

BILL ANALYSIS

C.S.H.B. 1481
By: Castro
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Often times a parent does not notify their relatives that they are in the process of losing their parental rights. Moreover, when an individual's parental rights are terminated, that individual's family members are prevented from filing a suit for managing conservatorship of the child.

C.S.H.B.1481 ensures that the limitations on who can file suit once parental rights are terminated include an exception for family members. The bill grants to adult siblings of the child, grandparents, aunts, and uncles the right to file suit if they do so within 90 days of an involuntary termination of parental rights. An involuntary termination is one requested by the Department of Family and Protective Services.

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

Amends Section 102.006 of the Family Code by amending Subsection (a) and adding Subsection (c) to provide for an exemption to adult siblings of a child, a grandparent of a child, and aunt who is a sister of the parent of a child, or an uncle who is the brother of the parent of a child to file an original suit for managing conservatorship or a suit for modification requesting managing conservatorship of a child when parental rights are terminated so long as the suit is filed within 90 days of a parental termination that occurred at the request of the department.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.1481 modifies the original H.B.1481 by allowing a relative to file an original suit for managing conservatorship as well as a suit for modification of managing conservatorship.

C.S.H.B.1481 also extends the time in which a relative may file suit from 30 days after termination to 90 days after termination.

C.S.H.B.1481 further limits the opportunity of relatives to file suit on parental terminations that occur at the request of the department only so as to prevent relatives from interfering in voluntary parental terminations for the purpose of adoption.

Finally, C.S.H.B.1481 eliminates the requirement that the department did not notify a relative regarding the termination of the parent-child relationship as a requirement for filing suit.