

BILL ANALYSIS

H.B. 2439
By: Thimesch
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The due diligence of the Department of Family and Protective Services (DFPS) to identify and locate relatives of a child that is placed in DFPS care can be time consuming, which in turn can prolong the process of getting the child adopted. If a mother is in a human trafficking situation and ends up pregnant either by her trafficker or an individual to whom she was trafficked, it may be difficult to locate the family of an alleged father if she doesn't remember or even know their identity. Similarly, if the alleged father is her trafficker, notification by DFPS that he may have a child under the care of the state could potentially place the child and the mother in danger. H.B. 2439 seeks to ensure the well-being of the child and the mother in these situations by providing the option to waive that notice requirement if a court finds that the alleged father trafficked the mother and by exempting DFPS from the requirement to provide certain information to relatives or caregivers when a child is placed in DFPS care, if DFPS is aware or believes that the alleged father committed trafficking against the mother.

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

H.B. 2439 amends the Family Code to authorize the required written notice provided by the Department of Family and Protective Services (DFPS) or other agency taking possession of a child to each parent, conservator, or legal guardian of the child when a representative of DFPS or the agency takes possession to be waived by a court at the initial hearing if the court finds that the alleged father committed the offense of trafficking of persons, as defined by the Crime Victims' Compensation Act, against the child's mother. The bill exempts DFPS from the requirement to provide to certain adult relatives or caregivers of the child information about the child's removal from the home, the options to participate in the child's care and placement, and the related hearing and suit timelines and procedures if DFPS is aware or believes that the alleged father committed such an offense against the child's mother. The bill applies only to a suit affecting the parent-child relationship filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.