

BILL ANALYSIS

C.S.H.B. 3561
By: Klick
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that foster children, homeless children or youth, and unaccompanied youth experience significant difficulties accessing critical personal documents, identifying and clearing legal barriers to obtain government-issued identification, and securing funds for driver's education and auto insurance. The parties assert that the failure to obtain a driver's license or other identification negatively impacts such an individual's ability to participate in age-appropriate activities, access important opportunities and services, and smoothly transition into normal adult activities. C.S.H.B. 3561 seeks to reduce certain barriers to obtaining such documents and identification for foster children, homeless children or youth, and unaccompanied youth.

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. 3561 amends the Family Code to require a guardian ad litem and an attorney ad litem appointed for a child who is at least 16 years of age in a proceeding under statutory provisions relating to a suit by a governmental entity to protect the health and safety of a child or under statutory provisions relating to a review of the placement of a child under the care of the Department of Family and Protective Services (DFPS) to ascertain whether the child has received a certified copy of the child's birth certificate, a social security card or a replacement social security card, a driver's license or personal identification certificate, and any other personal document DFPS determines appropriate.

C.S.H.B. 3561 requires the court, at each permanency hearing in a suit affecting the parent-child relationship pending or filed on or after the bill's effective date before a final order is rendered, to ask all parties present whether the child or the child's family has a Native American heritage and identify any Native American tribe with which the child may be associated and to determine whether DFPS has provided the child with the child's birth certificate, a social security card or a replacement social security card, a driver's license or personal identification certificate if the child is 16 years of age or older, and the information contained in the child's health passport. The bill specifies that the permanency hearings at which the court is required to review DFPS efforts to ensure that the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities are such hearings held before a final order is rendered. The bill repeals the provision prescribing certain requirements for a court relating to a permanency hearing held before the

issuance of a final order in a suit affecting the parent-child relationship.

C.S.H.B. 3561 requires the court, at each permanency hearing in a suit affecting the parent-child relationship pending or filed on or after the bill's effective date after the court renders a final order, to determine whether DFPS has provided a child who is 16 years of age or older with the child's birth certificate, a social security card or a replacement social security card, a driver's license or personal identification certificate, the information contained in the child's health passport, proof of the child's enrollment in Medicaid, if appropriate, and written information advising the child of postsecondary education benefits and opportunities available to the child.

C.S.H.B. 3561 amends the Health and Safety Code to require the state registrar of vital statistics, a local registrar, or a county clerk to issue, on request of a homeless child or youth or an unaccompanied youth or a child in the managing conservatorship of DFPS, a certified copy of the child's birth record without fee or parental consent.

C.S.H.B. 3561 amends the Transportation Code to authorize a foster child 16 years of age or older, a homeless child or youth, or an unaccompanied youth, in applying for a personal identification certificate, to provide a copy of the child's or youth's birth certificate as proof of the child's or youth's identity and United States citizenship, as applicable, and, if the child or youth does not have a residence or domicile, to provide a letter from the school district in which the child or youth is enrolled certifying that the child or youth is a homeless child or youth or an unaccompanied youth. The bill authorizes such a child or youth to apply for, and authorizes DPS to issue, a personal identification certificate without the signature or presence of or permission from a parent or guardian of the child or youth. The bill exempts such a child or youth from the payment of any fee for the issuance of a personal identification certificate. The bill extends the exemption from the payment of any fee for the issuance of a driver's license to a homeless child or youth or unaccompanied youth.

C.S.H.B. 3561 amends the Code of Criminal Procedure to establish that, for purposes of a waiver of payment of a fine or cost for an indigent defendant or a child, a defendant is presumed to be indigent if the defendant is in the conservatorship of DFPS or was in the conservatorship of DFPS at the time of the offense or if the defendant is or was designated as a homeless child or youth or an unaccompanied youth at the time of the offense.

C.S.H.B. 3561 repeals Section 263.306(a), Family Code.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3561 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Article 45.0491, Code of Criminal Procedure, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 107.002(b-1), Family Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 107.003(b), Family	SECTION 3. Same as introduced version.

Code, is amended.

SECTION 4. Sections 263.306(a-1) and (c), Family Code, are amended.

SECTION 5. Section 263.5031, Family Code, is amended.

SECTION 6. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.1211 to read as follows:

Sec. 264.1211. PERSONAL IDENTIFICATION CARD FOR CHILD IN FOSTER CARE. (a) The department, in collaboration with the Department of Public Safety and the Department of State Health Services, shall create a personal identification card to be issued to children in the conservatorship of the department. (b) The department shall develop a procedure to issue a personal identification card to a child in the conservatorship of the department as soon as practicable after the child enters the department's conservatorship. (c) The department, the Department of Public Safety, and the bureau of vital statistics of the Department of State Health Services shall enter into a memorandum of understanding that establishes the responsibilities of each agency with respect to creating the personal identification card and the procedure for verifying the child's identity and for issuing a personal identification card. (d) The Department of Public Safety shall ensure that the personal identification card created under this section complies with any federal law governing requirements for state-issued identification cards.

SECTION 7. Subchapter A, Chapter 191, Health and Safety Code, is amended.

SECTION 8. Subchapter E, Chapter 521, Transportation Code, is amended.

SECTION 9. Section 521.142(a), Transportation Code, is amended to read as follows:

(a) An application for an original license must state the applicant's full name and place and date of birth. This information must be verified by presentation of proof of identity satisfactory to the department. An

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

No equivalent provision.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

No equivalent provision.

applicant who is not a citizen of the United States must present to the department documentation issued by the appropriate United States agency that authorizes the applicant to be in the United States before the applicant may be issued a driver's license. The department must accept the following as satisfactory proof of identity under this subsection [~~an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice~~] if the applicant also provides supplemental verifiable records or documents that aid in establishing identity:

(1) an offender identification card or similar form of identification issued to an inmate by the Texas Department of Criminal Justice;

or

(2) a personal identification card issued by the Department of Family and Protective Services to a child in the department's conservatorship.

SECTION 10. Section 521.1811, Transportation Code, is amended to read as follows:

Sec. 521.1811. WAIVER OF FEES FOR FOSTER CHILD OR HOMELESS OR UNACCOMPANIED [~~CARE~~] YOUTH.

(a) A person is exempt from the payment of any fee for the issuance of a driver's license, as provided under this chapter, if that person is:

(1) younger than 18 years of age and in the managing conservatorship of the Department of Family and Protective Services; [ø]

(2) at least 18 years of age, but younger than 21 years of age, and resides in a foster care placement, the cost of which is paid by the Department of Family and Protective Services; or

(3) a homeless child or youth or an unaccompanied youth as those terms are defined by 42 U.S.C. Section 11434a.

(b) The department shall accept a personal identification card issued under Section 264.1211, Family Code, to a person described by Subsection (a) as proof of the person's eligibility for fee exemption provided by this section.

SECTION 11. Section 263.306(a), Family Code, is repealed.

SECTION 8. Section 521.1811, Transportation Code, is amended to read as follows:

Sec. 521.1811. WAIVER OF FEES FOR FOSTER CHILD OR HOMELESS OR UNACCOMPANIED [~~CARE~~] YOUTH.

A person is exempt from the payment of any fee for the issuance of a driver's license, as provided under this chapter, if that person is:

(1) younger than 18 years of age and in the managing conservatorship of the Department of Family and Protective Services; [ø]

(2) at least 18 years of age, but younger than 21 years of age, and resides in a foster care placement, the cost of which is paid by the Department of Family and Protective Services; or

(3) a homeless child or youth or an unaccompanied youth as those terms are defined by 42 U.S.C. Section 11434a.

SECTION 9. Same as introduced version.

SECTION 12. The changes in law made by this Act apply to an application for a driver's license, personal identification certificate, or birth certificate submitted on or after the effective date of this Act. An application for a driver's license, personal identification certificate, or birth certificate submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 13. The changes in law made by this Act to Sections 263.306 and 263.5031, Family Code, apply to a suit affecting the parent-child relationship that is pending on or filed on or after the effective date of this Act.

SECTION 14. To the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 15. This Act takes effect September 1, 2017.

SECTION 10. Same as introduced version.

SECTION 11. Same as introduced version.

SECTION 12. Same as introduced version.

SECTION 13. Same as introduced version.