

## **BILL ANALYSIS**

Senate Research Center  
78R3423 JMM-F

H.B. 233  
By: Goodman (Harris)  
Jurisprudence  
4/14/2003  
Engrossed

### **DIGEST AND PURPOSE**

Under current law, prospective adoptive parents do not have standing to file suit for adoption without a valid voluntary relinquishment of parental rights signed by the parent not earlier than 48 hours after the birth of a child. A home screening of the adoptive parents' home is required to ensure that the adoptive family is safe and suitable for the child to be adopted, when an adoptive suit is filed. Adoptive parents have to wait until the child is born to file suit. Therefore, the child is sometimes placed in a foster home during the period of the home screening.

As proposed, H.B. 233 authorizes a birth parent to confer standing to a prospective adoptive parent prior to birth and prior to execution of an affidavit of relinquishment. This bill also authorizes a birth parent to revoke a statement to confer standing at any time before the person executes an affidavit for voluntary relinquishment of parental rights.

### **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 102.003(a), Family Code, to authorize a person who has been named as a prospective adoptive parent of a child by a pregnant woman or the parent of the child in a verified written statement to confer standing under Section 102.0035, regardless of whether the child has been born, to file an original suit affecting the parent-child relationship.

SECTION 2. Amends Chapter 102, Family Code, to add Section 102.0035, as follows

Sec. 102.0035. STATEMENT TO CONFER STANDING. (a) Authorizes a pregnant woman or a parent of a child to execute a statement to confer standing to a prospective adoptive parent. Prohibits a statement to confer standing under this section from being executed in a suit filed by a governmental entity under Chapters 262 or 263.

(b) Requires a statement to confer standing to contain certain information.

(c) Requires the statement to confer standing to be attached to the petition in a suit affecting the parent-child relationship. Prohibits the statement from being used for any purpose other than to confer standing in a proceeding for adoption or to terminate the parent-child relationship.

(d) Authorizes the statement to confer standing to be signed at any time during the pregnancy of the mother of the unborn child whose parental rights are to be terminated.

(e) Provides that a statement to confer standing is not required in a suit brought by a person who has standing to file a suit affecting the parent-child relationship under Sections 102.003(a)(1)-(13) or any other law which the person has standing to file a suit.

(f) Authorizes a person who executes a statement to confer standing to revoke the statement at any time before the person executes an affidavit for voluntary relinquishment of parental rights. Requires the revocation to be in writing, sent by certified mail and return receipt requested to prospective adoptive parent.

(g) Requires the court to dismiss any suit affecting the parent-child relationship filed by the prospective adoptive parent named in the statement, on filing with the court proof of the delivery of the revocation of a statement to confer standing under Subsection (f).

SECTION 3. Effective date: September 1, 2003.