

BILL ANALYSIS

Senate Research Center
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H.B. 1410
By: Ortega et al. (Rodríguez)
State Affairs
5/11/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties suggest that foster parents deserve more influence in suits involving the conservatorship of a child. H.B. 1410 seeks to address this issue by authorizing a court to grant leave for a foster parent to intervene in certain suits affecting the parent-child relationship.

H.B. 1410 amends the Family Code to condition the authorization for a court to grant leave for a foster parent to intervene in a pending suit requesting possessory conservatorship of a child filed by another person if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development on the condition that the foster parent would have standing to file an original suit affecting the parent-child relationship on the basis of the child's placement by the Department of Family and Protective Services in the foster parent's home for a certain period.

H.B. 1410 amends current law relating to the ability of foster parents to intervene in certain 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 102.004, Family Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Prohibits an original suit requesting possessory conservatorship from being filed by a grandparent or other person. Authorizes the court, however, to grant a grandparent or other person, subject to the requirements of Subsection (b-1) if applicable, deemed by the court to have had substantial past contact with the child leave to intervene in a pending suit filed by a person authorized to do so under this chapter (Filing Suit), rather than subchapter, if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development.

(b-1) Authorizes a foster parent to only be granted leave to intervene under Subsection (b) if the foster parent would have standing to file an original suit as provided by Section 102.003(a)(12) (relating to the filing of an original suit by a foster parent of a certain child).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.