

## **BILL ANALYSIS**

Senate Research Center  
77R3886 MCK-D

H.B. 1634  
By: King, Phil (Harris)  
Jurisprudence  
4/3/2001  
Engrossed

### **DIGEST AND PURPOSE**

Currently, there is some confusion regarding the statutory consideration of counseling as an expense that adoptive parents can pay for in assisting birth parents. As proposed, H.B. 1634 allows adoptive parents to pay for the expenses of certain counseling-related services to the birth parents for assistance through the adoption process.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 25.08(b), Penal Code, to provide that it is an exception to the application of this section (Sale or Purchase of Child) that the thing of value is:

- a fee or reimbursement paid to a child-placing agency as authorized by law;
- a fee paid to an attorney, social worker, mental health professional, or physician for services rendered in the usual course of legal or medical practice or in providing adoption counseling;
- a reimbursement of legal or medical expenses incurred by a person for the benefit of the child; or
- a necessary pregnancy-related expense paid by a child-placing agency for the benefit of the child's parent during the pregnancy or after the birth of the child as permitted by the minimum standards for child-placing agencies and Department of Protective and Regulatory Services rules.

SECTION 2. Provides that the change in law made by this Act applies to an offense under Section 25.08, Penal Code, committed before, on, or after the effective date of this Act, except that a conviction for an offense under Section 25.08 that becomes final before the effective date of this Act is unaffected by this Act.

SECTION 3. Effective date: September 1, 2001.