

By: Hernandez Luna

H.B. No. 1466

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 Sec. 46.005. EXPIRATION. This subtitle expires August 31,  
19 2017.

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

22 Sec. 51.0413. EXTENDED JURISDICTION. (a) The court  
23 retains jurisdiction over a person with respect to issues relating  
24 to the person's special immigrant status if an application seeking  
25 special immigrant status as defined by 8 U.S.C. Section  
26 1101(a)(27)(J) has been filed with the appropriate federal  
27 authority on behalf of the person.

1        (b) The court retains jurisdiction under this section until  
2 the earliest of:

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

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

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

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

13        (c) This section expires August 31, 2017.

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

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

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

24            (2) the date the child is granted lawful permanent  
25 resident status;

26            (3) the date an appeal of the denial of an application  
27 for permanent residency based on a petition for special immigrant

1 status is denied; or

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

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

8 (c) This section expires August 31, 2017.

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

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

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

19 (2) the date the child is granted lawful permanent  
20 resident status;

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

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

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

3       (c) This section expires August 31, 2017.

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

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

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

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

16               (1) the date the petition in a declaratory action  
17 under Chapter 46, Family Code, or a motion requesting a court order  
18 described by Subsection (b) is filed and the date the court order is  
19 signed;

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

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

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

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

27       (d) The office may not collect any personally identifiable

1 information relating to the young adult, including the young  
2 adult's name, the young adult's address, or the case number of the  
3 declaratory action.

4 (e) The attorney representing a young adult in a case  
5 described by Subsection (b) shall complete the form and file the  
6 form with the clerk of the court. On receipt of a completed form,  
7 the clerk shall stamp the form with the date the form was received  
8 and send the form to the office.

9 (f) This section expires August 31, 2017.

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

18 SECTION 7. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2011.