

BILL ANALYSIS

Senate Research Center

H.B. 825
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State Affairs
5/11/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerned parties contend that recent data suggests that many judges in Texas who deal with child protective services cases are unaware of the federal Indian Child Welfare Act of 1978, which provides for the placement of children of Native American heritage in homes that reflect the unique values of that culture. The parties assert that with proper efforts to identify the heritage of Native American children, the state could help such children remain connected with their families and tribes while going through a child protection suit and assist the judicial and court community in upholding the important promise made in the Indian Child Welfare Act of 1978. H.B. 825 seeks to ensure that these efforts are made.

H.B. 825 reenacts and amends the Family Code to require the court to ask all parties present at a full adversary hearing, a status hearing, and at each permanency hearing in a child protection suit whether the child or the child's family has a Native American heritage and to identify any Native American tribe with which the child may be associated.

H.B. 825 amends current law relating to procedures for identifying any Native American heritage of children in certain hearings in suits affecting the parent-child relationship.

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 262.201, Family Code, by adding Subsection (a-4), to require the district court, juvenile court having the same jurisdiction as a district court, or other court expressly given jurisdiction of a suit affecting the parent-child relationship (court) to ask all parties present at the full adversary hearing whether the child or the child's family has a Native American heritage and identify any Native American tribe with which the child may be associated.

SECTION 2. Amends Section 263.202, Family Code, by adding Subsection (f-1), to require the court to ask all parties present at the status hearing whether the child or the child's family has a Native American heritage and identify any Native American tribe with which the child may be associated.

SECTION 3. Amends Section 263.306(a), Family Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to require the court, at each permanency hearing, to ask all parties present whether the child or the child's family has a Native American heritage and identify any Native American tribe with which the child may be associated, and to make nonsubstantive changes.

SECTION 4. Provides that the changes in law made by this Act to Sections 262.201, 263.202, and 263.306, Family Code, apply only to a hearing held on or after the effective date of this Act.

SECTION 5. Provides that this Act, to the extent of any conflict, prevails over another Act of the 84th Legislature, Regular Session, 2015, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 6. Effective date: September 1, 2015.