

By: Landgraf

H.B. No. 1800

A BILL TO BE ENTITLED

1 AN ACT
2 relating to standing in a suit affecting the parent-child
3 relationship.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 102.003, Family Code, is amended to read
6 as follows:

7 Sec. 102.003. GENERAL STANDING TO FILE SUIT. (a) An
8 original suit may be filed at any time by:

- 9 (1) a parent of the child;
- 10 (2) the child through a representative authorized by
11 the court;
- 12 (3) a custodian or person having the right of
13 visitation with or access to the child appointed by an order of a
14 court of another state or country;
- 15 (4) a guardian of the person or of the estate of the
16 child;
- 17 (5) a governmental entity;
- 18 (6) the Department of Family and Protective Services;
- 19 (7) a licensed child placing agency;
- 20 (8) a man alleging himself to be the father of a child
21 filing in accordance with Chapter 160, subject to the limitations
22 of that chapter, but not otherwise;
- 23 (9) a person [~~other than a foster parent,~~] who has had
24 actual care, control, and possession of the child for at least six

1 months ending not more than 90 days preceding the date of the filing
2 of the petition;

3 (10) a person designated as the managing conservator
4 in a revoked or unrevoked affidavit of relinquishment under Chapter
5 161 or to whom consent to adoption has been given in writing under
6 Chapter 162;

7 (11) a person with whom the child and the child's
8 guardian, managing conservator, or parent have resided for at least
9 six months ending not more than 90 days preceding the date of the
10 filing of the petition if the child's guardian, managing
11 conservator, or parent is deceased at the time of the filing of the
12 petition;

13 ~~(12) [a person who is the foster parent of a child~~
14 ~~placed by the Department of Family and Protective Services in the~~
15 ~~person's home for at least 12 months ending not more than 90 days~~
16 ~~preceding the date of the filing of the petition;~~

17 ~~(13)~~ a person who is a relative of the child within
18 the third degree by consanguinity, as determined by Chapter 573,
19 Government Code, if the child's parents are deceased at the time of
20 the filing of the petition;

21 (13) ~~(14)~~ a person who has been named as a
22 prospective adoptive parent of a child by a pregnant woman or the
23 parent of the child, in a verified written statement to confer
24 standing executed under Section 102.0035, regardless of whether the
25 child has been born; or

26 (14) ~~(15)~~ subject to Subsection (d), a person who is
27 an intended parent of a child or unborn child under a gestational

1 agreement that complies with the requirements of Section [160.754](#).

2 (b) In computing the time necessary for standing under
3 Subsections (a)(9) and ~~[7]~~ (11) ~~[7 and (12)]~~, the court may not
4 require that the time be continuous and uninterrupted but shall
5 consider the child's principal residence during the relevant time
6 preceding the date of commencement of the suit.

7 (c) Notwithstanding the time requirements of Subsection
8 (a)(9) ~~[(a)(12)]~~, a person who is the foster parent of a child may
9 file a suit to adopt a child for whom the person is providing foster
10 care at any time after the person has been approved to adopt the
11 child. The standing to file suit under this subsection applies only
12 to the adoption of a child who is eligible to be adopted.

13 (d) A person described by Subsection (a)(14) ~~[(a)(15)]~~ has
14 standing to file an original suit only if:

15 (1) the person is filing an original suit jointly with
16 the other intended parent under the gestational agreement; or

17 (2) the person is filing an original suit against the
18 other intended parent under the gestational agreement.

19 SECTION 2. Sections [102.0035](#)(a) and (e), Family Code, are
20 amended to read as follows:

21 (a) A pregnant woman or a parent of a child may execute a
22 statement to confer standing to a prospective adoptive parent as
23 provided by this section to assert standing under Section
24 [102.003](#)(a)(13) ~~[(a)(14)]~~. A statement to confer standing
25 under this section may not be executed in a suit brought by a
26 governmental entity under Chapter [262](#) or [263](#).

27 (e) A statement to confer standing is not required in a suit

1 brought by a person who has standing to file a suit affecting the
2 parent-child relationship under Sections 102.003(a)(1)-(12)
3 [~~102.003(a)(1)-(13)~~] or any other law under which the person has
4 standing to file a suit.

5 SECTION 3. Section 102.004(b-1), Family Code, is amended to
6 read as follows:

7 (b-1) A foster parent may only be granted leave to intervene
8 under Subsection (b) if the foster parent would have standing to
9 file an original suit as provided by Section 102.003(a)(9)
10 [~~102.003(a)(12)~~].

11 SECTION 4. The change in law made by this Act applies to a
12 suit affecting the parent-child relationship that is filed on or
13 after the effective date of this Act. A suit affecting the
14 parent-child relationship filed before the effective date of this
15 Act is governed by the law in effect on the date the suit was filed,
16 and the former law is continued in effect for that purpose.

17 SECTION 5. This Act takes effect September 1, 2023.