

BILL ANALYSIS

H.B. 620
By: Puente
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

When a child is to be adopted the biological parents' rights to the child are terminated. If the birth mother chooses not to proceed with placing her child for adoption, the child placement agency is not required to notify the father of the unsuccessful adoption nor that his rights and obligations to the child were never terminated. As the law currently stands, the court can order retroactive child support from the man even though he is unaware of the unsuccessful adoption.

H.B.620 prohibits the court from ordering a man to pay retroactive child support for any period during which the man did not have actual knowledge that the child was not subsequently placed for adoption and that the man's rights were never terminated. H.B.620 also requires the licensed child-placing agency to mail a notice to the father at his last known address, notifying him of the unsuccessful adoption.

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

SECTION 1. Amends Section 154.131 of the Family Code, by adding language which states that if a man executed an affidavit of voluntary relinquishment of parental rights under Section 161.103, an affidavit of waiver of interest in the child under Section 161.106, or other comparable affidavit, with good faith belief that the child would be placed for adoption and the parental rights terminated, the court may not order retroactive child support for any period during which the man did not have actual knowledge that the child was not subsequently placed for adoption and the man's parental rights were not terminated.

SECTION 2. Amends Subchapter G, Chapter 162 of the Family Code, by adding language which states that this section applies only to the child-placing agency which has the mailing address for the father of the child which is to be adopted. Additionally, if the mother, after seeking assistance in placing the child for adoption, subsequently informs the agency that she will not place the child for adoption, the agency is to provide written notification to the child's father that the agency will not be placing the child for adoption.

SECTION 3. The change in law made by this Act applies only to a child support order rendered on or after the effective date of this Act. A child support order rendered before the effective date of this act is governed by the law in effect at the time the order is rendered, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.