



Testimony

HB 2926

Reinstatement of Parental Rights

Testimony Submitted to the Texas House Committee on Juvenile Justice & Family Issues

By Andrew C. Brown, JD

Chair Neave and Members of the Committee:

My name is Andrew Brown, and I have the privilege of serving as a senior fellow of child and family policy at the Texas Public Policy Foundation. Thank you for the opportunity to offer testimony in support of House Bill 2926.

It is fitting that this bill is being heard during Holy Week as it rests on the ideas of redemption and restoration that are central to the observance of Easter. Although these ideas receive special emphasis during this season, humanity's capacity to change for the better and heal that which is broken is a universal truth, regardless of faith tradition.

House Bill 2926 recognizes that this even applies to parents whose past mistakes led to the involuntary termination of their parental rights. An analysis of data obtained from the U.S. Department of Health and Human Services found that Texas ranked second behind California for the highest number of total terminations of parental rights between 2010 and 2018. In 2018, there were more than 5,500 terminations of parental rights in Texas for a rate of 7.53 per 10,000 child population. Many of these terminations involved children in the foster care system.

Approximately 1,200 youth will age out of the Texas foster care system each year [without finding a permanent home](#). This lack of permanency is accompanied by a variety of [negative health, educational, and economic outcomes](#), including a greater risk of involvement with the criminal justice system. House Bill 2926 adds another tool to the toolbox for achieving permanency for youth at risk of aging out.

The process created by House Bill 2926 is new to Texas, but it is not new from a national perspective. Currently, almost half of all states have a legal process for reinstating previously terminated parental rights. I have submitted a research paper with my testimony that includes an [analysis of common characteristics among reinstatement laws](#), many of which have been incorporated into the legislation before you today.

It is important to note that reinstatement is not appropriate in all cases, and House Bill 2926 is structured in such a way to allow courts to determine when reinstatement is an appropriate permanency option. Under the bill, a petition for reinstatement may be brought by the department, a single source continuum contactor responsible for a child in a community-based care region, an attorney *ad litem* for a child, or a parent whose rights were terminated. Once a petition has been filed, it triggers a hearing where the court examines evidence to determine if reinstatement of rights is appropriate and in the child's best interests. The court also has the option to defer granting the petition and order a trial return during which the department remains the managing conservator while the child is placed with the parent under supervision for a period of 6 months. This will allow the department to provide services to the family to ensure a successful transition before a final decision is made regarding full reinstatement of rights.

As thousands of Texas children await adoption and move ever closer to aging out of foster care without finding a permanent, loving home, there is a critical need to expand permanency options for children in state custody. Parents who have successfully turned their lives around and demonstrated an ability to care for their children deserve a second chance. House Bill 2926 recognizes that redemption is possible and provides an opportunity to restore families safely and successfully.

Thank you for your time, and I look forward to answering your questions.

continued

ABOUT THE AUTHOR



Andrew C. Brown, JD, is the distinguished senior fellow of child and family policy at the Texas Public Policy Foundation.

Brown has dedicated his career to serving vulnerable children and strengthening families through community-focused, liberty-minded solutions. As an attorney, he has represented children in the child welfare system, advocated for the rights of parents, and helped build families through domestic and international adoption.

Andrew earned his BA magna cum laude in political science from Baylor University and his JD from Southern Methodist University Dedman School of Law. He is licensed to practice law in Texas and Virginia. His work on international adoption law and other child welfare issues has been published in leading legal journals and respected media outlets.

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