

BILL ANALYSIS

Senate Research Center
78R8491 KLA-D

H.B. 1364
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Health & Human Services
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Engrossed

DIGEST AND PURPOSE

Currently, emergency shelter facilities provide shelter and care to minor mothers in emergency situations. H.B. 1364 enables emergency shelter facilities to provide shelter and care in emergency situations not only to pregnant minors and minors with children, but also to minors without children.

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 32.201, Family Code, as follows:

Sec. 32.201. New heading: EMERGENCY SHELTER OR CARE FOR MINORS. (a) Authorizes an emergency shelter facility to provide shelter and care to a minor and the minor's child or children, if any, rather than to a minor mother who is the sole financial support of her child or children.

(b) Makes a conforming change.

(c) Prohibits shelter or care from being provided after the 15th day after the shelter or care is commenced unless certain factors are met.

SECTION 2. Amends Subchapter C, Chapter 32, Family Code, by adding Section 32.202, as follows:

Sec. 32.202. CONSENT TO EMERGENCY SHELTER OR CARE BY MINOR. (a) Authorizes a minor to consent to emergency shelter or care to be provided to the minor or the minor's child or children, if any, under Section 32.201(c) if the minor meets certain conditions.

(b) Provides that consent by a minor to emergency shelter or care under this section is not subject to disaffirmance because of minority.

(c) Authorizes an emergency shelter facility to, with or without the consent of the minor's parent, managing conservator, or guardian, provide emergency shelter or care to the minor or the minor's child or children under Section 32.201(c).

(d) Provides that an emergency shelter facility is not liable for providing emergency shelter or care to the minor or the minor's child or children if the minor consents as provided by this section, except that the facility is liable for the facility's own acts of negligence.

(e) Authorizes an emergency shelter facility to rely on the minor's written statement containing the grounds on which the minor has capacity to consent to emergency shelter or care.

(f) Provides that to the extent of any conflict between this section and Section 32.003, Section 32.003 prevails.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2003.