

BILL ANALYSIS

C.S.H.B. 1999
By: Van Arsdale
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, when a parent signs an affidavit of voluntary relinquishment of parental rights regarding a biological child, there is no requirement to provide medical history information relating to the biological parent and the parent's ancestors. Medical history information is often critical to providing effective health care, and the lack of this information may have serious health consequences for the child in future years. The purpose of C.S.H.B. 1999 is to ensure that such medical history information is made available to persons, including adoptive parents, who have responsibility for, or a direct interest in, the health or welfare of the child, while taking necessary steps to maintain the confidentiality of the identity of the biological parent.

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.

ANALYSIS

This bill provides that a parent who signs an affidavit of voluntary relinquishment of parental rights regarding a biological child must also prepare a medical history report that addresses the medical history of the parent and the parent's ancestors.

The bill directs the Department of Family and Protective Services, in cooperation with the Department of State Health Services, to adopt a form a parent may use to comply with the medical history reporting requirement. The bill describes certain design requirements for the form.

The bill provides that the medical history report shall be used in preparing the health, social, educational, and genetic history report currently required by law, and provides that the report shall be made available to persons granted access under Section 162.006, Family Code, in the manner provided by that section, which includes necessary procedures to ensure confidentiality of the identity of the biological parent.

The bill applies only to a person who signs an affidavit of voluntary relinquishment on or after the effective date of the Act.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill provides that the medical history report shall be made available to the child and the child's adoptive parents. The substitute provides that the medical history report shall be made available to persons granted access under Section 162.006, Family Code, which include:

- an adoptive parent of the adopted child;
- the managing conservator, guardian of the person, or legal custodian of the adopted child;
- the adopted child, after the child is an adult;
- the surviving spouse of the adopted child if the adopted child is dead and the spouse is the parent or guardian of a child of the deceased adopted child; or
- a progeny of the adopted child if the adopted child is dead and the progeny is an adult.