

SUBJECT: Criminal background check for prospective adoptive parents

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 5 ayes — Goodman, Brady, De La Garza, Naishtat, Van de Putte
0 nays
4 absent — Cook, H. Cuellar, Puente, Williamson

WITNESSES: For — Shannon Noble, Texas Women’s Political Caucus; Victor Negron
Against — None
On — Paula Kay Logan, Texas Department of Public Safety

DIGEST: CSHB 1108 would provide that in all adoption cases handled by the Department of Protective and Regulatory Services (DPRS), a licensed child placement agency or a private attorney, a court would be required to order persons seeking to adopt a child to obtain their own criminal history record information. Persons would be required to provide the Department of Public Safety (DPS) with the name and address of the court and the date set for the adoption hearing. DPS would then be required to provide the court with the criminal history record information not later than the 10th day before the date of the adoption hearing.

Criminal history record information could not be released or disclosed to a person other than the court ordering the investigation except upon a court order or with the consent of the person who is the subject of the information.

This bill would take effect September 1, 1995, and apply only an adoption proceeding filed on or after that date.

SUPPORTERS SAY: CSHB 1108 is one of the recommendations of an interim study relating to improving adoption proceedings. DPRS has required all potential adopting parents to provide criminal history reports before a public adoption can proceed, but the law is less clear for private adoptions. CSHB 1108 would

give the court another tool in determining the suitability of individuals as adoptive parents.

Nothing in the bill would prevent an adoption from going forward even if a prospective parent has a criminal record. This bill would merely give the court more information to determine whether individuals would be suitable parents.

OPPONENTS
SAY:

No apparent opposition

NOTES:

The committee substitute would require persons to obtain their own criminal record while the original bill placed the responsibility on DPRS, the adoption agency, or person placing a child for adoption.