

BILL ANALYSIS

C.S.H.B. 428
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

When a parent-child relationship is terminated in cases involving the Department of Family and Protective Services, the Family Code provides certain family members of the child a 90-day period within which to file suit for conservatorship of the child. Currently, an adult sibling of the child, a grandparent of the child, an aunt who is the sister of a parent of the child, or an uncle who is a brother of a parent of the child are listed as family members that are eligible to file suit once the parent-child relationship has been terminated.

Many times, a parent whose rights are terminated does not inform relatives that the parent is in the process of losing parental rights. In such cases, the child involved might be placed with an adoptive or foster family, even though there are competent blood relatives who are willing to care for the child.

C.S.H.B. 428 allows a person related to a child within the fourth degree by consanguinity, rather than only an adult sibling, grandparent, aunt, or uncle of the child, to file a suit for adoption or managing conservatorship of the child when the parent-child relationship has been terminated.

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

C.S.H.B. 428 amends the Family Code to specify that the exemption from the limitations on filing a suit affecting the parent-child relationship applies to a person related to a child within the fourth degree by consanguinity, rather than only an adult sibling of the child, a grandparent of the child, an aunt who is a sister of a parent of the child, or an uncle who is a brother of a parent of the child. The bill expands the exemption to apply to such a person who files an original suit or a suit for modification requesting adoption of the child, as well as a suit requesting managing conservatorship.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 428 differs from the original by specifying that the exemption from the limitations on filing a suit affecting the parent-child relationship applies to a person related to a child within the fourth degree by consanguinity, rather than by consanguinity. The substitute differs from the original by retaining the 90-day period of time provided in current law for a family member to file the suit, rather than lengthening it to 120 days as in the original.