

BILL ANALYSIS

Senate Research Center

C.S.S.B. 345
By: Harris
Jurisprudence
3-18-97
Committee Report (Substituted)

DIGEST

Currently, Texas law is not clear that causing a child to be born addicted to alcohol or drugs is a form of child abuse which could lead to a termination of the parent-child relationship. This bill clarifies Texas law by adding to the grounds for termination of the parent-child relationship that the parent has been the cause of the child being born addicted to alcohol or a controlled substance provided that the termination is in the best interest of the child.

PURPOSE

As proposed, C.S.S.B. 345 authorizes the parent-child relationship to be terminated if the parent causes a child to be born addicted to alcohol or controlled substances.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.001, Family Code, to authorize the court to terminate a parent-child relationship if the court finds that the parent has been the cause of the child being born addicted, as provided by Section 261.001(7), Family Code, to alcohol or a controlled substance as defined by Chapter 481, Health and Safety Code, other than a controlled substance legally obtained by prescription.

SECTION 2. Amends Section 261.001(1), Family Code, to define "child born addicted."

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 161.001, Family Code, to provide that a court may terminate a parent-child relationship if the court finds that the parent has been the cause of a child being born addicted is as provided by Section 261.001(7), and to except legally obtained prescription drugs from controlled substances as defined by Chapter 481, Health and Safety Code.

Amends SECTION 2, Section 261.001(1), to delete a definition of "abuse." Defines "child born addicted."