

BILL ANALYSIS

H.B. 1747
By: Morrison
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 76th Legislative Session, H.B.3423 was passed which required an emergency medical 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 left the child with the provider and did not express an intent to return for the child. However, the Department of Family and Protective Services often times experiences delays in filing petitions for termination of parental rights, because the department is not allowed to search the paternity registry until 30 days after the child's date of birth.

H.B.1747 would make it easier for the department 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. Additionally, H.B.1747 would allow the department to file the termination petition more expeditiously while keeping the same protections in place for parents.

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 Sections 263.407(a) and (c) of the Family Code, to expand the rebuttable presumption that a parent who delivers a child to a designated infant care provider in accordance with Subchapter D, Chapter 262 also intends to waive the right to notice of the suit terminating the parent-child relationship. Additionally, provides that certain conditions required of the department must be met before the court may render an order terminating the parental rights, rather than before filing a petition to terminate the parental rights.

EFFECTIVE DATE

September 1, 2007.