

By: Davis of Harris

H.B. No. 3675

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures for determining court jurisdiction under the
3 Uniform Child Custody Jurisdiction and Enforcement Act.

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

5 SECTION 1. Sections 152.110(c), (d), and (f), Family Code,
6 are amended to read as follows:

7 (c) All ~~[The court may allow the parties to participate in~~
8 ~~the communication. If the]~~ parties ~~[are not able to participate in~~
9 ~~the communication, they]~~ must be given the opportunity to present
10 facts and legal arguments in connection with a decision on
11 jurisdiction or any court communication between the court in this
12 state and the court in another state relevant to the ~~[before a]~~
13 decision on jurisdiction ~~[is made]~~.

14 (d) If proceedings involving the same parties are pending
15 simultaneously in a court of this state and a court of another
16 state, the court of this state shall inform the other court of the
17 simultaneous proceedings. The court of this state shall request
18 that the other court hold the proceeding in that court in abeyance
19 until the court in this state conducts a hearing, in an expedited
20 manner, if possible, to determine whether the court has
21 jurisdiction over the proceeding. After conclusion of the
22 jurisdictional hearing conducted in this state, the court in this
23 state shall provide the other court with a copy of any written order
24 resulting from that hearing.

1 (f) Except as otherwise provided in Subsection (e), a record
2 must be made of any communication under this section. The parties
3 must be informed promptly by first class mail of the communication
4 and granted access to the record before any jurisdictional hearing
5 is conducted.

6 SECTION 2. The changes in law made by this Act to Section
7 152.110, Family Code, apply to a motion or other request for relief
8 made in a child custody proceeding or to enforce a child custody
9 determination that is commenced on or after the effective date of
10 this Act. A motion or other request for relief made in a child
11 custody proceeding or to enforce a child custody determination that
12 was commenced before the effective date of this Act is governed by
13 the law in effect at the time the motion or other request was made,
14 and the former law is continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2007.