

- SUBJECT:** Creating an offense for unregulated custody transfer of adopted children
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 7 ayes — Dutton, Dale, Biedermann, Cain, Moody, Schofield, Thierry
0 nays
- WITNESSES:** For — (*Registered, but did not testify*: Will Francis, National Association of Social Workers - Texas Chapter; Katherine Barillas, One Voice Texas; Kate Murphy, Texans Care for Children; Sarah Crockett, Texas CASA; Dimple Patel and Pamela McPeters, TexProtects (Texas Association for the Protection of Children); James Thurston, United Ways of Texas; Rachael Robertson)

Against — None

On — (*Registered, but did not testify*: Laurel Brenneise, Department of Family and Protective Services)
- BACKGROUND:** Family Code, ch. 162, subch. A governs the adoption of a child.

Concerns have been raised that some adoptive parents may seek to transfer permanent physical custody of an adopted child to someone unable to provide a safe home.
- DIGEST:** CSHB 834 would create an offense under Family Code, ch. 162, subch. A for the unregulated custody transfer of an adopted child. "Unregulated custody transfer" would be defined as a transfer of permanent physical custody of an adopted child to someone other than a relative, stepparent, or other adult with whom the child had a significant and long-standing relationship without first obtaining court approval. The offense also would apply to an individual who facilitated or participated in an unregulated transfer.

The offense would be a third-degree felony (two to 10 years in prison and

an optional fine of up to \$10,000). It would be enhanced to a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000) if the child was transferred with the intent to commit a sexual or human trafficking offense.

The offense would not apply to:

- the placement of an adopted child with a licensed child-placing agency, the Department of Family and Protective Services (DFPS), or an adult relative, stepparent, or other adult with whom the child had a significant and long-lasting relationship;
- the placement of an adopted child by the DFPS or a licensed child-placing agency;
- temporary placement of an adopted child for a designated short-term period due to certain circumstances, such as military service or medical treatment;
- placement of an adopted child in another state according to existing law; or
- the voluntary delivery of an adopted child in accordance with existing law.

The bill also would extend the offense of advertising for placement of a child for adoption to include advertising any other form of permanent physical custody of the child.

CSHB 834 would require licensed child-placing agencies to provide information about community services and supporting resources to adoptive parents, as well as the options available to adoptive parents if they were unable to care for the adopted child.

The bill would take effect September 1, 2017, and would apply only to an offense committed on or after that date.