

## **BILL ANALYSIS**

H.B. 4730  
By: Hull  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

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. The bill author has informed the committee that 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 seeks to ensure 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.

### **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 rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

### **ANALYSIS**

H.B. 4730 amends the Family Code to revise and set out provisions relating to the voluntary relinquishment of parental rights, adoption, and the regulation of child-placing agencies.

#### **Affidavit of Voluntary Relinquishment of Parental Rights**

H.B. 4730 revises the requirements for an affidavit for voluntary relinquishment of parental rights by doing the following:

- requiring the affidavit to be on the form adopted by the Department of Family and Protective Services (DFPS) as provided by the bill; and
- changing the period of time during which the affidavit must be signed by the parent, whether or not a minor, whose parental rights are to be relinquished from after the birth of the child but not before 48 hours after the birth of the child to on or after the seventh day after the date of the birth of the child.

The bill requires DFPS to adopt and make available on DFPS's publicly accessible website a form to be used for such an affidavit.

H.B. 4730 requires the form for an affidavit for voluntary relinquishment of parental rights to include an explanation of the following:

- the circumstances under which an affidavit may be revoked and procedures for revocation; and
- the parent's right to:
  - seek child support if the parent chooses to not relinquish the parent's rights;
  - consider alternatives to adoption, including kinship care or temporary assistance;
  - apply for and potentially receive government benefits;
  - consult with an attorney before signing the affidavit;
  - seek counseling regarding adoption and relinquishment of parental rights;
  - receive information regarding post-adoption contact agreements;
  - request non-identifying information regarding prospective adoptive parents, including general demographic information and information regarding lifestyle and values;
  - receive a copy of each signed document related to the relinquishment of parental rights, including the affidavit and any adoption agreement;
  - receive any medical record or genetic screening information related to the child before relinquishment; and
  - register with a mutual consent voluntary adoption registry, including the central registry established and maintained by the vital statistics unit.

The bill requires DFPS, as soon as practicable after the bill's effective date but not later than March 1, 2026, to adopt the form to be used for an affidavit for voluntary relinquishment of parental rights.

H.B. 4730 revises a statutory provision that provides for the revocability of a relinquishment in an affidavit of relinquishment, other than one that designates DFPS or a child-placing agency to serve as the managing conservator, by doing the following:

- removing the specification that the 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; and
- specifying instead that the relinquishment is revocable for 60 days after the date of its execution.

The provisions of H.B. 4730 relating to an affidavit of voluntary relinquishment of parental rights apply only to the relinquishment of parental rights to a child born on or after March 1, 2026.

### **Notice of Rights for Prospective Adoptive Parents**

H.B. 4730 requires DFPS to adopt and make available on its publicly accessible website a form to notify a prospective adoptive parent of the parent's rights related to adoption. The bill requires the form to include an explanation of an adoptive parent's right to do the following:

- know the location and conditions of the child's birth, including any drugs administered to the child or the child's mother during birth;
- examine the records and other information relating to the history of the child under applicable state law, including prenatal records and genetic screening records;
- be informed of any legal risks related to the prospective adoption, including pending paternity claims or other contests;
- receive copies of all legal documents related to the adoption;
- request non-identifying information regarding the biological parents and any biological siblings of the child, including general demographic information;
- seek access to post-adoption resources, including counseling, legal assistance, and support groups; and

- receive an itemized list of each cost associated with an adoption.

The bill requires DFPS, as soon as practicable after the bill's effective date but not later than March 1, 2026, to adopt the form to notify a prospective adoptive parent of the parent's rights related to adoption. The bill requires DFPS, a licensed child-placing agency, or other person placing a child for adoption to provide the notice of rights to a prospective adoptive parent, and this requirement applies beginning with adoption placement services provided on or after March 1, 2026.

### **Rules and Standards for Child-Placing Agency**

H.B. 4730 amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission (HHSC), as soon as practicable after the bill's effective date but not later than January 1, 2026, to adopt rules governing the following:

- minimum training standards for an employee, director, or operator of a child-placing agency;
- annual compliance reporting by child-placing agencies;
- random audits of child-placing agencies to ensure compliance with training standards and licensing requirements; and
- procedures for the filing of a complaint against a child-placing agency.

The bill requires the minimum training standards prescribed by the executive commissioner to 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.

### **EFFECTIVE DATE**

September 1, 2025.