

By: Cyrier

H.B. No. 4198

A BILL TO BE ENTITLED

AN ACT

relating to the payment by prospective adoptive parents of certain expenses of the birth mother.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 162, Family Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. DIRECT PAYMENT OF CERTAIN BIRTH MOTHER EXPENSES

Sec. 162.651. DEFINITION. In this subchapter, "birth parent" has the meaning assigned by Section 162.402.

Sec. 162.652. REQUEST FOR PAYMENT OF EXPENSES. (a) A birth parent may make a written request to a licensed attorney representing the prospective adoptive parent or parents for payment of expenses of the birth mother, including attorney fees, medical fees and expenses, counseling fees, or necessary pregnancy-related expenses, incurred in connection with the pregnancy, the child's birth, the placement of the child with the adoptive parent or parents, or the adoption.

(b) The birth parent shall provide the licensed attorney representing the prospective adoptive parent or parents written receipts for any money provided pursuant to a request under Subsection (a).

Sec. 162.653. ACCOUNTING. (a) Before the date set for the hearing on the petition for adoption, the licensed attorney representing the prospective adoptive parent or parents shall file

1 with the court a full accounting report of all disbursements made or
2 agreed to be made under Section 162.652(a).

3 (b) The accounting must be itemized and for each expense
4 show the date and the ultimate recipient of the funds.

5 Sec. 162.654. NONAPPLICABILITY. This subchapter does not
6 apply to an adoption by a stepparent in which one birth parent or
7 adoptive parent retains conservatorship of the child.

8 SECTION 2. Section 25.08(b), Penal Code, is amended to read
9 as follows:

10 (b) It is an exception to the application of this section
11 that the thing of value is:

12 (1) a fee or reimbursement paid to a child-placing
13 agency as authorized by law;

14 (2) a fee paid to an attorney, social worker, mental
15 health professional, or physician for services rendered in the
16 usual course of legal or medical practice or in providing adoption
17 counseling;

18 (3) a reimbursement of legal or medical expenses
19 incurred by a person for the benefit of the child; ~~or~~

20 (4) a necessary pregnancy-related expense paid by a
21 child-placing agency for the benefit of the child's parent during
22 the pregnancy or after the birth of the child as permitted by the
23 minimum standards for child-placing agencies and Department of
24 Family and Protective [and Regulatory] Services rules; or

25 (5) a payment made to a birth parent by a licensed
26 attorney under Subchapter H, Chapter 162, Family Code.

27 SECTION 3. The change in law made by this Act applies only

1 to a payment made on or after the effective date of this Act.

2 SECTION 4. This Act takes effect September 1, 2017.