

## **BILL ANALYSIS**

Senate Research Center  
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S.B. 314  
By: West  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Section 1711.8 of the Child Protective Services (CPS) handbook indicates that CPS should explain the effect of assuming permanent managing conservatorship (PMC) on eligibility for benefits, but relatives regularly report that they were not aware of the consequences of assuming PMC.

S.B. 314 addresses this by requiring a court that appoints a nonparent as managing conservator of a child to provide the nonparent with an explanation of the differences between appointment as managing conservator and adoption. The explanation shall include the following statements:

- appointment as conservator conveys the rights specified by the court or applicable law, rather than the complete rights of a parent that are conveyed via adoption;
- a parent may still request visitation, or even appointment as managing conservator, from the court; and
- appointment will not result in eligibility for postadoption benefits.

Additionally, the bill will require that the court order appointing the nonparent as managing conservator include certain provisions regarding the authority of the managing conservator.

If the nonparent does not appear in person before the court, the court must have evidence that the nonparent was advised of these rights and duties before it appoints the person as managing conservator. Finally, the bill states that appointment as managing conservator does not disqualify a nonparent from receiving postadoption benefits should they subsequently adopt the child and meet the criteria.

As proposed, S.B. 314 amends current law relating to appointment of a nonparent as managing conservator of a child.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter G, Chapter 153, Family Code, by adding Sections 153.3722 and 153.3723, as follows:

Sec. 153.3722. REQUIREMENTS FOR APPOINTMENT OF NONPARENT AS MANAGING CONSERVATOR. (a) Provides that, in a suit in which the court appoints a nonparent as managing conservator of a child:

- (1) the court is required to provide the nonparent with an explanation of the differences between appointment as a managing conservator of a child and adoption of a child, including the specific statements set forth in this subdivision;

(2) the court order appointing the nonparent as managing conservator is required to include provisions that address the authority of the nonparent as set forth in this subdivision.

(b) Requires the court, before entering an order appointing the nonparent as managing conservator of a child, to require evidence that the nonparent was informed of the rights and duties of an appointed managing conservator of a child if the nonparent does not appear in person before the court.

Sec. 153.3723. ELIGIBILITY OF NONPARENT MANAGING CONSERVATOR FOR POSTADOPTION BENEFITS. Prohibits the appointment of a nonparent as managing conservator for a child from being used as the basis for denying postadoption benefits if the nonparent subsequently adopts the child and meets the applicable benefits eligibility criteria.

SECTION 2. Provides that Section 153.3722, Family Code, as added by this Act, applies to a suit affecting the parent-child relationship that is pending in a trial court on or filed on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2015.