

BILL ANALYSIS

Senate Research Center

H.B. 3997
By: Puente (Harris)
Jurisprudence
5/15/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law provides for paternity registry and requires the birth mother to make a diligent effort to locate the alleged father and serve him notice in order to be able to put a child up for adoption.

H.B. 3997 amends the Uniform Parentage Act relating to the determination of paternity and the termination of parental rights.

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 102.009(a), Family Code, to make a conforming change.

SECTION 2. Amends Section 160.403, Family Code, to include an exception provided by Sections 161.002(b)(2), (3), and (4) and (f) to the requirement that a notice of a proceeding to adopt or to terminate parental rights regarding a child to be given to a registrant who has timely registered with regard to that child.

SECTION 3. Amends Section 160.422(d), Family Code, to provide that a search of the registry is not required if a parent-child relationship exists between a man and the child, as provided by Section 160.201(b), and that man has been served with citation of the proceeding for termination of the parent-child relationship or has signed a relinquishment of parental rights with regard to the child.

SECTION 4. Amends Section 161.002, Family Code, as follows:

Sec. 161.002. TERMINATION OF THE RIGHTS OF AN ALLEGED BIOLOGICAL FATHER. (a) Makes a conforming change.

(b) Includes among the conditions authorizing the rights of an alleged father to be terminated, that the child is over one year of age at the time the petition for termination of the parent-child relationship or for adoption is filed, the alleged father has not registered with the paternity registry under Chapter 160 Uniform Parentage Act), and after the exercise of due diligence by the petitioner his identity and location are unknown or his identity is known but he cannot be located, or that the child is under one year of age at the time the petition for termination of the parent-child relationship or for adoption is filed and he has not registered with the paternity registry under Chapter 160.

(c) Provides that the termination of the rights of an alleged father under Subsection (b) rendered on or after January 1, 1998, and before January 1, 2008, does not require personal services of citation or citation by publication on the alleged father.

(c-1) Provides that the termination of the rights of an alleged father under Subsection (b)(2) or (3) rendered on or after January 1, 2008, does not require personal service of citation or citation by publication on the alleged father, and

that there is no requirement to identify or locate an alleged father who has not registered with the paternity registry under Chapter 160.

(d) Makes a conforming change.

(e) Prohibits a court from rendering an order terminating parental rights under Subsection (b) unless the court receives evidence of a certificate of the results of a search of the paternity registry under Chapter 160 from the bureau of vital statistics indicating that no man has registered the intent to claim paternity. Deletes existing text prohibiting the court from taking such action before considering certain evidence.

(f) Makes a conforming change.

SECTION 5. Amends Section 161.103(b), Family Code, to delete the execution of an affidavit of status of the child from the list of required content for an affidavit of voluntary relinquishment of parental rights, and to make a conforming change.

SECTION 6. Amends Section 161.1035, Family Code, to remove an affidavit of waiver of interest in a child from the affidavits to which this section (Revocability of Certain Affidavits) applies.

SECTION 7. Amends Section 161.106(f), Family Code, as follows:

(f) Provides that a waiver in an affidavit under this section (Affidavit of Waiver of Interest in Child) is irrevocable. Deletes existing text relating to the irrevocability of an affidavit under this section under certain conditions.

SECTION 8. Amends Section 161.107(a)(1), Family Code, to redefine "parent."

SECTION 9. Amends Section 161.107(b), Family Code, to make a nonsubstantive change.

SECTION 10. Amends Section 161.109(a), Family Code, to make a conforming change.

SECTION 11. Amends Section 162.018(d), Family Code, to make a conforming change.

SECTION 12. Amends Section 263.407(a) and (c), Family Code, as follows:

(a) Provides that there is a rebuttable presumption that a parent who delivers a child to a designated emergency infant care provider in accordance with Subchapter D, Chapter 262, intends to waive the right of notice of the suit terminating the parent-child relationship.

(c) Provides that, before a county may render an order terminating the parental rights with regard to certain children, rather than before filing a petition to terminate those rights, certain actions must be taken.

SECTION 13. Repealer: Section 161.105 (Affidavit of Status of Child), Family Code, and Sections 161.106(g), (h), and (j) (relating to the revocability of an affidavit of waiver of interest in a child), Family Code.

SECTION 14. Provides that the changes in law made by this Act apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. Provides that a suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 15. Makes application of this Act prospective.

SECTION 16. Effective date: September 1, 2007.