

BILL ANALYSIS

Senate Research Center
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H.B. 2536
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised that certain actions commonly taken on legitimate grounds by parents of medically fragile children may be misinterpreted as evidence of child abuse or neglect, as happened in a recent Texas case in which the child was removed from parental custody. The protection of parental rights in such cases would provide greater safety and stability to these children and their families. H.B. 2536 seeks to ensure that actions such as seeking a second medical opinion or transferring a child to a different medical provider or facility cannot be used as a basis for child abuse or neglect proceedings against the parents. The bill prohibits a court from ordering the involuntary termination of the parent-child relationship or the Department of Family and Protective Services from taking possession of a child on such grounds.

H.B. 2536 amends current law relating to neglect of a child and the grounds for termination of the parent-child relationship and possession of a child by the Department of Family and Protective Services.

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 161.001(c), Family Code, to prohibit a court from making a finding under Subsection (b) (relating to certain evidence authorizing the court to terminate the parent-child relationship) and ordering termination of the parent-child relationship based on evidence that the parent meets certain criteria or committed certain actions, including that the parent sought an opinion from more than one medical provider relating to the child's medical care, transferred the child's medical care to a new medical provider, or transferred the child to another health care facility. Makes nonsubstantive changes.

SECTION 2. Amends Section 261.001(4), Family Code, as follows:

(5) Provides that in Chapter 261 (Investigation of Report of Child Abuse or Neglect) the term "neglect" does not include a decision by a person responsible for a child's care, custody, or welfare to obtain an opinion from more than one medical provider relating to the child's medical care, to transfer the child's medical care to a new medical provider, or to transfer the child to another health care facility. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 262.116(a), Family Code, to prohibit the Department of Family and Protective Services from taking possession of a child under Subchapter B (Taking Possession of Child) based on evidence that the parent meets certain criteria or committed certain actions, including that the parent sought an opinion from more than one medical provider relating to the child's medical care, transferred the child's medical care to a new medical provider, or transferred the child to another health care facility. Makes nonsubstantive changes.

SECTION 4 . Effective date: upon passage or September 1, 2021.