

1 AN ACT

2 relating to the emergency possession of certain abandoned children;
3 providing a penalty.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter D, Chapter 262, Family Code, is
6 amended by adding Sections 262.308 and 262.309 to read as follows:

7 Sec. 262.308. CONFIDENTIALITY. (a) All identifying
8 information, documentation, or other records regarding a person who
9 voluntarily delivers a child to a designated emergency infant care
10 provider under this subchapter is confidential and not subject to
11 release to any individual or entity except as provided by
12 Subsection (b).

13 (b) Any pleading or other document filed with a court under
14 this subchapter is confidential, is not public information for
15 purposes of Chapter 552, Government Code, and may not be released to
16 a person other than to a party in a suit regarding the child, the
17 party's attorney, or an attorney ad litem or guardian ad litem
18 appointed in the suit.

19 (c) In a suit concerning a child for whom the Department of
20 Family and Protective Services assumes care, control, and custody
21 under this subchapter, the court shall close the hearing to the
22 public unless the court finds that the interests of the child or the
23 public would be better served by opening the hearing to the public.

24 (d) Unless the disclosure, receipt, or use is permitted by

1 this section, a person commits an offense if the person knowingly
2 discloses, receives, uses, or permits the use of information
3 derived from records or files described by this section or
4 knowingly discloses identifying information concerning a person
5 who voluntarily delivers a child to a designated emergency infant
6 care provider. An offense under this subsection is a Class B
7 misdemeanor.

8 Sec. 262.309. SEARCH FOR RELATIVES NOT REQUIRED. The
9 Department of Family and Protective Services is not required to
10 conduct a search for the relatives of a child for whom the
11 department assumes care, control, and custody under this
12 subchapter.

13 SECTION 2. Section 263.407, Family Code, is amended by
14 amending Subsection (a) and adding Subsections (a-1) and (c) to
15 read as follows:

16 (a) There [~~In a suit to terminate the parent-child~~
17 ~~relationship, there~~] is a rebuttable presumption that a parent who
18 delivers a child to a designated emergency infant care provider in
19 accordance with Subchapter D, Chapter 262:

20 (1) is the child's biological parent; and

21 (2) intends to relinquish parental rights and[✓]
22 consents to the termination of parental rights with regard to the
23 child.

24 (a-1) A party that seeks to rebut a presumption in
25 Subsection (a) may do so at any time before the parent-child
26 relationship is terminated with regard to the child.

27 (c) Before filing a petition to terminate the parental

1 rights with regard to a child taken into the department's custody
2 under Section 262.303, the department must:

3 (1) verify with the National Crime Information Center
4 and state and local law enforcement agencies that the child is not a
5 missing child; and

6 (2) obtain a certificate of the search of the
7 paternity registry under Subchapter E, Chapter 160, not earlier
8 than the date the department estimates to be the 30th day after the
9 child's date of birth.

10 SECTION 3. Section 263.3025(d), Family Code, is repealed.

11 SECTION 4. The change in law made by this Act applies to a
12 child for whom the Department of Family and Protective Services
13 assumes responsibility under Subchapter D, Chapter 262, Family
14 Code, as amended by this Act, regardless of whether the department
15 assumed responsibility for the child before, on, or after the
16 effective date of this Act.

17 SECTION 5. This Act takes effect September 1, 2005.

David Newkumst

President of the Senate

Jim Caskal

Speaker of the House

I certify that H.B. No. 2331 was passed by the House on April 22, 2005, by the following vote: Yeas 139, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2331 on May 23, 2005, by a non-record vote.

Robert Hawey

Chief Clerk of the House

I certify that H.B. No. 2331 was passed by the Senate, with amendments, on May 19, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Sew
Secretary of the Senate

APPROVED: 17 JUNE 05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM C/O CLOCK

JUN 17 2005

Roger Williams
Secretary of State