

BILL ANALYSIS

C.S.H.B. 2331
By: Morrison
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In response to a rash of newborn abandonments, the Texas Legislature enacted the country's first "Baby Moses" law. This legislation allows desperate mothers to relinquish an unwanted newborn to a designated emergency infant care provider. The intent of the law is to provide a responsible alternative to newborn abandonment by providing the mother with anonymity and exemption from criminal prosecution. However, differing provisions of the statute governing the anonymity of the mother have led to some confusion among officials who deal with these cases. The purpose of C.S.H.B. 2331 is to clarify and strengthen the anonymity and confidentiality requirements in cases where a mother voluntarily relinquishes her newborn to a designated emergency care provider.

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

The bill provides that the Department of Family and Protective Services (DFPS) may not attempt to ascertain the identity of or locate the parent who voluntarily delivered the child to a designated emergency infant care provider.

The bill provides that all identifying information, documentation, or other records regarding a person who voluntarily delivers a child to a designated emergency infant care provider is confidential and not subject to release, except that pleadings or other documents filed with a court may be released to a party in a suit regarding the child, a party's attorney, or an attorney ad litem or guardian ad litem appointed in the suit.

The bill provides that court hearings related to such cases shall be closed to the public unless the court finds that the interests of the child or the public would be served by opening the hearing to the public.

The bill establishes a criminal penalty for knowing disclosure, receipt, or use of such confidential information.

The bill provides that DFPS is not required to conduct a search for the relatives of the relinquished child, and repeals a provision that in certain circumstances could have required such a search.

The bill applies to a child for whom DFPS assumes responsibility, regardless of whether DFPS assumes responsibility before, on, or after the effective date of the Act.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill included the following provisions:

- DFPS may not attempt to ascertain the identity of or locate the parent who voluntarily delivered the child to a designated emergency infant care provider; and .
- applies to a child for whom DFPS assumes responsibility, regardless of whether DFPS assumes responsibility before, on, or after the effective date of the Act.

The substitute bill adds the other provisions referenced above.

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