

By: King of Parker, Bonnen, Swinford,
Allen of Dallas, Escobar, et al.

H.B. No. 1212

Substitute the following for H.B. No. 1212:

By: Miller

C.S.H.B. No. 1212

A BILL TO BE ENTITLED

AN ACT

relating to abortion and parental consent to an abortion; providing penalties.

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

SECTION 1. Subtitle A, Title 2, Family Code, is amended by adding Chapter 34 to read as follows:

CHAPTER 34. CONSENT TO ABORTION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 34.001. DEFINITIONS. In this chapter:

(1) "Abortion" means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the unborn child. The term applies only to an unemancipated minor known by the attending physician to be pregnant and may not be construed to limit a minor's access to contraceptives.

(2) "Attempt to perform an abortion" means an act or an omission of an act required by law that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in violation of this chapter.

(3) "Clear and convincing evidence" has the meaning assigned by Section 101.007.

(4) "Contraceptive" means a drug or device prescribed

1 to prevent pregnancy.

2 (5) "Guardian" means a court-appointed guardian of the
3 person of the minor.

4 (6) "Physician" means an individual licensed to
5 practice medicine in this state.

6 (7) "Unborn child" means an individual human organism
7 from fertilization until birth.

8 (8) "Unemancipated minor" includes a minor who:

9 (A) is unmarried; and

10 (B) has not had the disability of minority
11 removed under Chapter 31.

12 [Sections 34.002-34.050 reserved for expansion]

13 SUBCHAPTER B. CONSENT TO ABORTION

14 Sec. 34.051. CONSENT REQUIRED. (a) A physician may not
15 perform an abortion on a pregnant unemancipated minor unless the
16 minor consents to the abortion and:

17 (1) a parent, managing conservator, or
18 court-appointed guardian of the minor consents in a written
19 affidavit to an abortion of the current pregnancy and submits a
20 valid governmental record of identification to verify the identity
21 of the parent, managing conservator, or court-appointed guardian;

22 (2) the judge of a court having probate jurisdiction,
23 the judge of a county court at law, the judge of a district court,
24 including a family district court, or a court of appellate
25 jurisdiction issues an order authorizing the physician to perform
26 an abortion as provided by Subchapter C or D;

27 (3) a probate court, county court at law, district

1 court, including a family district court, or court of appeals, by
2 its inaction, constructively authorizes the physician to perform an
3 abortion as provided by Subchapter C or D; or

4 (4) the physician performing the abortion:

5 (A) concludes that on the basis of the
6 physician's good faith clinical judgment, a condition exists that
7 complicates the medical condition of the pregnant minor and
8 necessitates the immediate abortion of her pregnancy to avert her
9 death or to avoid a serious risk of substantial and irreversible
10 impairment of a major bodily function and that there is
11 insufficient time to obtain the consent required by Subdivision
12 (1); and

13 (B) certifies in writing to the Department of
14 State Health Services and in the patient's medical record the
15 medical indications supporting the physician's judgment that the
16 circumstances described by Paragraph (A) exist.

17 (b) A physician who performs an abortion must execute for
18 inclusion in a minor's medical record an affidavit stating that,
19 according to the best information and belief of the physician,
20 consent has been provided as required by this section.

21 (c) A physician who performs an abortion with the consent
22 required by Subsection (a)(1) shall retain in the minor's medical
23 records:

24 (1) the written affidavit of the parent, managing
25 conservator, or guardian; and

26 (2) a copy of the identification submitted by the
27 parent, managing conservator, or guardian under that subsection.

1 (d) A physician who performs an abortion under Subsection
2 (a)(2) or (a)(3) shall retain in the minor's medical records the
3 original or certified copy of the court order or the clerk's
4 certificate.

5 (e) The Department of State Health Services shall prepare a
6 form to be used for making the certification required by Subsection
7 (a)(4).

8 Sec. 34.052. CONFIDENTIALITY OF CERTIFICATION. (a) A
9 certification required by Section 34.051(a)(4) is confidential and
10 privileged and is not subject to disclosure under Chapter 552,
11 Government Code, or to discovery, subpoena, or other legal process.

12 (b) Personal or identifying information about a minor,
13 including her name, address, or social security number, may not be
14 included in a certification under Section 34.051(a)(4).

15 Sec. 34.053. RECORDS. A physician must keep medical
16 records on a minor to whom this chapter applies in compliance with
17 the rules adopted by the Texas State Board of Medical Examiners
18 under Section 153.003, Occupations Code.

19 Sec. 34.054. CRIMINAL PENALTY FOR VIOLATION OF SUBCHAPTER.
20 (a) In this section:

21 (1) "Criminal negligence" has the meaning assigned by
22 Section 6.03(d), Penal Code.

23 (2) "Defense" has the meaning and application assigned
24 by Section 2.03, Penal Code.

25 (3) "Intentionally" has the meaning assigned by
26 Section 6.03(a), Penal Code.

27 (4) "Knowingly" has the meaning assigned by Section

1 6.03(b), Penal Code.

2 (5) "Recklessly" has the meaning assigned by Section
3 6.03(c), Penal Code.

4 (b) A physician who intentionally, knowingly, or recklessly
5 or with criminal negligence performs an abortion or attempts to
6 perform an abortion on a pregnant unemancipated minor in violation
7 of this subchapter commits an offense under Section 165.151,
8 Occupations Code, and is subject to the penalty provided by that
9 section.

10 (c) A physician shall assume that a pregnant woman is a
11 minor unless she presents a valid government record of
12 identification that she has reached the age of majority. In the
13 absence of a valid government record of identification, the
14 physician must use due diligence to determine whether the pregnant
15 woman has reached the age of majority.

16 (d) It is a defense to prosecution under this section that
17 the minor falsely represented her age or identity to the physician
18 to be at least 18 years of age by displaying an apparently valid
19 governmental record of identification such that a reasonable person
20 under similar circumstances would have relied on the
21 representation.

22 (e) The defense provided by Subsection (d) does not apply if
23 the physician is shown to have had independent knowledge of the
24 minor's actual age or identity or failed to use due diligence in
25 determining the minor's age.

26 Sec. 34.055. TRIAL OF OFFENSE. (a) In relation to the
27 trial of an offense under Section 34.054 in which the conduct

1 charged involves a conclusion made by the physician under Section
2 34.051(a)(4), the defendant may seek a hearing before the Texas
3 State Board of Medical Examiners on whether the physician's conduct
4 was necessary to avert the death of the minor or to avoid a serious
5 risk of substantial and irreversible impairment of a major bodily
6 function.

7 (b) The findings of the Texas State Board of Medical
8 Examiners under this section are admissible on that issue in the
9 trial of the defendant.

10 (c) Notwithstanding any other reason for a continuance
11 provided under the Code of Criminal Procedure or other law, on
12 motion of the defendant, the court shall delay the beginning of the
13 trial for not more than 30 days to permit a hearing under Subsection
14 (a) to take place.

15 [Sections 34.056-34.100 reserved for expansion]

16 SUBCHAPTER C. COURT ORDER AUTHORIZING ABORTION

17 Sec. 34.101. APPLICATION FOR COURT ORDER. (a) A pregnant
18 minor who wishes to have an abortion without the consent of one of
19 her parents, her managing conservator, or her guardian may file an
20 application for a court order authorizing a physician to perform an
21 abortion without the consent of either of her parents or a managing
22 conservator or guardian.

23 (b) The application may be filed in any county court at law,
24 court having probate jurisdiction, or district court, including a
25 family district court, for the minor's county of residence or in the
26 county in which she intends to have the abortion performed.

27 (c) The application must be made under oath and include:

1 (1) a statement that the minor is pregnant;

2 (2) a statement that the minor is unmarried, is under
3 18 years of age, and has not had her disabilities removed under
4 Chapter 31;

5 (3) a statement that the minor wishes to have an
6 abortion without the consent of either of her parents or a managing
7 conservator or guardian; and

8 (4) a statement as to whether the minor has retained an
9 attorney and, if she has retained an attorney, the name, address,
10 and telephone number of the attorney.

11 (d) The clerk of the court shall deliver a courtesy copy of
12 the application made under this section to the judge who is to hear
13 the application.

14 Sec. 34.102. GUARDIAN AD LITEM AND ATTORNEY APPOINTMENTS.

15 (a) The court shall appoint a guardian ad litem for the applicant
16 minor.

17 (b) A guardian ad litem appointed under this section:

18 (1) may not be the same person as the minor's attorney
19 or attorney ad litem; and

20 (2) shall represent the best interests of the minor.

21 (c) The court may appoint to serve as guardian ad litem:

22 (1) a person who may consent to treatment for the minor
23 under Sections 32.001(a)(1)-(3);

24 (2) a psychiatrist or an individual licensed or
25 certified as a psychologist under Chapter 501, Occupations Code;

26 (3) an appropriate employee of the Department of
27 Family and Protective Services;

1 (4) a member of the clergy; or

2 (5) another appropriate person selected by the court.

3 (d) If the minor has not retained an attorney, the court
4 shall appoint an attorney to represent the minor.

5 Sec. 34.103. COURT PROCEEDING. (a) The court shall fix a
6 time for a hearing on an application filed under Section 34.101 and
7 shall keep a record of all testimony and other oral proceedings in
8 the action. The minor must appear in person before the judge.

9 (b) The court shall rule on an application submitted under
10 Section 34.101 and shall issue written findings of fact and
11 conclusions of law not later than 5 p.m. on the fifth business day
12 after the date the application is filed with the court.

13 (c) On request by the minor, the court shall grant an
14 extension of the period specified by Subsection (b). If a request
15 for an extension is made, the court shall rule on an application and
16 shall issue written findings of fact and conclusions of law not
17 later than 5 p.m. on the fifth business day after the date the minor
18 states she is ready to proceed to hearing.

19 (d) Proceedings under this section shall be given
20 precedence over other pending matters to the extent necessary to
21 assure that the court reaches a decision promptly regardless of
22 whether the minor is granted an extension under this section.

23 (e) The court shall determine by clear and convincing
24 evidence:

25 (1) whether the minor is sufficiently mature and well
26 informed to make an abortion decision without the consent of either
27 of her parents or a managing conservator or guardian;

1 (2) whether the abortion would be in the best interest
2 of the minor; or

3 (3) whether obtaining the consent of either of her
4 parents or a managing conservator or guardian would lead to abuse,
5 as that term is defined by Section 261.001, of the minor.

6 (f) In determining whether the minor meets the requirements
7 of Subsection (e)(1), the court may:

8 (1) inquire into the minor's reasons for seeking an
9 abortion; and

10 (2) consider the degree to which the minor is informed
11 about the state-published information materials described under
12 Chapter 171, Health and Safety Code.

13 (g) If the court finds that any of the requirements of
14 Subsection (e) are met, the court shall enter an order authorizing a
15 physician to perform the abortion without the consent required
16 under Section 34.051(a)(1).

17 (h) If the court finds that the minor does not meet the
18 requirements of Subsection (e), the court may not authorize a
19 physician to perform an abortion without the consent required under
20 Section 34.051(a)(1).

21 (i) If the court fails to rule on the application and issue
22 written findings of fact and conclusions of law within the period
23 specified by Subsection (b) or (c), the application is deemed to be
24 granted. The clerk of the court shall issue a certificate to that
25 effect to the minor, and the physician may perform the abortion as
26 if the court had issued an order authorizing a physician to perform
27 the abortion without the consent required under Section

1 34.051(a)(1).

2 Sec. 34.104. PROHIBITED NOTIFICATION; ANONYMITY. (a) The
3 court may not notify a parent, managing conservator, or guardian
4 that the minor is pregnant or that the minor wants to have an
5 abortion.

6 (b) The court proceedings under this subchapter shall be
7 conducted in a manner that protects the anonymity of the minor. The
8 application and all other court documents and reports shall protect
9 the anonymity of the minor. The minor may file the application
10 using a pseudonym or using only her initials. The supreme court may
11 adopt rules to allow confidential docketing of an application filed
12 under this subchapter.

13 (c) The clerk of the court shall retain the record for each
14 case before the court under this subchapter in accordance with the
15 rules for civil cases. The minor shall be granted access to the
16 records of her case.

17 Sec. 34.105. REPORT. (a) For each case brought before a
18 court in this state under this subchapter, the court shall report to
19 the Office of Court Administration:

- 20 (1) the number and style of the case;
21 (2) the applicant's county of residence;
22 (3) the name of the county where the court is located;
23 (4) the filing date of the case;
24 (5) the date of disposition of the case; and
25 (6) the nature of the disposition, whether the order
26 was granted, denied, dismissed for want of prosecution, voluntarily
27 dismissed, mooted, deemed granted for failure to timely rule under

1 Section 34.103(b) or (c), or other disposition.

2 (b) The Office of Court Administration shall annually
3 publish the information required under Subsections (a)(2) and (6)
4 in aggregate by judicial region.

5 Sec. 34.106. CONFIDENTIALITY OF COURT ORDER. An order of
6 the court issued under this subchapter is confidential and
7 privileged and is not subject to disclosure under Chapter 552,
8 Government Code, or discovery, subpoena, or other legal process.
9 The order may not be released to any person except:

- 10 (1) the pregnant minor;
11 (2) the pregnant minor's guardian ad litem;
12 (3) the pregnant minor's attorney;
13 (4) another person designated to receive the order by
14 the minor; or
15 (5) a governmental agency or attorney in a criminal or
16 administrative action seeking to assert or protect the interest of
17 the minor.

18 Sec. 34.107. FEES AND COSTS. A filing fee is not required
19 of and court costs may not be assessed against a minor filing an
20 application under this subchapter.

21 [Sections 34.108-34.150 reserved for expansion]

22 SUBCHAPTER D. APPEAL OF COURT ORDER

23 Sec. 34.151. APPEAL. (a) A minor whose application under
24 Subchapter C is denied may appeal to the court of appeals having
25 jurisdiction over civil matters in the county in which the
26 application was filed.

27 (b) On receipt of a notice of appeal under this section, the

1 clerk of the court that denied the application shall deliver a copy
2 of the notice of appeal and record on appeal to the clerk of the
3 court of appeals.

4 (c) On receipt of the notice and record, the clerk of the
5 court of appeals shall place the appeal on the docket of the court.

6 Sec. 34.152. TIME FOR APPEAL. (a) The court of appeals
7 shall rule on an appeal under this subchapter not later than 5 p.m.
8 on the fifth business day after the date the notice of appeal is
9 filed with the court that denied the application.

10 (b) On request by the minor, the court shall grant an
11 extension of the period specified by this section.

12 (c) If a request for an extension is made, the court shall
13 rule on the appeal not later than 5 p.m. on the fifth business day
14 after the date the minor states she is ready to proceed.

15 (d) If the court of appeals fails to rule on the appeal
16 within the period specified by this section, the appeal is deemed to
17 be granted. The clerk of the court shall issue a certificate to
18 that effect to the minor, and the physician may perform the abortion
19 as if the court had issued an order authorizing a physician to
20 perform the abortion without the consent required under Section
21 34.051(a)(1).

22 Sec. 34.153. PRECEDENCE. Proceedings under this subchapter
23 shall be given precedence over other pending matters to the extent
24 necessary to assure that the court reaches a decision promptly.

25 Sec. 34.154. NOTIFICATION PROHIBITED; ANONYMITY. (a) The
26 court of appeals may not notify a parent, managing conservator, or
27 guardian that the minor is pregnant or that the minor wants to have

1 an abortion. The court of appeals proceeding shall be conducted in
2 a manner that protects the anonymity of the minor.

3 (b) The application and all other court documents and
4 reports shall protect the anonymity of the minor.

5 Sec. 34.155. CONFIDENTIALITY OF APPEAL. An order of the
6 court of appeals issued under this subchapter is confidential and
7 privileged and is not subject to disclosure under Chapter 552,
8 Government Code, or discovery, subpoena, or other legal process.
9 The court order may not be released to any person except:

10 (1) the pregnant minor;

11 (2) the pregnant minor's guardian ad litem;

12 (3) the pregnant minor's attorney;

13 (4) another person designated to receive the ruling by
14 the minor; or

15 (5) a governmental agency or attorney in a criminal or
16 administrative action seeking to assert or protect the interest of
17 the minor.

18 Sec. 34.156. OPINION. A court of appeals shall hand down an
19 opinion in accordance with the Texas Rules of Appellate Procedure
20 for each case before the court under this subchapter while
21 protecting the anonymity of the minor.

22 Sec. 34.157. FEES AND COSTS. A filing fee is not required
23 of and court costs may not be assessed against a minor filing an
24 appeal under this subchapter.

25 Sec. 34.158. EXPEDITED APPEAL. An expedited confidential
26 appeal shall be available to any pregnant minor to whom a court of
27 appeals denies an order authorizing a physician to perform an

1 abortion without the consent required under Section 34.051(a)(1).

2 Sec. 34.159. RECORDS. The clerk of the court shall retain
3 the records for each case before the court under this subchapter in
4 accordance with rules for civil cases. The minor shall be granted
5 access to the records of her case.

6 [Sections 34.160-34.200 reserved for expansion]

7 SUBCHAPTER E. IMMUNITY; COSTS; DUTIES

8 Sec. 34.201. GUARDIAN AD LITEM IMMUNITY. (a) A guardian ad
9 litem appointed under this chapter and acting in the course and
10 scope of the appointment is not liable for damages arising from an
11 act or omission of the guardian ad litem committed in good faith.

12 (b) The immunity granted by this section does not apply if
13 the conduct of the guardian ad litem is committed in a manner that
14 is:

15 (1) wilfully wrong;

16 (2) done with conscious indifference or reckless
17 disregard to the safety of another;

18 (3) done in bad faith or with malice; or

19 (4) grossly negligent.

20 Sec. 34.202. COSTS PAID BY STATE. (a) A court acting under
21 Subchapter C or D may issue an order requiring the state to pay:

22 (1) the costs of any attorney ad litem and any guardian
23 ad litem appointed for the minor;

24 (2) notwithstanding Sections 34.107 and 34.157, the
25 costs of court associated with the application or appeal; and

26 (3) any court reporter's fees incurred.

27 (b) An order issued under Subsection (a) must be directed to

1 the comptroller, who shall pay the amount ordered from funds
2 appropriated to the Department of State Health Services.

3 Sec. 34.203. PHYSICIAN'S DUTY TO REPORT ABUSE OF A MINOR;
4 INVESTIGATION AND ASSISTANCE. (a) A physician who has reason to
5 believe that a minor has been or may be physically or sexually
6 abused by a person responsible for the minor's care, custody, or
7 welfare, as that term is defined by Section 261.001, shall
8 immediately report the suspected abuse to the Department of Family
9 and Protective Services and shall refer the minor to the department
10 for services or intervention that may be in the best interest of the
11 minor.

12 (b) The Department of Family and Protective Services shall
13 investigate suspected abuse reported under this section and, if
14 appropriate, shall assist the minor in making an application with a
15 court under Subchapter C.

16 Sec. 34.204. OTHER REPORTS OF SEXUAL ABUSE OF A MINOR. A
17 court or the guardian ad litem or attorney ad litem for the minor
18 shall report conduct reasonably believed to violate Section 22.011,
19 22.021, or 25.02, Penal Code, based on information obtained during
20 a confidential court proceeding held under this chapter to:

21 (1) any local or state law enforcement agency;

22 (2) the Department of Family and Protective Services,
23 if the alleged conduct involves a person responsible for the care,
24 custody, or welfare of the child;

25 (3) the state agency that operates, licenses,
26 certifies, or registers the facility in which the alleged conduct
27 occurred, if the alleged conduct occurred in a facility operated,

1 licensed, certified, or registered by a state agency; or

2 (4) an appropriate agency designated by the court.

3 Sec. 34.205. CONFIDENTIALITY. Notwithstanding any other
4 law, information obtained by the Department of Family and
5 Protective Services or another entity under Section 34.203 or
6 34.204 is confidential except to the extent necessary to prove a
7 violation of Section 22.011, 22.021, or 25.02, Penal Code.

8 Sec. 34.206. INFORMATION RELATING TO JUDICIAL BYPASS. (a)
9 The Department of State Health Services shall produce and
10 distribute informational materials that explain the rights of a
11 minor under this chapter.

12 (b) The materials provided by the department must:

13 (1) explain the procedures established by Subchapters
14 C and D;

15 (2) be made available in English and in Spanish; and

16 (3) provide information relating to alternatives to
17 abortion and health risks associated with abortion.

18 Sec. 34.207. APPLICABILITY OF OTHER LAW. A physician who
19 performs an abortion in accordance with this chapter satisfies the
20 duties imposed on the physician under Chapter 33.

21 SECTION 2. Section 245.011(c), Health and Safety Code, is
22 amended to read as follows:

23 (c) The report must include:

24 (1) whether the abortion facility at which the
25 abortion is performed is licensed under this chapter;

26 (2) the patient's year of birth, race, marital status,
27 and state and county of residence;

- 1 (3) the type of abortion procedure;
- 2 (4) the date the abortion was performed;
- 3 (5) whether the patient survived the abortion, and if
4 the patient did not survive, the cause of death;
- 5 (6) the period of gestation based on the best medical
6 judgment of the attending physician at the time of the procedure;
- 7 (7) the date, if known, of the patient's last menstrual
8 cycle;
- 9 (8) the number of previous live births of the patient;
- 10 ~~and~~
- 11 (9) the number of previous induced abortions of the
12 patient; and
- 13 (10) for an abortion performed on a minor:
- 14 (A) whether consent for the abortion was obtained
15 from the parent, managing conservator, or guardian;
- 16 (B) whether the minor was emancipated;
- 17 (C) whether the minor had a valid court order
18 authorizing the abortion without the consent of a parent, managing
19 conservator, or guardian, and if so, the court that granted the
20 order, and whether the court granted the order by action or
21 inaction;
- 22 (D) whether the abortion was performed because of
23 a medical emergency; and
- 24 (E) the age of the patient's sexual partner who
25 impregnated the patient and whether suspected child abuse was
26 reported under Section 261.101, Family Code.

27 SECTION 3. Chapter 25, Penal Code, is amended by adding

1 Sections 25.11, 25.12, and 25.13 to read as follows:

2 Sec. 25.11. COERCION OF ABORTION. (a) A person commits an
3 offense if the person uses coercion to induce a pregnant minor
4 younger than 18 years of age to have an abortion.

5 (b) An offense under this section is a state jail felony.

6 Sec. 25.12. ASSAULT ON PREGNANT MINOR. (a) A person
7 commits an offense if the person assaults a pregnant minor younger
8 than 18 years of age in order to force the minor to have an abortion.

9 (b) An offense under this section is a state jail felony.

10 Sec. 25.13. CHOICE OF PROSECUTIONS. If conduct
11 constituting an offense under Section 25.11 or 25.12 also
12 constitutes an offense under another section of this code, the
13 conduct may be prosecuted under Section 25.11 or 25.12, as
14 appropriate, under the other law, or under both the other law and
15 Section 25.11 or 25.12, as appropriate.

16 SECTION 4. (a) The Supreme Court of Texas as soon as
17 practical after the effective date of this Act shall adopt the rules
18 necessary to ensure the proceedings are conducted and the reporting
19 is performed under Subchapters C and D, Chapter 34, Family Code, as
20 added by this Act, in a manner that protects the anonymity of the
21 minor and the proceedings have sufficient precedence over all
22 other pending matters to ensure promptness of disposition.

23 (b) The Supreme Court of Texas shall adopt the application
24 form and notice of appeal form required under Sections 34.101 and
25 34.151, Family Code, as added by this Act, not later than December
26 15, 2005.

27 (c) The executive commissioner of the Health and Human

1 Services Commission shall adopt the form required for making a
2 certification under Section 34.051, Family Code, as added by this
3 Act, not later than December 1, 2005.

4 SECTION 5. Chapter 34, Family Code, as added by this Act,
5 applies only to an abortion performed on or after January 1, 2006.
6 An abortion performed before that date is governed by the law as it
7 existed immediately before the effective date of this Act, and that
8 law is continued in effect for that purpose.

9 SECTION 6. (a) Chapter 34, Family Code, as added by this
10 Act, and Sections 25.11, 25.12, and 25.13, Penal Code, as added by
11 this Act, apply only to an offense committed on or after January 1,
12 2006. For the purposes of this section, an offense is committed
13 before January 1, 2006, if any element of the offense occurs before
14 that date.

15 (b) An offense committed before January 1, 2006, is governed
16 by the law in effect when the offense was committed, and the former
17 law is continued in effect for that purpose.

18 SECTION 7. (a) Except as provided by Subsection (b) of this
19 section, this Act takes effect September 1, 2005.

20 (b) Section 34.054, Family Code, as added by this Act, takes
21 effect January 1, 2006.