

BILL ANALYSIS

H.B. 825
By: Giddings
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties contend that recent data suggests that many judges in Texas who deal with child protective services cases are unaware of the federal Indian Child Welfare Act of 1978, which provides for the placement of children of Native American heritage in homes that reflect the unique values of that culture. The parties assert that with proper efforts to identify the heritage of Native American children, the state could help such children remain connected with their families and tribes while going through a child protection suit and assist the judicial and court community in upholding the important promise made in the Indian Child Welfare Act of 1978. H.B. 825 seeks to ensure that these efforts are made.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 825 reenacts and amends the Family Code to require the court to ask all parties present at a full adversary hearing, a status hearing, and at each permanency hearing in a child protection suit whether the child or the child's family has a Native American heritage and to identify any Native American tribe with which the child may be associated.

EFFECTIVE DATE

September 1, 2015.