

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1683
By: Jackson
Health & Human Services
4/7/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, a minor who receives services from the Texas Department of Protective and Regulatory Services and who earns money through means of employment and/or participation in competitions which provide financial rewards, cannot be assured of protection of those earnings from confiscation by the minor's legal parent or guardian. C.S.S.B. 1683 provides a provision to protect a minor's earned monies from disposal by a legal parent or guardian.

RULEMAKING AUTHORITY

Rulemaking authority is expressly given to the Department of Protective and Regulatory Services in SECTION 3 (Section 264.0111, Family Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3.103, Family Code, to provide that, except as provided by Section 264.0111, during the marriage of the parents of an unemancipated minor for whom a managing conservator has not been appointed, the earnings of the minor are subject to the joint management, control, and disposition of the parents of the minor, unless otherwise provided by agreement of the parents or by judicial order.

SECTION 2. Amends Section 151.003(a), Family Code, to make a conforming change.

SECTION 3. Amends Chapter 264A, Family Code, by adding Section 264.0111 as follows:

Sec. 264.0111. MONEY EARNED BY CHILD. (a) Provides that a child for whom the department has been appointed managing conservator, and who has been placed by the department in a foster home or child-care institution as defined by Chapter 42 (Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services), Human Resources Code, is entitled to keep any money earned by the child during the time of the child's placement.

(b) Authorizes the child to deposit the money earned by the child in a bank or savings account subject to the sole management and control of the child as provided by Section 34.305 (Deposit Account of Minor), Finance Code. Provides that the child is the sole and absolute owner of the deposit account.

(c) Provides that if a child earns money as described by this section and is returned to the child's parent or guardian, the child's parent or guardian may not interfere with the child's authority to control, transfer draft on, or make a withdrawal from the account.

(d) Provides that, in this section, a reference to money earned by a child includes any interest that accrues on the money.

(e) Authorizes the department to adopt rules to implement this section.

SECTION 4. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

SECTION 3. Amends As Filed S.B. 1683, to provide that an account is under the sole management control of the child and the child is the sole and absolute owner of the account.

Amends As Filed S.B. 1683, by providing language stating that the child's parent or guardian may not interfere with the child's authority to control, transfer draft on, or make a withdrawal from the account.

Amends As Filed S.B. 1683, by authorizing the department to adopt rules to implement this section.