

- SUBJECT:** Repealing statute relating to voluntary relinquishment of parental rights
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 7 ayes — Goodman, A. Reyna, King, Menendez, Morrison, Naishtat, Tillery  
0 nays  
2 absent — E. Reyna, Nixon
- WITNESSES:** For — Heidi Cox, The Gladney Center and American Academy of Adoption Attorneys; Susan I. Paquet, American Academy of Adoption Attorneys  
Against — None
- BACKGROUND:** Family Code, sec. 161.201, enacted in 1995, states that if a petition for relinquishment of parental rights is filed before the birth of a child, the court may not conduct a hearing nor issue an order of termination until five days after the child's birth. Sec. 161.103, enacted in 1995 and amended in 1997, states that an affidavit for voluntary relinquishment of parental rights may not be signed until the child is at least 48 hours old.
- DIGEST:** HB 997 would repeal Family Code, sec. 161.201. This bill would take effect September 1, 2001, and would apply only to suits to terminate the parent-child relationship filed on or after that date.
- SUPPORTERS SAY:** HB 997 is necessary because of the conflict in current law between two sections of the Family Code. Sec. 161.103, containing the 48-hour provision, superseded sec. 161.201, but the latter section has not been repealed. This inconsistency has created a loophole under which, once an adoption has taken place, a child could be remanded back to the birth parents because of legal technicalities. This actually occurred in a case several years ago. HB 997 would eliminate this inconsistency.
- OPPONENTS SAY:** No apparent opposition.