

BILL ANALYSIS

C.S.H.B. 260
By: Goodman
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Joint managing conservatorship is now the norm for all suits affecting the parent-child relationship such that many changes to the Family Code and case law have been made.

Many of the changes to the Family Code contain inconsistent or outdated terminology and do not reflect current practice or case law. House Bill 260 would make consistent some of the terminology and better reflect current practice and case law.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

- SECTION 1.** Amends Section 102.004, of the Family Code to grant standing to non-parents on the same basis as grandparents.
- SECTION 2.** Amends Section 102.009(a), of the Family Code to add certain classes of persons who have standing to bring a suit affecting the parent-child relationship as to persons who are entitled to service of citation.
- SECTION 3.** Amends Section 105.008(a), of the Family Code which deletes an incorrect reference to Section 234.003, of the Family Code.
- SECTION 4.** Amends Section 153.009, of the Family Code to provide that in a nonjury trial, the court may interview a child 12 years or older in chambers on the issue of conservatorship. However, in a jury trial a court may not interview the child regarding any issue on which a party is entitled to a jury verdict. Additionally clarifies who may be present at the interview.
- SECTION 5.** Amends Section 153.132, of the Family Code to enable the right to consent to invasive medical treatment a separate right from the right to consent to psychiatric and psychological treatment.
- SECTION 6.** Amends Section 153.134, of the Family Code to conform the language on the child's preference on primary residence to current Family Code terminology.
- SECTION 7.** Amends Section 153.312(b), of the Family Code to conform the midweek possession to the current Family Code provisions.
- SECTION 8.** Amends Section 155.201(a) and (b), of the Family Code to provide that mandatory transfers of suits affecting the parent-child relationship are to be transferred within 21 days.
- SECTION 9.** Amends Section 155.204, of the Family Code to provide that a motion to transfer a suit affecting the parent-child relationship on the grounds a suit for divorce has been filed in another county must contain a certification that other interested parties have been notified of the motion to transfer

and that the motion is timely. The amendment additionally renumbers the sections and makes technical changes.

- SECTION 10.** Amends Section 155.207(a), (b) and (c), of the Family Code to reduce the documents that a clerk must send when a suit affecting the parent-child relationship is transferred.
- SECTION 11.** Amends Section 156.006(b), of the Family Code to conform its language to other Family Code provisions.
- SECTION 12.** Amends Section 160.102(2), of the Family Code to require that any method of assisted reproduction to be medically supervised.
- SECTION 13.** Amends Section 160.760, of the Family Code by adding Subsection (d) to allow the gestational mother or appropriate State agency to file the notice required under Section 160.760(a) if the intended parents do not and to direct that upon showing of a valid order approving a gestational agreement rendered in accordance with Section 160.756, the court shall order the intended parents be declared to be the parents of the child and be financially responsible for the child.
- SECTION 14.** Amends Section 162.017(d), of the Family Code to conform the section to other Family Code sections and reflect that access includes possession and access.
- SECTION 15.** Provides that the amendments to Sections 102.004 and 102.009, of the Family Code is effective as to an original suit affecting the parent-child relationship filed on or after the effective date of the legislation. For original suits affecting the parent-child relationship filed prior to the effective date of the legislation the former law is continued in effect.
- SECTION 16.** Provides that the amendments to Section 153.009, of the Family Code is effective as to suits pending or filed on or after the effective date of the legislation.
- SECTION 17.** Provides that the amendment to Section 153.134, of the Family Code is effective as to original suits affecting the parent-child relationship and modifications filed on or after the effective date of the legislation. For original suits affecting the parent-child relationship and modifications filed prior to the effective date of the legislation the former law is continued in effect.
- SECTION 18.** Provides that the amendments to Sections 155.201, 155.204, and 155.207, of the Family Code are effective as to a motion to transfer a suit affecting the parent-child relationship filed on or after the effective date of the legislation. For a motion to transfer a suit affecting the parent-child relationship affecting the parent-child relationship filed prior to the effective date of the legislation the former law is continued in effect.
- SECTION 19.** Provides that the amendments to Section 156.006, of the Family Code is effective as to a suit for modification filed on or after the effective date of the legislation. For a suit for modification affecting the parent-child relationship filed prior to the effective date of the legislation the former law is continued in effect.
- SECTION 20.** This Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005.

C.S.H.B. 260 79(R)

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.260 modifies the original H.B.260 by deleting SECTIONS 8-10, and 15 of the original bill pertaining to possession and access by a grandparent.