

BILL ANALYSIS

Senate Research Center
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H.B. 5149
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Children in the managing conservatorship of the Department of Family and Protective Services, commonly referred to as foster children, are often subject to various forms of medical, psychological, and personal data collection. The bill author has informed the committee that while some of this data gathering is necessary for ensuring the child's health and safety, there is potential for misuse or overreach in the collection and use of sensitive biological information, such as DNA samples. The bill author has further informed the committee that current law does not explicitly restrict the collection or use of DNA from children in foster care, leaving open the possibility of such samples being used for purposes beyond their immediate care, including criminal investigations or paternity searches, without appropriate consent. H.B. 5149 seeks to address this issue, safeguard the privacy rights of children in state care, and prevent the misuse of genetic information by prohibiting the collection or use of a child's DNA sample without the written consent of an adult having actual care, control, and possession of the child as the child's primary caregiver or a court order.

H.B. 5149 amends current law relating to restricting the collection and use of DNA samples from children in the managing conservatorship of the Department of Family and Protective Services.

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 Subchapter B, Chapter 264, Family Code, by adding Section 264.131, as follows:

Sec. 264.131. USE OF FOSTER CHILD DNA FOR CERTAIN PURPOSES PROHIBITED. Prohibits the Department of Family and Protective Services (DFPS) from collecting or using a DNA sample from a child in the managing conservatorship of DFPS for any purpose without the written consent of an adult having actual care, control, and possession of the child as the child's primary caregiver or a court order.

SECTION 2. Effective date: September 1, 2025.