

SENATE AMENDMENTS

2nd Printing

By: Puente

H.B. No. 568

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for an affidavit of voluntary
relinquishment of parental rights.

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

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

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

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

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

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

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

20 SECTION 2. The change in law made by this Act applies only
21 to an affidavit of voluntary relinquishment of parental rights
22 executed on or after the effective date of this Act. An affidavit
23 executed before the effective date of this Act is governed by the
24 law in effect on the date the affidavit was executed, and the former
25 law is continued in effect for that purpose.

26 SECTION 3. This Act takes effect September 1, 2007.

ADOPTED

FLOOR AMENDMENT NO. 1

MAY 22 2007

BY:

Leta Spauld
Secretary of the Senate

Watson
(Watson)

1 Amend H.B. 568 by inserting the following
2 appropriately numbered SECTION and renumbering the following
3 SECTION accordingly:

4 SECTION __. Section 41, Texas Probate Code, is amended by
5 adding Subsections (e) and (f) to read as follows:

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

11 (1) voluntarily abandoned and failed to support the
12 child in accordance with the parent's obligation or ability for
13 a minimum of three years before the date of the child's death,
14 and did not resume support for the child before that date;

15 (2) voluntarily and with knowledge of the pregnancy,
16 abandoned the mother of the child beginning at a time during her
17 pregnancy with the child and continuing through the birth,
18 failed to provide adequate support or medical care for the
19 mother during the period of abandonment before the birth of the
20 child, and remained apart from and failed to support the child
21 since birth; or

22 (3) been convicted or has been placed on community
23 supervision, including deferred adjudication community
24 supervision, for being criminally responsible for the death or
25 serious injury of a child under the following sections of the
26 Penal Code or adjudicated under Title 3, Family Code, for
27 conduct that caused the death or serious injury of a child and
28 that would constitute a violation of one of the following Penal
29 Code sections:

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- 1 (A) Section 19.02 (murder);
2 (B) Section 19.03 (capital murder);
3 (C) Section 19.04 (manslaughter);
4 (D) Section 21.11 (indecent with a child);
5 (E) Section 22.01 (assault);
6 (F) Section 22.011 (sexual assault);
7 (G) Section 22.02 (aggravated assault);
8 (H) Section 22.021 (aggravated sexual assault);
9 (I) Section 22.04 (injury to a child, elderly
10 individual, or disabled individual);
11 (J) Section 22.041 (abandoning or endangering
12 child);
13 (K) Section 25.02 (prohibited sexual conduct);
14 (L) Section 43.25 (sexual performance by a
15 child); and
16 (M) Section 43.26 (possession or promotion of
17 child pornography).

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

22 (1) inheritance under the laws of descent and
23 distribution; and

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

25 SECTION __. The changes in law made by SECTION __ of this
26 Act apply only to the estate of a person who dies on or after
27 the effective date of this Act. An estate of a person who dies
28 before the effective date of this Act is covered by the law in
29 effect on the date of the person's death, and the former law is
30 continued in effect for that purpose.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 3, 2007

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB568 by Puente (Relating to the requirements for an affidavit of voluntary relinquishment of parental rights.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 16, 2007

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB568** by Puente (Relating to the requirements for an affidavit of voluntary relinquishment of parental rights.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, SD