

BILL ANALYSIS

Senate Research Center

H.B. 4730
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Choosing adoption can be an emotional and difficult decision. Information available to both the birth mother, who is exploring her options during pregnancy, and the prospective adoptive parents, who want to build a family through this process, may be confusing. There are websites and organizations that each have different approaches and types of resources available to these families, which may result in decisions that are rushed without truly informing both parties of their legal rights and options.

H.B. 4730 ensures that women considering adoption for their child and prospective adoptive parents have information about their rights by requiring the Department of Family and Protective Services to adopt and make available on its publicly accessible website certain forms outlining those rights. Additionally, the bill extends the period of time that a birth mother has after giving birth to make a decision about voluntary relinquishment, so the mother does not have to make that decision under the influence of labor and delivery medications, and removes the ability for certain relinquishment affidavits to be irrevocable. The bill also provides for the adoption of certain standards for child-placing agencies.

H.B. 4730 amends current law relating to the voluntary relinquishment of parental rights, adoption, and the regulation of child-placing agencies.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 3 (Section 42.042, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.103, Family Code, by amending Subsections (a) and (e) and adding Subsection (b-1), as follows:

(a) Requires that an affidavit for voluntary relinquishment of parental rights be:

(1) on the form adopted by the Health and Human Services Commission (HHSC) in conjunction with the Department of Family and Protective Services (DFPS) under Subsection (b-1);

(2) signed by the parent, whether or not a minor, whose parental rights are to be relinquished on or after the seventh day after the date of the birth of the child, rather than not before 48 hours after the birth of the child; and

(3)-(4) redesignates existing Subdivisions (2)-(3) as Subdivisions (3)-(4) and makes no further changes.

Makes nonsubstantive changes to this subsection.

(b-1) Requires HHSC, in conjunction with DFPS, to adopt and make available on each agency's publicly accessible Internet website a form to be used for an affidavit for

voluntary relinquishment of parental rights. Requires that the form include an explanation of certain circumstances and rights.

(e) Deletes existing text providing that a relinquishment in any other affidavit of relinquishment is revocable unless it expressly provides that it is irrevocable for a stated period of time not to exceed 60 days after the date of its execution.

SECTION 2. Amends Subchapter A, Chapter 162, Family Code, by adding Section 162.0063, as follows:

Sec. 162.0063. NOTICE OF RIGHTS FOR PROSPECTIVE ADOPTIVE PARENTS. (a) Defines "commission" and "department."

(b) Requires HHSC, in conjunction with DFPS, to adopt a form to notify a prospective adoptive parent of the parent's rights related to adoption. Requires HHSC and DFPS to make the form available on each agency's publicly accessible Internet website. Requires that the form include an explanation of an adoptive parent's right to certain information.

(c) Requires DFPS, a licensed child-placing agency, or other person placing a child for adoption to provide the notice adopted under this section to a prospective adoptive parent.

SECTION 3. Amends Section 42.042(h-1), Human Resources Code, as follows:

(h-1) Requires the executive commissioner of HHSC (executive commissioner) to adopt rules governing:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) minimum training standards for an employee, director, or operator of a child-placing agency;

(4) annual compliance reporting by child-placing agencies;

(5) random audits of child-placing agencies to ensure compliance with training standards and licensing requirements;

(6) procedures for the filing of a complaint against a child-placing agency; and

(7) creates this subdivision from existing text and makes no further changes.

SECTION 4. Amends the heading to Section 42.0421, Human Resources Code, to read as follows:

Sec. 42.0421. MINIMUM TRAINING STANDARDS: REGULATED CHILD CARE FACILITY.

SECTION 5. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.04211, as follows:

Sec. 42.04211. MINIMUM TRAINING STANDARDS: CHILD-PLACING AGENCY. Requires that the minimum training standards prescribed by the executive commissioner under Section 42.042(h-1) require an employee, director, or operator of a child-placing agency to receive training regarding parental rights of adoptive parents and procedures for the relinquishment of parental rights.

SECTION 6. (a) Requires HHSC, in conjunction with DFPS, as soon as practicable after the effective date of this Act but not later than March 1, 2026, to adopt the forms required by Sections 161.103(b-1) and 162.0063(b), Family Code, as added by this Act.

(b) Makes application of Section 161.103 (Affidavit of Voluntary Relinquishment of Parental Rights), Family Code, as amended by this Act, prospective to March 1, 2026.

(c) Makes application of Section 162.0063(c), Family Code, as added by this Act, prospective to March 1, 2026.

SECTION 7. Requires the executive commissioner, as soon as practicable after the effective date of this Act but not later than January 1, 2026, to adopt rules as required by Section 42.042(h-1), Human Resources Code, as amended by this Act.

SECTION 8. Effective date: September 1, 2025.