

BILL ANALYSIS

C.S.H.B. 436
By: Parker
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a foster parent of a child placed with the person by the Department of Family and Protective Services (DFPS) has standing to file an action in a suit affecting the parent-child relationship if the child has been in their home for 12 months. However, a person caring for a child who was not placed with the person by DFPS has standing to file an action if the child has been in their home for six months. C.S.H.B. 436 seeks to give a foster parent caring for child through DFPS the same rights as a foster parent caring for a child outside of conservatorship of DFPS.

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. 436 amends the Family Code to include among the conditions that qualify a foster parent of a child placed in the person's home by the Department of Family and Protective Services (DFPS) to file an original suit affecting the parent-child relationship the condition that the child be placed in the foster parent's home for at least six months ending not more than 90 days preceding the date of the filing of the petition if DFPS has removed the child from the child's home more than once.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 436 differs from the original by including among the conditions that qualify a foster parent of a child placed in the person's home by the Department of Family and Protective Services (DFPS) to file an original suit affecting the parent-child relationship the condition that the child be placed in the foster parent's home for at least six months ending not more than 90 days preceding the date of the filing of the petition if DFPS has removed the child from the child's home more than once, whereas the original lowers from 12 months to six months the minimum duration of a child's placement in such a home ending within a certain period of time relative to the date a petition is filed that serves as the basis for the foster parent's authority to file such a suit.