

BILL ANALYSIS

Senate Research Center
77R8114 JMM-D

H.B. 1632
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Jurisprudence
4/3/2001
Engrossed

DIGEST AND PURPOSE

Under current Texas law, when a licensed child-placing agency or adoptive parent files a suit for adoption, the court is required to order a home screening prior to placement of the child and a social study following the placement of the child. In some adoptions, judges have ordered a home screening but not a social study. As proposed, H.B. 1632 sets forth provisions and modifications to establish pre-adoptive home screenings and post-placement adoptive reports in adoption cases in an effort to study the home environment of the adoptive parents.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Board of Protective and Regulatory Services in SECTION 3 (Section 107.0511, Family Code) and SECTION 4 (Section 107.052, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 105.006(a), Family Code, to require that a final order, other than in a proceeding under Chapter 161 or 162, must contain certain specific information.

SECTION 2. Amends Section 107.051(b), Family Code, to authorize a social study to be made by a private entity, a person appointed by the court, or a state agency, including the Department of Protective and Regulatory Services (department) if the department is a party to the suit. Deletes existing text pertaining to the authorization of a social study to be made by person appointed by the court.

SECTION 3. Amends Chapter 107D, Family Code, by adding Section 107.0511, as follows:

Sec. 107.0511. PRE-ADOPTIVE HOME SCREENING. (a) Defines “department.”

(b) Requires a pre-adoptive home screening to be conducted as provided by this section to evaluate each party in a proceeding described by Subsection (c) who requests termination of the parent-child relationship or an adoption.

(c) Requires the home screening under this section, except for a suit brought by a licensed child-placing agency or the department, to be filed in any suit for termination of the parent-child relationship in which a person other than a parent may be appointed managing conservator of a child, or an adoption.

(d) Requires the home screening under this section, other than in a suit in which a licensed child-placing agency or the department is appointed managing conservator of the child, to be filed with the court before the court may sign the final order for termination of the parent-child relationship.

(e) Requires the costs of a home screening in a suit for adoption under this section to

be paid by the prospective adoptive parent.

(f) Requires the home screening under this section, unless otherwise agreed to by the court, to comply with the minimum requirements for the screening under rules adopted by the Board of Protective and Regulatory Services.

(g) Authorizes, in a stepparent adoption, the pre-adoptive home screening under this section and the post-placement adoptive report under Section 107.052 to be combined.

SECTION 4. Amends Section 107.052, Family Code, as follows:

Sec. 107.052. New heading: POST-PLACEMENT ADOPTIVE REPORT. (a) Requires a post-placement adoptive report, in a proceeding in which a pre-adoptive home screening is required by Section 107.0511 for an adoption, to be conducted and filed with the court before the court may render a final order in the adoption.

(b) Requires the post-placement adoptive report, unless otherwise agreed to by the court, to comply with the minimum requirements for the report under rules adopted by the Board of Protective and Regulatory Services.

Deletes existing text of Subsections (a), (b), and (c) regarding the standards for conducting a social study.

SECTION 5. Amends Section 161.202, Family Code, as follows:

Sec. 161.202. New heading: PREFERENTIAL SETTING. Deletes existing text regarding termination suits filed by certain entities.

SECTION 6. Amends Section 162.003, Family Code, as follows:

Sec. 162.003. New heading: PRE-ADOPTIVE HOME SCREENING AND POST-PLACEMENT REPORT. Requires a pre-adoptive home screening and post-placement report, in a suit for adoption, to be conducted as provided in Chapter 107. Deletes existing text regarding the inclusion of certain specific suits. Deletes existing text of Subsections (b) and (c) regarding a social study.

SECTION 7. Repealer: Sections 162.0025 (Adoptive Home Screening) and 162.004 (Time for Hearing), Family Code.

SECTION 8. Effective date: September 1, 2001.

Makes application of this Act prospective.