

BILL ANALYSIS

Senate Research Center

C.S.S.B. 52
By: Shapiro
Jurisprudence
3-11-97
Committee Report (Substituted)

DIGEST

Currently, Texas law provides that there is a two-year limitation for the appeal of adoption cases, whereas the limitation for other civil cases is six months. Thus, blood relatives of an adopted child have up to two-years to petition to overturn the adoption. C.S.S.B. 52 narrows the period in which an adoption may be contested from two years to six months. This bill also sets forth certain provisions regarding a direct or collateral attack on a termination order.

PURPOSE

As proposed, C.S.S.B. 52, provides that the validity of an adoption order is not subject to attack after six months after the date the order is rendered. This bill also provides that the validity of an order terminating the parental rights of certain persons is not subject to direct or collateral attack after six months after the order was signed.

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 162.012(a), Family Code, to provide that the validity of an adoption order is not subject to attack after six months after the date the order was signed, rather than after the second anniversary of the date the order was rendered.

SECTION 2. Amends Chapter 161C, Family Code, by adding Section 161.211, as follows:

Sec. 161.211. DIRECT OR COLLATERAL ATTACK ON TERMINATION. Provides that the validity of an order terminating the parental rights of a person who has been personally served or who has executed an affidavit of relinquishment of parental rights or an affidavit of waiver of interest in a child is not subject to collateral or direct attack after six months after the date the order was signed. Provides that the validity of an order terminating the parental rights of a person who is served by citation by publication is not subject to collateral or direct attack after the sixth month of the date the order was signed. Provides that a direct or collateral attack on an order terminating parental rights based on an unrevoked affidavit of relinquishment of parental rights or affidavit of waiver of interest in a child is limited to issues relating to fraud, duress, or coercion in the execution of the affidavit.

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 162.012(a), Family Code, to provide that the validity of an adoption order is not subject to attack after six months after the date the order was signed, rather than rendered.

Amends SECTION 2 by adding Section 161.211, Family Code, regarding direct or collateral attack on a termination order. Redesignates proposed SECTION 2 as SECTION 3.

Amends SECTION 3 to include an order terminating parental rights. Redesignates proposed SECTION 3 as SECTION 4.