

1-1 By: Morrison (Senate Sponsor - Nelson) H.B. No. 1747  
1-2 (In the Senate - Received from the House May 14, 2007;  
1-3 May 15, 2007, read first time and referred to Committee on Health  
1-4 and Human Services; May 18, 2007, reported favorably by the  
1-5 following vote: Yeas 7, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the termination of parental rights with regard to  
1-9 certain abandoned children.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 263.407(a) and (c), Family Code, are  
1-12 amended to read as follows:

1-13 (a) There is a rebuttable presumption that a parent who  
1-14 delivers a child to a designated emergency infant care provider in  
1-15 accordance with Subchapter D, Chapter 262:

1-16 (1) is the child's biological parent; ~~and~~

1-17 (2) intends to relinquish parental rights and consents  
1-18 to the termination of parental rights with regard to the child; and

1-19 (3) intends to waive the right to notice of the suit  
1-20 terminating the parent-child relationship.

1-21 (c) Before the court may render an order terminating ~~[filing~~  
1-22 ~~a petition to terminate the]~~ parental rights with regard to a child  
1-23 taken into the department's custody under Section 262.303, the  
1-24 department must:

1-25 (1) verify with the National Crime Information Center  
1-26 and state and local law enforcement agencies that the child is not a  
1-27 missing child; and

1-28 (2) obtain a certificate of the search of the  
1-29 paternity registry under Subchapter E, Chapter 160, not earlier  
1-30 than the date the department estimates to be the 30th day after the  
1-31 child's date of birth.

1-32 SECTION 2. The change in law made by this Act applies to a  
1-33 child for whom the Department of Family and Protective Services  
1-34 assumes responsibility under Subchapter D, Chapter 262, Family  
1-35 Code, regardless of whether the department assumed responsibility  
1-36 for the child before, on, or after the effective date of this Act.

1-37 SECTION 3. This Act takes effect immediately if it receives  
1-38 a vote of two-thirds of all the members elected to each house, as  
1-39 provided by Section 39, Article III, Texas Constitution. If this  
1-40 Act does not receive the vote necessary for immediate effect, this  
1-41 Act takes effect September 1, 2007.

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