

BILL ANALYSIS

H.B. 2536
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

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

H.B. 2536 amends the Family Code to prohibit 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, based on evidence that the parent took one of the following actions:

- 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.

The bill excludes a decision by a person responsible for a child's care, custody, or welfare to take any of those actions from behavior that constitutes neglect of a child.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.