

By: Aycock

H.B. No. 3018

A BILL TO BE ENTITLED

AN ACT

relating to standing to file a suit affecting the parent-child relationship.

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 spouse of the child's guardian, managing
7 conservator, or parent who resided ~~[person]~~ with ~~[whom]~~ the child
8 and the child's guardian, managing conservator, or parent ~~[have~~
9 ~~resided]~~ for at least six months ending not more than 90 days
10 preceding the date of the filing of the petition if the ~~[child's]~~
11 guardian, managing conservator, or parent with whom the child and
12 spouse resided is deceased at the time of the filing of the
13 petition;

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

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

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

27 SECTION 2. The change in law made by this Act applies only

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1 to a suit affecting the parent-child relationship filed on or after
2 the effective date of this Act. A suit filed before that date is
3 governed by the law in effect on the date the suit was filed, and the
4 former law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2009.