

BILL ANALYSIS

Senate Research Center
80R6840 JMM-F

H.B. 1747
By: Morrison (Nelson)
Health & Human Services
5/16/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 76th Legislature, Regular Session, 1999, enacted H.B. 3423 which requires an emergency infant care provider to take possession of a child 30 days old or younger, if the parent or other person entitled to possession of the child voluntarily leaves the child with the provider and does not express an intent to return for the child. However, the Department of Family and Protective Services (DFPS) has experienced delays in filing petitions for termination of parental rights because it is not authorized to search the paternity registry until 30 days after the child's date of birth.

H.B. 1747 makes it easier for DFPS to meet the legal notice provisions for terminating parental rights without requiring additional efforts to identify the parent and serve notice of the suit to the parent by creating a rebuttable presumption that a parent who delivers a child to an emergency infant care provider intend to waive the right to notice of a suit terminating parental rights.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 263.407(a) and (c), Family Code, as follows:

(a) Provides that there is a rebuttable presumption that a parent who delivers a child to a designated emergency infant care provider in accordance with Subchapter D (Emergency Possession of Certain Abandoned Children), Chapter 262 is the child's biological parent, intends to relinquish parental rights and consents to the termination of parental rights with regard to the child, and intends to waive the right to notice of the suit terminating the parent-child relationship.

(c) Requires the Department of Family and Protective Services (DFPS) to take certain actions before the court may render an order terminating parental rights, rather than filing a petition to terminate the parental rights, with regard to a child taken into DFPS's custody under Section 262.303 (Notification of Possession of Abandoned Child).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.