

AN ACT

relating to the requirements for an affidavit of voluntary
relinquishment of parental rights and to the inheritance rights of
certain parents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 161.103(b), Family Code, is amended to
read as follows:

(b) The affidavit must contain:

(1) the name, county of residence [~~address~~], and age
of the parent whose parental rights are being relinquished;

(2) the name, age, and birth date of the child;

(3) the names and addresses of the guardians of the
person and estate of the child, if any;

(4) a statement that the affiant is or is not presently
obligated by court order to make payments for the support of the
child;

(5) a full description and statement of value of all
property owned or possessed by the child;

(6) an allegation that termination of the parent-child
relationship is in the best interest of the child;

(7) one of the following, as applicable:

(A) the name and county of residence [~~address~~] of
the other parent;

(B) a statement that the parental rights of the

1 other parent have been terminated by death or court order; or

2 (C) a statement that the child has no presumed
3 father and that an affidavit of status of the child has been
4 executed as provided by this chapter;

5 (8) a statement that the parent has been informed of
6 parental rights and duties;

7 (9) a statement that the relinquishment is revocable,
8 that the relinquishment is irrevocable, or that the relinquishment
9 is irrevocable for a stated period of time;

10 (10) if the relinquishment is revocable, a statement
11 in boldfaced type concerning the right of the parent signing the
12 affidavit to revoke the relinquishment only if the revocation is
13 made before the 11th day after the date the affidavit is executed;

14 (11) if the relinquishment is revocable, the name and
15 address of a person to whom the revocation is to be delivered; and

16 (12) the designation of a prospective adoptive parent,
17 the Department of Family and Protective [~~and Regulatory~~] Services,
18 if the department has consented in writing to the designation, or a
19 licensed child-placing agency to serve as managing conservator of
20 the child and the address of the person or agency.

21 SECTION 2. Section 41, Texas Probate Code, is amended by
22 adding Subsections (e) and (f) to read as follows:

23 (e) Parent-Child Relationship. A probate court may declare
24 that the parent of a child under 18 years of age may not inherit from
25 or through the child under the laws of descent and distribution if
26 the court finds by clear and convincing evidence that the parent
27 has:

1 (1) voluntarily abandoned and failed to support the
2 child in accordance with the parent's obligation or ability for at
3 least three years before the date of the child's death, and did not
4 resume support for the child before that date;

5 (2) voluntarily and with knowledge of the pregnancy,
6 abandoned the mother of the child beginning at a time during her
7 pregnancy with the child and continuing through the birth, failed
8 to provide adequate support or medical care for the mother during
9 the period of abandonment before the birth of the child, and
10 remained apart from and failed to support the child since birth; or

11 (3) been convicted or has been placed on community
12 supervision, including deferred adjudication community
13 supervision, for being criminally responsible for the death or
14 serious injury of a child under the following sections of the Penal
15 Code or adjudicated under Title 3, Family Code, for conduct that
16 caused the death or serious injury of a child and that would
17 constitute a violation of one of the following sections of the Penal
18 Code:

19 (A) Section 19.02 (murder);

20 (B) Section 19.03 (capital murder);

21 (C) Section 19.04 (manslaughter);

22 (D) Section 21.11 (indecent with a child);

23 (E) Section 22.01 (assault);

24 (F) Section 22.011 (sexual assault);

25 (G) Section 22.02 (aggravated assault);

26 (H) Section 22.021 (aggravated sexual assault);

27 (I) Section 22.04 (injury to a child, elderly

1 individual, or disabled individual);

2 (J) Section 22.041 (abandoning or endangering
3 child);

4 (K) Section 25.02 (prohibited sexual conduct);

5 (L) Section 43.25 (sexual performance by a
6 child); or

7 (M) Section 43.26 (possession or promotion of
8 child pornography).

9 (f) Treatment of Certain Relationships. On a determination
10 that the parent of a child may not inherit from or through the child
11 under Subsection (e) of this section, the parent shall be treated as
12 if the parent predeceased the child for purposes of:

13 (1) inheritance under the laws of descent and
14 distribution; and

15 (2) any other cause of action based on parentage.

16 SECTION 3. The change in law made by this Act applies only
17 to an affidavit of voluntary relinquishment of parental rights
18 executed on or after the effective date of this Act. An affidavit
19 executed before the effective date of this Act is governed by the
20 law in effect on the date the affidavit was executed, and the former
21 law is continued in effect for that purpose.

22 SECTION 4. Notwithstanding Section 3 of this Act, the
23 changes in law made by this Act to Section 41, Texas Probate Code,
24 apply only to the estate of a person who dies on or after the
25 effective date of this Act. An estate of a person who dies before
26 the effective date of this Act is covered by the law in effect on the
27 date of the person's death, and the former law is continued in

1 effect for that purpose.

2 SECTION 5. This Act takes effect September 1, 2007.

H.B. No. 568

President of the Senate

Speaker of the House

I certify that H.B. No. 568 was passed by the House on May 1, 2007, by the following vote: Yeas 143, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 568 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 568 on May 27, 2007, by the following vote: Yeas 140, Nays 1, 2 present, not voting.

Chief Clerk of the House

H.B. No. 568

I certify that H.B. No. 568 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 568 on May 27, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor