BILL ANALYSIS

BACKGROUND AND PURPOSE

Interested parties raise concerns that a child adopted out of the foster care system who has not reached 18 years of age is unable to file a suit to gain visitation rights to a biological sibling. The parties believe that siblings should be able to maintain their relationship during childhood. C.S.H.B. 1781 seeks to provide a means of facilitating contact among biological siblings at an earlier age.

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. 1781 amends the Family Code to authorize the sibling of a child who is separated from the sibling as the result of an action by the Department of Family and Protective Services to file an original suit requesting access to the child, regardless of the sibling's age. The bill requires a court to expedite such a suit.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1781 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Chapter 102, Family Code, is amended by adding Section 102.0046 to read as follows: Sec. 102.0046. STANDING FOR ADOPTIVE PARENT. The parent of an adopted child may file an original suit	No equivalent provision.

requesting access to a biological sibling of the child as provided by Section 162.024.

SECTION 2. Subchapter A, Chapter 162, Family Code, is amended by adding Section 162.024 to read as follows: Sec. 162.024. ACCESS TO SIBLINGS. (a) In this section: (1) "Biological sibling" means a person with whom a child shares a common birth parent. (2) "Birth parent" has the meaning assigned by Section 162.402. (b) The parent of an adopted child may file an original suit to request access on behalf of the child to a biological sibling of the child adopted by another person. (c) Subsection (b) applies only to the extent that a parent of an adopted child is aware of the existence of a biological sibling adopted by another person and the identity of that person, and does not entitle the parent to confidential information regarding a biological sibling or adoptive parent. (d) The court shall order reasonable access to the biological sibling if the court finds that access is in the best interest of both children.	No equivalent provision.
SECTION 3. Section 162.018, Family Code, is amended by adding Subsection (c-1) to read as follows: (c-1) The department, a licensed child-placing agency, or another entity or person placing a child for adoption shall provide the child's adoptive parent with any information known to the department, agency, entity, or person that is not confidential regarding the adoption of a biological sibling, as defined by Section 162.024, of the child by another person.	No equivalent provision.
No equivalent provision.	SECTION 1. Section 102.0045, Family Code, is amended by adding Subsection (a-1) to read as follows: (a-1) The sibling of a child who is separated from the sibling as the result of an action by the Department of Family and Protective Services may file an original suit as provided by Section 153.551 requesting access to the child, regardless of the age of the sibling. A court shall expedite a suit

SECTION 4. This Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.

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