

1-1 By: Goodman (Senate Sponsor - Harris) H.B. No. 233
1-2 (In the Senate - Received from the House March 19, 2003;
1-3 March 26, 2003, read first time and referred to Committee on
1-4 Jurisprudence; April 24, 2003, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; April 24, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to standing to file a suit requesting termination of the
1-9 parent-child relationship or adoption.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 102.003(a), Family Code, is amended to
1-12 read as follows:

1-13 (a) An original suit may be filed at any time by:

1-14 (1) a parent of the child;

1-15 (2) the child through a representative authorized by
1-16 the court;

1-17 (3) a custodian or person having the right of
1-18 visitation with or access to the child appointed by an order of a
1-19 court of another state or country;

1-20 (4) a guardian of the person or of the estate of the
1-21 child;

1-22 (5) a governmental entity;

1-23 (6) an authorized agency;

1-24 (7) a licensed child placing agency;

1-25 (8) a man alleging himself to be the father of a child
1-26 filing in accordance with Chapter 160, subject to the limitations
1-27 of that chapter, but not otherwise;

1-28 (9) a person, other than a foster parent, who has had
1-29 actual care, control, and possession of the child for at least six
1-30 months ending not more than 90 days preceding the date of the filing
1-31 of the petition;

1-32 (10) a person designated as the managing conservator
1-33 in a revoked or unrevoked affidavit of relinquishment under Chapter
1-34 161 or to whom consent to adoption has been given in writing under
1-35 Chapter 162;

1-36 (11) a person with whom the child and the child's
1-37 guardian, managing conservator, or parent have resided for at least
1-38 six months ending not more than 90 days preceding the date of the
1-39 filing of the petition if the child's guardian, managing
1-40 conservator, or parent is deceased at the time of the filing of the
1-41 petition;

1-42 (12) a person who is the foster parent of a child
1-43 placed by the Department of Protective and Regulatory Services in
1-44 the person's home for at least 12 months ending not more than 90
1-45 days preceding the date of the filing of the petition; ~~or~~

1-46 (13) a person who is a relative of the child within the
1-47 third degree by consanguinity, as determined by Chapter 573,
1-48 Government Code, if the child's parents are deceased at the time of
1-49 the filing of the petition; or

1-50 (14) a person who has been named as a prospective
1-51 adoptive parent of a child by a pregnant woman or the parent of the
1-52 child, in a verified written statement to confer standing executed
1-53 under Section 102.0035, regardless of whether the child has been
1-54 born.

1-55 SECTION 2. Chapter 102, Family Code, is amended by adding
1-56 Section 102.0035 to read as follows:

1-57 Sec. 102.0035. STATEMENT TO CONFER STANDING. (a) A
1-58 pregnant woman or a parent of a child may execute a statement to
1-59 confer standing to a prospective adoptive parent as provided by
1-60 this section to assert standing under Section 102.003(a)(14). A
1-61 statement to confer standing under this section may not be executed
1-62 in a suit brought by a governmental entity under Chapter 262 or 263.

1-63 (b) A statement to confer standing must contain:

1-64 (1) the signature, name, age, and address of the

2-1 person named as a prospective adoptive parent;
2-2 (2) the signature, name, age, and address of the
2-3 pregnant woman or of the parent of the child who is consenting to
2-4 the filing of a petition for adoption or to terminate the
2-5 parent-child relationship as described by Subsection (a);

2-6 (3) the birth date of the child or the anticipated
2-7 birth date if the child has not been born; and

2-8 (4) the name of the county in which the suit will be
2-9 filed.

2-10 (c) The statement to confer standing must be attached to the
2-11 petition in a suit affecting the parent-child relationship. The
2-12 statement may not be used for any purpose other than to confer
2-13 standing in a proceeding for adoption or to terminate the
2-14 parent-child relationship.

2-15 (d) A statement to confer standing may be signed at any time
2-16 during the pregnancy of the mother of the unborn child whose
2-17 parental rights are to be terminated.

2-18 (e) A statement to confer standing is not required in a suit
2-19 brought by a person who has standing to file a suit affecting the
2-20 parent-child relationship under Sections 102.003(a)(1)-(13) or any
2-21 other law under which the person has standing to file a suit.

2-22 (f) A person who executes a statement to confer standing may
2-23 revoke the statement at any time before the person executes an
2-24 affidavit for voluntary relinquishment of parental rights. The
2-25 revocation of the statement must be in writing and must be sent by
2-26 certified mail, return receipt requested, to the prospective
2-27 adoptive parent.

2-28 (g) On filing with the court proof of the delivery of the
2-29 revocation of a statement to confer standing under Subsection (f),
2-30 the court shall dismiss any suit affecting the parent-child
2-31 relationship filed by the prospective adoptive parent named in the
2-32 statement.

2-33 SECTION 3. This Act takes effect September 1, 2003.

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