

- SUBJECT:** Terminating parental rights of parent convicted of murdering other parent
- COMMITTEE:** Juvenile Justice and Family Issues —favorable, without amendment
- VOTE:** 5 ayes — Dutton, Goodman, Castro, Nixon, Strama
0 nays
4 absent — Y. Davis, Dunnam, J. Moreno, Thompson
- WITNESSES:** For — None
Against — None
On — Elizabeth "Liz" Kromrei, Department of Family and Protective Services
- BACKGROUND:** Family Code, ch. 161, governs termination of the parent-child relationship. Termination of a parent's rights ends the relationship between the parent and child for all purposes except inheritance rights. It divests forever the parent and child of all legal rights, privileges, duties, and powers between each other except for the child's right to inherit from the terminated parent. The termination of parental rights is complete, final, and irrevocable.
- Texas law provides that either a private party or a governmental entity may file an involuntary termination suit. To prevail in a termination suit, the person or entity seeking termination of a parent's right to a child must prove all the elements of such suit by clear and convincing evidence.
- Family Code, sec. 161.001, provides the general grounds for involuntary termination of the parent-child relationship, including parental behavior such as felony assault of the child or sibling, failure to provide support, abuse or neglect of the child, or abandonment or extreme parental disinterest.
- DIGEST:** HB 657 would allow a court to terminate the parental rights of an individual if the court found by clear and convincing evidence that the individual had been convicted of the murder of the other parent of the

child. Termination still would have to be in the best interest of the child.

The conviction would have to be made under the applicable laws of the state, another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense of murder or capital murder.

The bill could be called the Donna Hoedt Act.

The bill would take effect September 1, 2005 and would apply only to a suit affecting the parent-child relationship filed on or after the effective date.

**SUPPORTERS
SAY:**

HB 657 would provide absolute clarity that courts have the option to terminate the parental rights of parents who are convicted of the murder of the other parent. Under current law, a court can involuntarily terminate the parental rights of an individual who murders another child, including a sibling. Courts also should have the option of terminating the rights of a parent responsible for the death of the other parent.

Because the determination is based on a best interest of the child standard, courts still could allow the parent who was convicted of murder to retain parental rights. The bill would recognize that special circumstances could exist that would necessitate the continued relationship between the parent and child.

Many states currently allow for the involuntary termination of parental rights if one parent is convicted of the murder of the other parent. Some of these states include Missouri, Illinois, Louisiana, New Mexico and Georgia.

HB 657 would be called the Donna Hoedt Act, named after a Texas woman murdered by her husband. Although her husband was convicted and sentenced to life in prison for Ms. Hoedt's murder, he was able to retain parental rights over their four children. Other states, including Georgia, have enacted such legislation to honor Ms. Hoedt and prevent other convicted murderer parents from maintaining parental rights over the children of their victims.

OPPONENTS
SAY:

It is the child who would suffer the most if a parent convicted of the murder of the other parent were involuntary stripped of his or her parental rights. The child would be denied the ability to maintain a relationship with the child's only remaining parent.