

1-1 By: Morrison (Senate Sponsor - Nelson) H.B. No. 2331
1-2 (In the Senate - Received from the House April 25, 2005;
1-3 April 26, 2005, read first time and referred to Committee on Health
1-4 and Human Services; May 10, 2005, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 6,
1-6 Nays 0; May 10, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2331 By: Nelson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the emergency possession of certain abandoned children;
1-11 providing a penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 262, Family Code, is
1-14 amended by adding Sections 262.308 and 262.309 to read as follows:

1-15 Sec. 262.308. CONFIDENTIALITY. (a) All identifying
1-16 information, documentation, or other records regarding a person who
1-17 voluntarily delivers a child to a designated emergency infant care
1-18 provider under this subchapter is confidential and not subject to
1-19 release to any individual or entity except as provided by
1-20 Subsection (b).

1-21 (b) Any pleading or other document filed with a court under
1-22 this subchapter is confidential, is not public information for
1-23 purposes of Chapter 552, Government Code, and may not be released to
1-24 a person other than to a party in a suit regarding the child, the
1-25 party's attorney, or an attorney ad litem or guardian ad litem
1-26 appointed in the suit.

1-27 (c) In a suit concerning a child for whom the Department of
1-28 Family and Protective Services assumes care, control, and custody
1-29 under this subchapter, the court shall close the hearing to the
1-30 public unless the court finds that the interests of the child or the
1-31 public would be better served by opening the hearing to the public.

1-32 (d) Unless the disclosure, receipt, or use is permitted by
1-33 this section, a person commits an offense if the person knowingly
1-34 discloses, receives, uses, or permits the use of information
1-35 derived from records or files described by this section or
1-36 knowingly discloses identifying information concerning a person
1-37 who voluntarily delivers a child to a designated emergency infant
1-38 care provider. An offense under this subsection is a Class B
1-39 misdemeanor.

1-40 Sec. 262.309. SEARCH FOR RELATIVES NOT REQUIRED. The
1-41 Department of Family and Protective Services is not required to
1-42 conduct a search for the relatives of a child for whom the
1-43 department assumes care, control, and custody under this
1-44 subchapter.

1-45 SECTION 2. Section 263.407, Family Code, is amended by
1-46 amending Subsection (a) and adding Subsections (a-1) and (c) to
1-47 read as follows:

1-48 (a) ~~There [In a suit to terminate the parent-child~~
1-49 ~~relationship, there]~~ is a rebuttable presumption that a parent who
1-50 delivers a child to a designated emergency infant care provider in
1-51 accordance with Subchapter D, Chapter 262:

1-52 (1) is the child's biological parent; and

1-53 (2) intends to relinquish parental rights and[7]
1-54 consents to the termination of parental rights with regard to the
1-55 child.

1-56 (a-1) A party that seeks to rebut a presumption in
1-57 Subsection (a) may do so at any time before the parent-child
1-58 relationship is terminated with regard to the child.

1-59 (c) Before filing a petition to terminate the parental
1-60 rights with regard to a child taken into the department's custody
1-61 under Section 262.303, the department must:

1-62 (1) verify with the National Crime Information Center
1-63 and state and local law enforcement agencies that the child is not a

2-1 missing child; and
2-2 (2) obtain a certificate of the search of the
2-3 paternity registry under Subchapter E, Chapter 160, not earlier
2-4 than the date the department estimates to be the 30th day after the
2-5 child's date of birth.

2-6 SECTION 3. Section 263.3025(d), Family Code, is repealed.

2-7 SECTION 4. The change in law made by this Act applies to a
2-8 child for whom the Department of Family and Protective Services
2-9 assumes responsibility under Subchapter D, Chapter 262, Family
2-10 Code, as amended by this Act, regardless of whether the department
2-11 assumed responsibility for the child before, on, or after the
2-12 effective date of this Act.

2-13 SECTION 5. This Act takes effect September 1, 2005.

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