

BILL ANALYSIS

Senate Research Center
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S.B. 1402
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Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 162 (Adoption) of the Family Code requires the Department of Family and Protective Services (DFPS) to prepare and provide a health, social, educational, and genetic history (HSEGH) report to prospective adoptive parents. While a HSEGH report requires a history of physical, sexual, or emotional abuse suffered by the child, this report sometimes misses critical information, such as alleged abuse or records relating to an investigation. If a child in conservatorship is alleged to be a victim of sexual abuse while residing in a foster home or other residential child-care facility, the investigation is typically conducted by residential child care licensing (RCCL) investigation staff, rather than a caseworker, and is not incorporated into the HSEGH report.

S.B. 1402 requires DFPS to provide prospective adoptive parents certain records for review relating to an investigation where the child was an alleged or confirmed victim of sexual abuse while residing in a foster home or other residential child-care facility. Specifically, S.B. 1402 provides the prospective adoptive family with the RCCL investigation information pertaining to the specific child for review. Investigations conducted by RCCL investigation staff will be redacted to protect confidential information that belongs to other children in the investigation.

As proposed, S.B. 1402 amends current law relating to access to records and certain information in those records regarding a child placed for adoption.

[**Note:** While the statutory reference in this bill is to the Texas Department of Protective and Regulatory Services (DPRS), the following amendments affect the Department of Family and Protective Services, as the successor agency to DPRS.]

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 162.006, Family Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires the Texas Department of Protective and Regulatory Services (DPRS), licensed child-placing agency, or other person, rather than requiring DPRS, licensed child-placing agency, person, or entity, placing a child for adoption to inform the prospective adoptive parents of their right to examine the records and other information relating to the history of the child. Requires DPRS, the licensed child-placing agency, or other person, rather than requiring the person or entity, placing the child for adoption to edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

(a-1) Requires that the records described by Subsection (a) include any records relating to an investigation of abuse in which the child was an alleged or confirmed victim of sexual abuse while residing in a foster home or other residential child-care facility. Requires DPRS, at the request of the licensed child-placing agency or other person placing the

child for adoption, if the licensed child-placing agency or other person placing the child for adoption does not have the information required by this subsection, to provide the information to the prospective adoptive parents of the child.

SECTION 2. Effective date: September 1, 2013.