

BILL ANALYSIS

C.S.H.B. 537
By: Anchia
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that current statutory provisions regarding supplementary birth certificates reflect only one type of two-parent adoption, that of a man and a woman, thereby precluding children adopted in a different circumstance from receiving birth certificates that accurately reflect their legal parentage. These parties contend that since a child's birth certificate is used for a variety of identification purposes for both child and parent, including school registration, health insurance and passport applications, and government benefits, it should be consistent with the child's legal parentage. The parties also point out that Texas recognizes that adoptive parents may be aunts, uncles, grandparents, or other parties who may or may not be part of an opposite gender couple. C.S.H.B. 537 seeks to ensure that every adopted child in Texas has a birth certificate that accurately reflects the child's legal parentage.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 537 amends the Health and Safety Code to require the supplementary birth certificate of an adopted child to be in the names of both adoptive parents, as reflected on the certificate of adoption, unless the child is adopted by a single individual. The bill prohibits copies of the child's birth certificates or birth records from disclosing that the child is adopted.

C.S.H.B. 537 repeals Section 192.008(a), Health and Safety Code, relating to the requirements of the supplementary birth certificate of an adopted child, including a requirement that one adoptive parent be a female, named as the mother, and the other a male, named as the father.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 537 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 192.008(a), Health and Safety Code, is amended to read as follows:

(a) The supplementary birth certificate of an adopted child must be in the names of both the adoptive parents, ~~one of whom must be a female, named as the mother, and the other of whom must be a male, named as the father~~. This subsection does not prohibit a single individual, male or female, from adopting a child. Copies of the child's birth certificates or birth records may not disclose that the child is adopted.

No equivalent provision. (*But see SECTION 1 above.*)

SECTION 2. The change in law made by this Act applies only to a supplementary birth certificate issued on or after the effective date of this Act. A supplementary birth certificate issued before the effective date of this Act is covered by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 192.008, Health and Safety Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) The supplementary birth certificate of an adopted child must be in the names of both adoptive parents, as reflected on the certificate of adoption, unless the child is adopted by a single individual. Copies of the child's birth certificates or birth records may not disclose that the child is adopted.

SECTION 2. Section 192.008(a), Health and Safety Code, is repealed.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.