texas Constitution. If this
2-3 Act does not receive the vote necessary for immediate effect, this
2-4 Act takes effect September 1, 2003.

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