

BILL ANALYSIS

C.S.H.B. 1410
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that foster parents deserve more influence in suits involving the conservatorship of a child. C.S.H.B. 1410 seeks to address this issue by authorizing a court to grant leave for a foster parent to intervene in certain suits affecting the parent-child relationship.

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

C.S.H.B. 1410 amends the Family Code to condition the authorization for a court to grant leave for a foster parent to intervene in a pending suit requesting possessory conservatorship of a child filed by another person if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development on the condition that the foster parent would have standing to file an original suit affecting the parent-child relationship on the basis of the child's placement by the Department of Family and Protective Services in the foster parent's home for a certain period.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1410 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 102.004(b), Family Code, is amended to read as follows:

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 102.004, Family Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) An original suit requesting possessory conservatorship may not be filed by a grandparent or other person. However, the court may grant a grandparent or other person deemed by the court to have had substantial past contact with the child or a foster parent described by Section 102.003(a)(12) leave to intervene in a pending suit filed by a person authorized to do so under this chapter [~~subchapter~~] if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development.

SECTION 2. The changes in law made by this Act apply only to an original suit affecting the parent-child relationship filed on or after the effective date of this Act. An original suit affecting the parent-child relationship filed before the effective date of this Act is subject to the law in effect at the time the suit was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

(b) An original suit requesting possessory conservatorship may not be filed by a grandparent or other person. However, the court may grant a grandparent or other person, subject to the requirements of Subsection (b-1) if applicable, deemed by the court to have had substantial past contact with the child leave to intervene in a pending suit filed by a person authorized to do so under this chapter [~~subchapter~~] if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development.

(b-1) A foster parent may only be granted leave to intervene under Subsection (b) if the foster parent would have standing to file an original suit as provided by Section 102.003(a)(12).

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.