

BILL ANALYSIS

H.B. 3537
By: Garcia
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, military personnel seeking to adopt a child are concerned that a family member's active or reserve military service may be used as a negative factor when determining the family's suitability for adoption of a child.

H.B.3537 would clarify that a family member's membership in the United States armed forces, the National Guard of Texas or another state, or a reserve component of the armed forces may not be considered by the court, or any person performing a social study or home screening, as a negative factor in determining whether the adoption is in the best interest of the child or whether the petitioner would be a suitable parent.

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 Subchapter A, Chapter 162 of the Family Code by adding Section 162.0025 which provides that in a suit for adoption, the fact that a petitioner is a member of the armed forces of the United States, a member of the Texas National Guard or the National Guard of another state, or a member of a reserve component of the armed forces of the United States may not be considered by the court, or any person performing a social study or home screening, as a negative factor in determining whether the adoption is in the best interest of the child or whether the petitioner would be a suitable parent.

This change to the current statute applies to a petition for adoption pending in a trial court on the effective date of this Act or filed on or after that date.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of each house, otherwise it is effective September 1, 2007.