

- SUBJECT:** Regulating termination of parental rights regarding abandoned children
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 6 ayes — Dutton, Bolton, Farrar, Gonzalez Toureilles, Hernandez, Vaught
0 nays
3 absent — Eiland, Farias, Strama
- WITNESSES:** For — None
Against — None
On — Robert L. “Bob” Green Jr., Texas Parents Alliance/Health Physicist, Texas Dept. of State Health Services, PSQA Unit, Radiation Group; (*Registered, but did not testify:* Beth Engelking, Department of Family and Protective Services)
- BACKGROUND:** Family Code, sec. 262.302 requires a designated emergency infant care provider to take possession of child who appears to be 60 days old or younger if the child voluntarily is delivered to the provider by the child’s parent and the parent did not express an intent to return for the child. By the next business day, the provider must notify Department of Family and Protective Services (DFPS) that the provider has taken possession of the child, whereon DFPS must assume the care, control, and custody of the child immediately.
- HB 2331 by Morrison, enacted by the 79th Legislature, created a rebuttable presumption that a parent who delivers a child to a designated emergency infant care provider:
- is the child’s biological parent; and
 - intends to relinquish parental rights and consents to the termination of parental rights with regard to the child.
- Family Code Sec. 263.407 was amended to require that before filing a petition to terminate the parental rights with regard to a child taken into DFPS’s custody, the department must:

- verify with the National Crime Information Center and state and local law enforcement agencies that the child is not a missing child; and
- obtain a certificate of the search of the paternity registry not earlier than the date DFPS estimates to be the 30th day after the child's date of birth.

DFPS often experiences delays in this process because it cannot file a petition for termination of parental rights until it has searched the paternity registry 30 days after the child's date of birth.

DIGEST:

HB 1747 would add to the rebuttable presumption in Family Code, sec. 263.407 that the parent who delivered a child to an emergency infant care provider intended to waive the right to notice of the suit terminating the parent-child relationship. The bill would require DFPS to check the paternity registry before the court could render an order, rather than file a petition, to terminate parental rights regarding a child in DFPS' custody.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.