

By: Thompson of Harris

H.B. No. 390

A BILL TO BE ENTITLED

1 AN ACT
2 relating to standing for a grandparent or certain other persons to
3 file a suit affecting the parent-child relationship.

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

5 SECTION 1. Sections 102.004(a) and (b), Family Code, are
6 amended to read as follows:

7 (a) In addition to the general standing to file suit
8 provided by Section 102.003, a grandparent, or another relative of
9 the child related within the third degree by consanguinity, may
10 file an original suit requesting managing conservatorship if there
11 is satisfactory proof to the court that:

12 (1) the order requested is necessary because the
13 child's present circumstances would significantly impair the
14 child's physical health or emotional development; or

15 (2) both parents, the surviving parent, or a [~~the~~]
16 managing conservator or custodian either filed the petition or
17 consented to the suit.

18 (b) An original suit requesting possessory conservatorship
19 may not be filed by a grandparent or other person. However, the
20 court may grant a grandparent or other person deemed by the court to
21 have had substantial past contact with the child leave to intervene
22 in a pending suit filed by a person authorized to do so under this
23 subchapter if, after notice and hearing, there is satisfactory
24 proof to the court that appointment of a parent as a sole managing

1 conservator or both parents as joint managing conservators would
2 significantly impair the child's physical health or emotional
3 development.

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

9 SECTION 3. This Act takes effect September 1, 2013.