

By: Morrison

H.B. No. 2331

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the emergency possession of certain abandoned children;
3 providing a penalty.

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

5 SECTION 1. Section 262.303, Family Code, is amended by
6 adding Subsection (c) to read as follows:

7 (c) The department may not attempt to ascertain the identity
8 of or locate the parent who voluntarily delivered the child to the
9 designated emergency infant care provider, unless it appears that
10 the child has been abused or neglected.

11 SECTION 2. Subchapter D, Chapter 262, Family Code, is
12 amended by adding Sections 262.308 and 262.309 to read as follows:

13 Sec. 262.308. CONFIDENTIALITY. (a) All identifying
14 information, documentation, or other records regarding a person who
15 voluntarily delivers a child to a designated emergency infant care
16 provider under this subchapter is confidential and not subject to
17 release to any individual or entity except as provided by
18 Subsection (b).

19 (b) Any pleading or other document filed with a court under
20 this subchapter is confidential, is not public information for
21 purposes of Chapter 552, Government Code, and may not be released to
22 a person other than to a party in a suit regarding the child, the
23 party's attorney, or an attorney ad litem or guardian ad litem
24 appointed in the suit.

1 (c) In a suit concerning a child for whom the Department of
2 Family and Protective Services assumes care, control, and custody
3 under this subchapter, the court shall close the hearing to the
4 public unless the court finds that the interests of the child or the
5 public would be better served by opening the hearing to the public.

6 (d) Unless the disclosure, receipt, or use is permitted by
7 this section, a person commits an offense if the person knowingly
8 discloses, receives, uses, or permits the use of information
9 derived from records or files described by this section or
10 knowingly discloses identifying information concerning a person
11 who voluntarily delivers a child to a designated emergency infant
12 care provider. An offense under this subsection is a Class B
13 misdemeanor.

14 Sec. 262.309. SEARCH FOR RELATIVES NOT REQUIRED. The
15 Department of Family and Protective Services is not required to
16 conduct a search for the relatives of a child for whom the
17 department assumes care, control, and custody under this
18 subchapter.

19 SECTION 3. Section 263.3025(d), Family Code, is repealed.

20 SECTION 4. The change in law made by this Act applies to a
21 child for whom the Department of Family and Protective Services
22 assumes responsibility under Subchapter D, Chapter 262, Family
23 Code, as amended by this Act, regardless of whether the department
24 assumed responsibility for the child before, on, or after the
25 effective date of this Act.

26 SECTION 5. This Act takes effect September 1, 2005.