

## BILL ANALYSIS

C.S.H.B. 2321  
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Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Under current procedures, a foster parent of a child placed with that foster parent 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 the foster parent's home for at least 12 months. However, a person caring for a child who was not placed with the person by DFPS has standing to file such an action if the child has been in the person's home for at least six months. C.S.H.B. 2321 seeks to give a foster parent caring for a child through DFPS the same rights regarding such filings as a person caring for a child outside of the 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. 2321 amends the Family Code to expand the list of individuals and entities who may, at any time, file an original suit affecting the parent-child relationship to include a person who is the foster parent of a child placed by the Department of Family and Protective Services (DFPS) in the person's home for at least six months if DFPS has removed the child from the child's home more than once and the child resides with the foster parent.

### EFFECTIVE DATE

September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2321 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 102.003(a), Family Code, is amended to read as follows:  
(a) An original suit may be filed at any time by:  
(1) a parent of the child;  
(2) the child through a representative authorized by the court;  
(3) a custodian or person having the right of

#### HOUSE COMMITTEE SUBSTITUTE

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(a) An original suit may be filed at any time by:  
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(2) the child through a representative authorized by the court;  
(3) a custodian or person having the right of

visitation with or access to the child appointed by an order of a court of another state or country;

(4) a guardian of the person or of the estate of the child;

(5) a governmental entity;

(6) an authorized agency;

(7) a licensed child placing agency;

(8) a man alleging himself to be the father of a child filing in accordance with Chapter 160, subject to the limitations of that chapter, but not otherwise;

(9) a person, other than a foster parent, who has had actual care, control, and possession of the child for at least six months ending not more than 90 days preceding the date of the filing of the petition;

(10) a person designated as the managing conservator in a revoked or unrevoked affidavit of relinquishment under Chapter 161 or to whom consent to adoption has been given in writing under Chapter 162;

(11) a person with whom the child and the child's guardian, managing conservator, or parent have resided for at least six months ending not more than 90 days preceding the date of the filing of the petition if the child's guardian, managing conservator, or parent is deceased at the time of the filing of the petition;

(12) a person who is the foster parent of a child placed by the Department of Family and Protective Services in the person's home for at least:

(A) 12 months ending not more than 90 days preceding the date of the filing of the petition; or

(B) six months ending not more than 90 days preceding the date of the filing of the petition if the department has removed the child from the child's home more than once;

(13) a person who is a relative of the child within the third degree by consanguinity, as determined by Chapter 573, Government Code, if the child's parents are deceased at the time of the filing of the petition; or

(14) a person who has been named as a prospective adoptive parent of a child by a pregnant woman or the parent of the child, in a verified written statement to confer standing executed under Section 102.0035, regardless of whether the child has been born.

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(12) a person who is the foster parent of a child placed by the Department of Family and Protective Services in the person's home for at least:

(A) 12 months ending not more than 90 days preceding the date of the filing of the petition; or

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(13) a person who is a relative of the child within the third degree by consanguinity, as determined by Chapter 573, Government Code, if the child's parents are deceased at the time of the filing of the petition; or

(14) a person who has been named as a prospective adoptive parent of a child by a pregnant woman or the parent of the child, in a verified written statement to confer standing executed under Section 102.0035, regardless of whether the child has been born.

SECTION 2. The change in law made by this Act applies only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit filed before that date is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

SECTION 2. Same as introduced version.

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