

## **BILL ANALYSIS**

C.S.H.B. 911  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The goal of C.S.H.B. 911 is to require a court in Texas to uphold and apply only the laws ordained by the constitutions and laws of the United States and the State of Texas with regard to family law matters, prohibiting any other interpretation by Texas courts.

### **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**

C.S.H.B. 911 amends the Civil Practice and Remedies Code to prohibit a ruling or decision of a court, arbitrator, or administrative adjudicator on a matter arising under the Family Code from being based on a foreign law if the application of that law would violate a right guaranteed by the United States Constitution, Texas Constitution, or a statute of this state.

C.S.H.B. 911 voids a contract provision providing that a foreign law is to govern a dispute arising under the Family Code to the extent that the application of the foreign law would violate a right guaranteed by the United States Constitution or the Texas Constitution.

C.S.H.B. 911 voids a contract provision providing that the forum to resolve a dispute arising under the Family Code is located outside the states and territories of the United States if the foreign law that would be applied to the dispute in that forum would, as applied, violate a right guaranteed by the United States Constitution or the Texas Constitution.

C.S.H.B. 911 defines "foreign law."

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 911 differs from the original, in the prohibition against a ruling or decision of a court, arbitrator, or administrative adjudicator from being based on a foreign law under certain circumstances, by applying the prohibition to a matter arising under the Family Code, whereas the original applies the prohibition generally. The substitute differs from the original by conditioning the prohibition on the application of that foreign law violating a right guaranteed by the United States Constitution, Texas Constitution, or a statute of Texas, whereas the original omits reference to a statute of Texas.

C.S.H.B. 911 differs from the original, in provisions voiding a contract provision providing that a foreign law is to govern a dispute and voiding a contract provision providing that the forum to

resolve a dispute is located outside the states and territories of the United States, by applying those provisions to a dispute arising under the Family Code, whereas the original applies those provisions to disputes in general.

C.S.H.B. 911 omits provisions included in the original prohibiting a court from granting a motion for forum non conveniens and providing a saving provision relating to such a prohibition.