

## **BILL ANALYSIS**

Senate Research Center  
80R14625 KSD-F

H.B. 2580  
By: Naishtat (Nelson)  
Health & Human Services  
5/14/2007  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The purpose of this bill is to clarify the original legislative intent of authorizing a court to designate the Department of Family and Protective Services (DFPS) or an agent from DFPS to provide consent to medical care for a child. Current law is being interpreted to mean that DFPS is not authorized to designate a child's foster parent or a child's parent to provide consent to the child's medical care.

H.B. 2580 authorizes DFPS to designate the child's foster parent or the child's parent, if the parent's rights have not been terminated, to exercise the duty and responsibility of providing consent on behalf of DFPS.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 266.004(c), Family Code, as added by Chapter 268, Acts of the 79th Legislature, Regular Session, 2005, as follows:

(c) Authorizes the Department of Family and Protective Services (DFPS) to designate the child's foster parent or the child's parent, if the parent's rights have not been terminated, to exercise the duty and responsibility of providing consent on behalf of DFPS under this subsection. Requires DFPS, if the individual designated under this subsection changes, to file notice of the change with the court and each party not later than the fifth business day after the date of the change.

SECTION 2. Effective date: upon passage or September 1, 2007.