

By: Goodman

H.B. No. 233

Substitute the following for H.B. No. 233:

By: Goodman

C.S.H.B. No. 233

A BILL TO BE ENTITLED

AN ACT

relating to standing to file a suit requesting termination of the parent-child relationship or adoption.

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

SECTION 1. Section 102.003(a), Family Code, is amended to read as follows:

(a) An original suit may be filed at any time by:

(1) a parent of the child;

(2) the child through a representative authorized by the court;

(3) a custodian or person having the right of visitation with or access to the child appointed by an order of a court of another state or country;

(4) a guardian of the person or of the estate of the child;

(5) a governmental entity;

(6) an authorized agency;

(7) a licensed child placing agency;

(8) a man alleging himself to be the father of a child filing in accordance with Chapter 160, subject to the limitations of that chapter, but not otherwise;

(9) a person, other than a foster parent, who has had actual care, control, and possession of the child for at least six months ending not more than 90 days preceding the date of the filing

1 of the petition;

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

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

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

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

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

25 SECTION 2. Chapter 102, Family Code, is amended by adding
26 Section 102.0035 to read as follows:

27 Sec. 102.0035. STATEMENT TO CONFER STANDING. (a) A

1 pregnant woman or a parent of a child may execute a statement to
2 confer standing to a prospective adoptive parent as provided by
3 this section to assert standing under Section 102.003(a)(14). A
4 statement to confer standing under this section may not be executed
5 in a suit brought by a governmental entity under Chapter 262 or 263.

6 (b) A statement to confer standing must contain:

7 (1) the signature, name, age, and address of the
8 person named as a prospective adoptive parent;

9 (2) the signature, name, age, and address of the
10 pregnant woman or of the parent of the child who is consenting to
11 the filing of a petition for adoption or to terminate the
12 parent-child relationship as described by Subsection (a);

13 (3) the birth date of the child or the anticipated
14 birth date if the child has not been born; and

15 (4) the name of the county in which the suit will be
16 filed.

17 (c) The statement to confer standing must be attached to the
18 petition in a suit affecting the parent-child relationship. The
19 statement may not be used for any purpose other than to confer
20 standing in a proceeding for adoption or to terminate the
21 parent-child relationship.

22 (d) A statement to confer standing may be signed at any time
23 during the pregnancy of the mother of the unborn child whose
24 parental rights are to be terminated.

25 (e) A statement to confer standing is not required in a suit
26 brought by a person who has standing to file a suit affecting the
27 parent-child relationship under Sections 102.003(a)(1)-(13) or any

1 other law under which the person has standing to file a suit.

2 (f) A person who executes a statement to confer standing may
3 revoke the statement at any time before the person executes an
4 affidavit for voluntary relinquishment of parental rights. The
5 revocation of the statement must be in writing and must be sent by
6 certified mail, return receipt requested, to the prospective
7 adoptive parent.

8 (g) On filing with the court proof of the delivery of the
9 revocation of a statement to confer standing under Subsection (f),
10 the court shall dismiss any suit affecting the parent-child
11 relationship filed by the prospective adoptive parent named in the
12 statement.

13 SECTION 3. This Act takes effect September 1, 2003.