



Talking Points - SB 774 & HB 505

Adoption and Paternity

OVERVIEW: The goal of SB 774 & HB 505 is to **enable abused and neglected children to reach permanency more quickly** by aligning Chapter 39's process to identify prospective parents with the more streamlined process currently in Chapter 63 for private adoptions.

BACKGROUND: Today a child's adoption can be very different depending on whether it is a Chapter 39 dependency proceeding or a private adoption proceeding in Chapter 63.

- In Chapter 39, the court is trying to reunify families and place children with a parent or relative, so the court and the parties follow a lot of procedures to identify and locate parents.
- If a man is identified as a prospective parent, he can come to court and establish himself as a parent, for example by signing an affidavit of paternity.
- However, **if a prospective father is identified but doesn't come forward to take responsibility for the child, he still gets notice of all the hearings, and is served with certain documents** until the child's termination of parental rights proceeding and adoption. This can delay the case and an adoption.
- This is not the law in Chapter 63. If a prospective father is identified and gets notice of his rights, he has to act in a time certain or the court can decide to move on in the child's case.

A FATHER'S RIGHTS ARE THE SAME IN BOTH COURTS. IT SHOULDN'T TAKE LONGER FOR ABUSED, ABANDONED, AND NEGLECTED CHILDREN TO BE ADOPTED.



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WHAT THE BILLS DO:

- Aligns Chapter 63 with Chapter 39.
- Adds questions to the inquiry that courts use to identify parents, creating additional safeguards.
- Clarifies that there is a difference between legal parents and prospective parents and the rights each have.
- Provides a process for an unmarried biological father to assert his rights and become a legal father, using a process and timeframe similar to Chapter 63.
- Allows a court to proceed in a child's case if an unmarried biological father who was individually served with an explanation of how to assert his rights fails to do so.
- Clarifies how a dependency court can make a formal determination of the child's paternity (the court already has this power).
- Makes a technical change to Chapter 409 regarding how community-based care lead agencies count adoptions they finalize.

While the bill is lengthy, much of it is **adding already existing language from Chapter 63 into Chapter 39**, and the language is repeated because Chapter 39 requires multiple inquiries to identify parents and advise parties of their rights.