

BILL ANALYSIS

C.S.H.B. 2774
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law only allows the foster family of a child placed in the family's home by the Department of Family and Protective Services to file an original suit affecting the parent-child relationship if the child has been placed in the person's home for at least one year. However, interested parties assert that some foster families have been able to interject themselves into certain child protective services cases to obtain custody of a foster child. C.S.H.B. 2774 seeks to address this issue.

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. 2774 amends the Family Code to prohibit a court from permitting a foster parent of a child placed in the foster parent's home by the Department of Family and Protective Services leave to intervene in a pending suit affecting the parent-child relationship that involves the child unless the parent-child relationship between the child and every living parent of the child has been finally terminated for at least 90 days.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2774 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. Chapter 102, Family Code, is amended by adding Section 102.0031 to read as follows:

Sec. 102.0031. INTERVENTION BY FOSTER PARENT. A court may not permit a foster parent of a child placed in the foster parent's home by the Department of Family and Protective Services leave to intervene in a pending suit that involves the child unless the child has been in the foster

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 102, Family Code, is amended by adding Section 102.0031 to read as follows:

Sec. 102.0031. INTERVENTION BY FOSTER PARENT. A court may not permit a foster parent of a child placed in the foster parent's home by the Department of Family and Protective Services leave to intervene in a pending suit that involves the child unless the parent-child relationship

parent's home for at least 12 months.

between the child and every living parent of the child has been finally terminated for at least 90 days.

SECTION 2. Section 102.0031, Family Code, as added by this Act, applies only to a motion to intervene pending on or filed on or after the effective date of this Act.

SECTION 2. Same as introduced version.

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

SECTION 3. Same as introduced version.