

BILL ANALYSIS

Senate Research Center
88R2605 AMF-F

H.B. 461
By: Smith (Paxton)
State Affairs
5/17/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Constituents and judges in Texas House District 62 note that requirements for persons conducting adoption evaluations have increased over the years and that as a result there are not as many people qualified to conduct the evaluations. Some counties do not have many eligible evaluators, which can drive up the costs of these evaluations and the time needed to complete them. H.B. 461 seeks to address this issue by allowing a court to waive an adoption evaluation in cases where the prospective adoptive parent is a stepparent and the court has reviewed investigative records of the Department of Family and Protective Services and any criminal history record information maintained by the Department of Public Safety of the State of Texas.

H.B. 461 amends current law relating to a waiver of the requirement for the performance of an adoption evaluation in certain suits for adoption.

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 Section 107.153, Family Code, by amending Subsections (a) and (e) and adding Subsection (a-1), as follows:

(a) Creates an exception under Subsection (a-1).

(a-1) Authorizes the court, in a suit for adoption that is uncontested, to waive the requirement under Subsection (a) (relating to requiring the court to order the performance of an adoption evaluation to evaluate each party who requests termination of the parent-child relationship or an adoption in a suit for certain purposes) for the performance of an adoption evaluation of the prospective adoptive parent if:

(1) the prospective adoptive parent is a stepparent of the child; and

(2) the court has reviewed investigative records of the Department of Family and Protective Services (DFPS) and any criminal history record information maintained by the Department of Public Safety of the State of Texas (DPS) relating to the prospective adoptive parent.

(e) Requires that the costs of conducting an adoption evaluation required under Subsection (a) or reviewing investigative records of DFPS and criminal history record information maintained by DPS under Subsection (a-1), as applicable, rather than requiring the costs of an adoption evaluation under Section 107.153 (Order for Adoption Evaluation), be paid by the prospective adoptive parent.

SECTION 2. Amends Section 162.003, Family Code, as follows:

Sec. 162.003. ADOPTION EVALUATION. Requires that an adoption evaluation, in a suit for adoption, be conducted as provided in Chapter 107 (Special Appointments, Child

Custody Evaluations, and Adaption Evaluations), unless the court waives the requirement for the performance of an adoption evaluation under Section 107.153(a-1).

SECTION 3. Makes application of the change in law made by this Act prospective.

SECTION 4. Effective date: September 1, 2023.