

CHAPTER 189

H.B. No. 196

AN ACT

relating to prohibiting the consideration of race in adoptions and foster care.

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

SECTION 1. Subchapter A, Chapter 16, Family Code, is amended by adding Section 16.081 to read as follows:

Sec. 16.081. RACE OR ETHNICITY. In determining the best interest of the child under Section 16.08 of this code, the court may not deny or delay the adoption or otherwise discriminate on the basis of race or ethnicity of the child or the prospective adoptive parents.

SECTION 2. Subchapter B, Chapter 41, Human Resources Code, is amended by adding Section 41.028 to read as follows:

Sec. 41.028. RACE OR ETHNICITY. The department may not prohibit or delay the placement of a child in foster care or remove a child from foster care or otherwise discriminate on the basis of race or ethnicity of the child or the foster family.

SECTION 3. Chapter 47, Human Resources Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. PLACEMENT OF CHILDREN

Sec. 47.041. RACE OR ETHNICITY. The department, a county child-care or welfare unit, or a licensed adoption agency may not deny or delay placement of a child for adoption or otherwise discriminate on the basis of the race or ethnicity of the child or prospective adoptive parents.

SECTION 4. This Act takes effect September 1, 1993, and applies to an adoption or placement of a child that is:

- (1) commenced on or after that date; or
- (2) commenced before that date but is pending or becomes final on or after that date.

SECTION 5. 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.

Passed by the House on April 20, 1993, by a non-record vote; the House concurred in Senate amendments to H.B. No. 196 on May 10, 1993, by a non-record vote; passed by the Senate, with amendments, on May 7, 1993, by a viva-voce vote.

Approved May 19, 1993.

Effective Sept. 1, 1993.