

By: Hernandez, Alonzo

H.B. No. 4426

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authorizing a suit to declare that certain young people
3 have been abused, neglected, or abandoned and extending the
4 jurisdiction of certain courts making such a declaration.

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

6 SECTION 1. Title 2, Family Code, is amended by adding
7 Subtitle D to read as follows:

8 SUBTITLE D. SPECIAL DECLARATORY ACTIONS

9 CHAPTER 46. SPECIAL IMMIGRANT STATUS

10 Sec. 46.001. DEFINITION. In this chapter, "young adult"
11 means a person who is at least 18 years of age and younger than 21
12 years of age.

13 Sec. 46.002. PETITION FOR COURT DECLARATION. A young adult
14 who is not a citizen or permanent resident of the United States may
15 file a suit requesting the court to declare that the young adult has
16 been abused, neglected, or abandoned and otherwise meets the
17 requirements for special immigrant status as defined by 8 U.S.C.
18 Section 1101(a)(27)(J). The suit may be filed in a court that has
19 family law jurisdiction.

20 Sec. 46.003. COURT ORDER. The court, on presentation of
21 proper evidence, shall render an order declaring that:

22 (1) the young adult is court-dependent;

23 (2) reunification with one or both of the young adult's
24 parents is not viable due to abuse, neglect, or abandonment, as

1 defined by state or federal law; and

2 (3) it is not in the young adult's best interest to be
3 returned to the young adult's or the parent's previous country of
4 origin or country of last habitual residence.

5 Sec. 46.004. EXTENDED JURISDICTION. A court that renders
6 an order under this chapter may retain jurisdiction over the young
7 adult until the earliest of:

8 (1) the young adult's 21st birthday;

9 (2) the date the young adult is granted lawful
10 permanent resident status;

11 (3) the date an appeal of the denial of an application
12 for permanent residency based on a petition for special immigrant
13 status is denied; or

14 (4) if an appeal described by Subdivision (3) is not
15 filed, the day after the last day to file an appeal of the denial of
16 an application for permanent residency based on a petition for
17 special immigrant status.

18 SECTION 2. Chapter 51, Family Code, is amended by adding
19 Section 51.0413 to read as follows:

20 Sec. 51.0413. EXTENDED JURISDICTION. (a) The court
21 retains jurisdiction over a person with respect to issues relating
22 to the person's special immigrant status if an application seeking
23 special immigrant status as defined by 8 U.S.C. Section
24 1101(a)(27)(J) has been filed with the appropriate federal
25 authority on behalf of the person.

26 (b) The court retains jurisdiction under this section until
27 the earliest of:

1 (1) the person's 21st birthday;

2 (2) the date the person is granted lawful permanent
3 resident status;

4 (3) the date an appeal of the denial of an application
5 for permanent residency based on a petition for special immigrant
6 status is denied; or

7 (4) if an appeal described by Subdivision (3) is not
8 filed, the day after the last day to file an appeal of the denial of
9 an application for permanent residency based on a petition for
10 special immigrant status.

11 SECTION 3. Subchapter A, Chapter 155, Family Code, is
12 amended by adding Section 155.006 to read as follows:

13 Sec. 155.006. EXTENDED JURISDICTION. (a) If an
14 application seeking special immigrant status as defined by 8 U.S.C.
15 Section 1101(a)(27)(J) has been filed with the appropriate federal
16 authority on behalf of a child over whom the court has continuing,
17 exclusive jurisdiction, the court may extend the court's
18 jurisdiction over the child after the child's 18th birthday until
19 the earliest of:

20 (1) the child's 21st birthday;

21 (2) the date the child is granted lawful permanent
22 resident status;

23 (3) the date an appeal of the denial of an application
24 for permanent residency based on a petition for special immigrant
25 status is denied; or

26 (4) if an appeal described by Subdivision (3) is not
27 filed, the day after the last day to file an appeal of the denial of

1 an application for permanent residency based on a petition for
2 special immigrant status.

3 (b) The court's jurisdiction under this section is limited
4 to issues relating to the child's special immigrant status.

5 SECTION 4. Subchapter A, Chapter 262, Family Code, is
6 amended by adding Section 262.0021 to read as follows:

7 Sec. 262.0021. EXTENDED JURISDICTION. (a) If an
8 application seeking special immigrant status as defined by 8 U.S.C.
9 Section 1101(a)(27)(J) has been filed with the appropriate federal
10 authority on behalf of a child over whom the court has jurisdiction
11 under this subtitle, the court may extend the court's jurisdiction
12 over the child after the child's 18th birthday until the earliest
13 of:

14 (1) the child's 21st birthday;

15 (2) the date the child is granted lawful permanent
16 resident status;

17 (3) the date an appeal of the denial of an application
18 for permanent residency based on a petition for special immigrant
19 status is denied; or

20 (4) if an appeal described by Subdivision (3) is not
21 filed, the day after the last day to file an appeal of the denial of
22 an application for permanent residency based on a petition for
23 special immigrant status.

24 (b) The court's jurisdiction under this section is limited
25 to issues relating to the child's special immigrant status.

26 SECTION 5. Subchapter C, Chapter 72, Government Code, is
27 amended by adding Section 72.031 to read as follows:

1 Sec. 72.031. COLLECTION OF DATA RELATING TO SPECIAL
2 IMMIGRANT STATUS. (a) In this section, "young adult" has the
3 meaning assigned by Section 46.001, Family Code.

4 (b) The office shall track the number of cases in which a
5 young adult has requested a court order relating to the young
6 adult's special immigrant status.

7 (c) The office shall develop a form to be used to report
8 information under Subsection (b). The office shall make the form
9 available on the office's Internet website. The form must include
10 the following information for each case:

11 (1) the date the petition in a declaratory action
12 under Chapter 46, Family Code, or a motion requesting a court order
13 described by Subsection (b) is filed and the date the court order is
14 signed;

15 (2) the county in which a petition or motion described
16 by Subdivision (1) is filed;

17 (3) the age of the young adult on the date the petition
18 or motion described by Subdivision (1) is filed;

19 (4) the young adult's country of origin, if known; and

20 (5) whether the young adult is receiving services from
21 the Department of Family and Protective Services.

22 (d) The office may not collect any personally identifiable
23 information relating to the young adult, including the young
24 adult's name, the young adult's address, or the case number of the
25 declaratory action.

26 (e) The attorney representing a young adult in a case
27 described by Subsection (b) shall complete the form and file the

1 form with the clerk of the court. On receipt of a completed form,
2 the clerk shall stamp the form with the date the form was received
3 and send the form to the office.

4 SECTION 6. This Act expires August 31, 2015. A proceeding
5 commenced as a result of a petition filed before that date under
6 Chapter 46, Family Code, as added by this Act, or a motion
7 requesting a court order relating to a young adult's special
8 immigrant status filed under the jurisdiction created by Section
9 51.0413, 155.006, or 262.0021, Family Code, as added by this Act,
10 before that date shall continue under the law as it existed on the
11 date the petition or motion was filed, and that law continues in
12 effect for that purpose.

13 SECTION 7. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.