

By: Parker

H.B. No. 436

Substitute the following for H.B. No. 436:

By: Raymond

C.S.H.B. No. 436

A BILL TO BE ENTITLED

1 AN ACT
2 relating to standing for certain foster parents to file a suit
3 affecting the parent-child relationship.

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

5 SECTION 1. Section 102.003(a), Family Code, is amended to
6 read as follows:

7 (a) An original suit may be filed at any time by:

8 (1) a parent of the child;

9 (2) the child through a representative authorized by
10 the court;

11 (3) a custodian or person having the right of
12 visitation with or access to the child appointed by an order of a
13 court of another state or country;

14 (4) a guardian of the person or of the estate of the
15 child;

16 (5) a governmental entity;

17 (6) an authorized agency;

18 (7) a licensed child placing agency;

19 (8) a man alleging himself to be the father of a child
20 filing in accordance with Chapter 160, subject to the limitations
21 of that chapter, but not otherwise;

22 (9) a person, other than a foster parent, who has had
23 actual care, control, and possession of the child for at least six
24 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 person with whom the child and the child's
7 guardian, managing conservator, or parent have resided for at least
8 six months ending not more than 90 days preceding the date of the
9 filing of the petition if the child's guardian, managing
10 conservator, or parent is deceased at the time of the filing of the
11 petition;

12 (12) a person who is the foster parent of a child
13 placed by the Department of Family and Protective [~~and Regulatory~~]
14 Services in the person's home for at least:

15 (A) 12 months ending not more than 90 days
16 preceding the date of the filing of the petition; or

17 (B) six months ending not more than 90 days
18 preceding the date of the filing of the petition if the department
19 has removed the child from the child's home more than once;

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

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

1 born.

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

7 SECTION 3. This Act takes effect September 1, 2011.