

## **BILL ANALYSIS**

Senate Research Center  
85R11973 JSC-D

H.B. 3052  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law allows a parent, through a Chapter 34, Family Code, authorization agreement (agreement) to authorize a nonparent relative or voluntary caregiver to make certain decisions on behalf of the child. The agreement is an alternative to other legal options. The agreement allows the relative to authorize or obtain on behalf of the child: medical treatment, insurance coverage, public benefits, a driver's license, enrollment in school or programs, and participation in recreational activities. Interested parties note that the agreement does not allow for the authorized relative, often a grandparent, to obtain copies or originals of identification documents, namely birth certificates and social security cards, which may prevent the relative from carrying out permitted functions.

H.B. 3052 allows for the authorized relative to obtain copies or originals of the child's identification documents through the Chapter 34 agreement. In addition, if one parent is absent when the agreement is authorized, that parent must be notified of the agreement. The responsibility for notification often falls on the authorized relative, has multiple steps, and can be burdensome. H.B. 3052 simplifies this process for the authorized caregiver.

H.B. 3052 amends Chapter 34, Family Code, to allow authorized relatives to obtain copies or originals of the child's identification documents and streamline the notification process for a parent not party to the authorization agreement.

H.B. 3052 amends current law relating to an authorization agreement between a parent and a nonparent relative of the child.

### **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 Section 34.002(a), Family Code, as follows:

(a) Authorizes a parent or both parents of a child to enter into an authorization agreement with a relative of the child listed in Section 34.001 (Applicability) to authorize the relative to perform the following acts in regard to the child:

(1) through (7) makes no changes to these subdivisions; and

(8) to obtain copies or originals of state-issued personal identification documents for the child, including the child's birth certificate, and, to the extent authorized under federal law, copies or originals of federally issued personal identification documents for the child, including the child's social security card.

SECTION 2. Amends Section 34.003, Family Code, as follows:

Sec. 34.003. CONTENTS OF AUTHORIZATION AGREEMENT. (a) Makes a nonsubstantive change.

(b) Requires that the authorization agreement contain the following warnings and disclosures:

(1) through (12) makes no changes to these subdivisions;

(13) that, except as provided by Section 34.005(a-2), rather than Section 34.005(a-1), the authorization agreement is void unless not later than the 10th day after the date the authorization agreement is signed, the parties mail to a parent who was not a party to the authorization agreement at the parent's last known address, if the parent is living and the parent's parental rights have not been terminated, certain copies of the authorization agreement; and

(14) makes no changes to this subdivision.

Deletes existing text requiring that the authorization agreements contain a warning and disclosure that the authorization agreement is void unless the parties mail certain copies of the authorization not later than the 10th day after the date the authorization agreement is signed and requiring a second copy of the authorization agreements to be sent under certain conditions.

SECTION 3. Amends Section 34.004(b), Family Code, to make a nonsubstantive change.

SECTION 4. Amends Section 34.005, Family Code, by amending Subsections (a) and (a-1) and adding Subsection (a-2), as follows:

(a) Requires the parties, if both parents did not sign the authorization agreement, not later than the 10th day after the date the authorization agreement is executed, to mail to the parent who was not a party to the authorization agreement at the parent's last known address, if that parent is living and that parent's parental rights have not been terminated, one copy of the executed authorization agreement in certain manners and one copy of the executed authorization agreement in certain manners. Deletes existing text requiring the parties to mail a copy of the executed authorization agreement in certain manners not later than a certain date. Deletes existing text requiring a second copy of the authorization agreement to be sent if a response is not received before a certain date.

(a-1) Creates this subsection from existing text. Provides that, except as otherwise provided by Subsection (a-2), an authorization agreement is void if the parties fail to comply with Subsection (a), rather than this subsection.

(a-2) Redesignates existing Subsection (a-1) as Subsection (a-2) and makes no further changes to this subsection.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017.