

CHAPTER 654

S.B. No. 1055

An Act relating to adoption by estoppel of a child who dies before its adoption is finalized and to the birth and death records of that child; amending Section 14, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Rule 47a, Article 4477, Vernon's Texas Civil Statutes), by adding Subsection (f).

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 14, Chapter 41, Acts of the 40th Legislature, 1st Called Session, 1927, as amended (Rule 47a, Article 4477, Vernon's Texas Civil Statutes), is amended by adding Subsection (f) to read as follows:

“(f) If a child who is in the process of being adopted in this state dies before the adoption is finalized, the persons who attempted to adopt the child may request the state registrar to file supplementary certificates of birth and death for the child. The persons must include with the request sufficient information to prove that the persons attempted to adopt the child and that the child died before the adoption was finalized. The persons must also include a copy of an irrevocable affidavit of relinquishment of parental rights relating to the child, a copy of the affidavit of the status of the child, if applicable, and other information required by the Texas Department of Health. If the persons supply the information required under this section, the state registrar shall complete certificates of birth and death as if the child had been adopted by court decree and had then died. In the absence of evidence to the contrary, compliance with this subsection and completion of the birth certificate constitutes adoption by estoppel.”

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 2, 1985, by the following vote: Yeas 31, Nays 0; passed the House on May 21, 1985, by the following vote: Yeas 143, Nays 0, two present not voting.

Approved: June 14, 1985

Effective: Immediately