

BILL ANALYSIS

S.B. 314
By: West
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A nonparent seeking to become legally responsible for a child by being appointed as the child's managing conservator has to follow a specific judicial process. Concerned parties believe the process could be strengthened by ensuring that a person receiving such an appointment is informed of actions that can be taken by the person in regard to a child under the person's care. S.B. 314 seeks to provide this information to a nonparent managing conservator.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 314 amends the Family Code to require the Department of Family and Protective Services, in a suit in which the court appoints a nonparent as managing conservator of a child, to provide the nonparent with an explanation of the differences between appointment as a managing conservator of a child and adoption of a child, including specific statements informing the nonparent that the nonparent's appointment conveys only the rights specified by the court order or applicable laws instead of the complete rights of a parent conveyed by adoption; that a parent may be entitled to request visitation with the child or petition the court to appoint the parent as the child's managing conservator, notwithstanding the nonparent's appointment as managing conservator; and that the nonparent's appointment as the child's managing conservator will not result in the eligibility of the nonparent and child for postadoption benefits. The bill requires the court order appointing the nonparent as managing conservator in such a suit to include, in addition to the rights and duties of a nonparent appointed as sole managing conservator, provisions addressing the authority of the nonparent to authorize immunization of the child or any other medical treatment that requires parental consent; to obtain and maintain health insurance coverage for the child and automobile insurance coverage for the child, if appropriate; to enroll the child in a day-care program or school, including prekindergarten; to authorize the child to participate in school-related or extracurricular or social activities, including athletic activities; to authorize the child to obtain a learner's permit, driver's license, or state-issued identification card; to authorize employment of the child; to apply for and receive public benefits for or on behalf of the child; and to obtain legal services and execute contracts or other legal documents for the child.

S.B. 314 requires a court to require evidence that the nonparent was informed of the rights and duties of a nonparent appointed as managing conservator of a child before the court renders an

order appointing the nonparent as managing conservator of a child.

EFFECTIVE DATE

September 1, 2015.