

BILL ANALYSIS

Senate Research Center
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S.B. 783
By: Truan
Jurisprudence
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DIGEST AND PURPOSE

Under current Texas law, it is an affirmative defense to a charge of abandoning or endangering a child that a person voluntarily leaves a child at certain locations under certain conditions. As proposed, S.B. 783 expands the locations where a parent or other person can voluntarily leave a child and still meet the affirmative defense criteria. In addition, the age of the infants covered by these provisions would be increased from 30 days old or younger to 60 days old or younger.

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 161.001, Family Code, to authorize a court to order termination of the parent-child relationship if the court finds by clear and convincing evidence that the parent has, among other certain actions, voluntarily delivered the child to a designated emergency infant care provider, rather than an emergency medical services provider, under Section 262.302, rather than Section 262.301, without expressing an intent to return for the child.

SECTION 2. Amends Chapter 262D, Family Code, as follows:

SUBCHAPTER D. EMERGENCY POSSESSION OF CERTAIN ABANDONED CHILDREN

Sec. 262.301. New heading: DEFINITIONS. Defines “designated emergency infant care provider,” “emergency medical services provider,” “licensed child-placing agency,” and “licensed residential child-care provider.” Redesignates previous Sections 262.301 through 262.303 as Sections 262.302 - 262.304.

Sec. 262.302. ACCEPTING POSSESSION OF CERTAIN ABANDONED CHILDREN.

(a) Requires a designated emergency infant care provider, rather than an emergency medical services provider licensed under Chapter 773, Health and Safety Code, to, without a court order, take possession of a child who is 60 days old, rather than 30 days old, or younger if the child is voluntarily delivered to the provider by the child’s parent and the parent did not express an intent to return for the child.

(b) Makes a conforming change.

Sec. 262.303. NOTIFICATION OF POSSESSION OF ABANDONED CHILD. Makes conforming changes.

Sec. 262.304. FILING PETITION AFTER ACCEPTING POSSESSION OF ABANDONED CHILD. Makes a conforming change.

Sec. 262.305. REIMBURSEMENT FOR CARE OF ABANDONED CHILD. (a) Provides that this section applies only to a licensed residential child-care provider with whom the Department of Protective and Regulatory Services (department) does not contract to provide substitute care to children in the department's managing conservatorship.

(b) Requires the department to reimburse a licensed residential child-care provider subject to this section to whom a child is delivered under Section 262.302 for the cost to the provider of assuming the care, control, and custody of the child.

(c) Requires the department to reimburse the provider at the same rate the department would reimburse a provider with whom the department contracts to provide substitute care to children in the department's managing conservatorship.

Sec. 262.306. NOTICE. Requires each licensed child-placing agency and licensed residential child-care provider to post in a conspicuous location a notice stating that the agency or provider is a designated emergency infant care provider location under this subchapter.

SECTION 3. Amends Section 22.041(h), Penal Code, to make conforming changes.

SECTION 4. (a) Makes application of the change in law made by Section 161.001, Family Code, as amended by this Act, prospective.

(b) Sets forth provisions relating to the prospective application of this Act to a suit for termination of the parent-child relationship.

SECTION 5. (a) Makes application of the change in law made by Section 22.041, Penal Code, as amended by this Act, prospective.

(b) Sets forth provisions relating to the prospective application of this Act to an offense covered by this Act.

SECTION 6. Effective date: Upon passage or September 1, 2001.