

**House Bill 568**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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
  - (C) a statement that the child has no presumed father and that an affidavit of status of the child has been executed as provided by this chapter;
- (8) a statement that the parent has been informed of parental rights and duties;
- (9) a statement that the relinquishment is revocable, that the relinquishment is irrevocable, or that the relinquishment is irrevocable for a stated period of time;
- (10) if the relinquishment is revocable, a statement in boldfaced type concerning the right of the parent signing

SENATE VERSION

Same as House version.

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the affidavit to revoke the relinquishment only if the revocation is made before the 11th day after the date the affidavit is executed;

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

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

No equivalent provision.

SENATE VERSION

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

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

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

(2) voluntarily and with knowledge of the pregnancy, abandoned the mother of the child beginning at a time during her pregnancy with the child and continuing

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through the birth, failed to provide adequate support or medical care for the mother during the period of abandonment before the birth of the child, and remained apart from and failed to support the child since birth; or (3) been convicted or has been placed on community supervision, including deferred adjudication community supervision, for being criminally responsible for the death or serious injury of a child under the following sections of the Penal Code or adjudicated under Title 3, Family Code, for conduct that caused the death or serious injury of a child and that would constitute a violation of one of the following Penal Code sections:

- (A) Section 19.02 (murder);
  - (B) Section 19.03 (capital murder);
  - (C) Section 19.04 (manslaughter);
  - (D) Section 21.11 (indecent with a child);
  - (E) Section 22.01 (assault);
  - (F) Section 22.011 (sexual assault);
  - (G) Section 22.02 (aggravated assault);
  - (H) Section 22.021 (aggravated sexual assault);
  - (I) Section 22.04 (injury to a child, elderly individual, or disabled individual);
  - (J) Section 22.041 (abandoning or endangering child);
  - (K) Section 25.02 (prohibited sexual conduct);
  - (L) Section 43.25 (sexual performance by a child); and
  - (M) Section 43.26 (possession or promotion of child pornography).
- (f) Treatment of Certain Relationships. On determination that the parent of a child may not inherit from or through the child under Subsection (e) of this section, the parent

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shall be treated as if the parent predeceased the child for purposes of:

- (1) inheritance under the laws of descent and distribution; and
- (2) any other cause of action based on parentage.

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

Same as House version.

No equivalent provision.

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

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

Same as House version.