

By: Hilderbran

H.B. No. 750

A BILL TO BE ENTITLED

AN ACT

relating to the application of foreign laws and foreign forum selection in a proceeding involving marriage, a suit for dissolution of a marriage, or a suit affecting the parent-child relationship in this state.

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

SECTION 1. Subtitle A, Title 1, Family Code, is amended by adding Chapter 1A to read as follows:

CHAPTER 1A. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN FORUM

Sec. 1A.001. DEFINITION. In this chapter, "foreign law" means a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States.

Sec. 1A.002. DECISION BASED ON FOREIGN LAW. A ruling or decision of a court, arbitrator, or administrative adjudicator under this title may not be based on a foreign law if the application of that law would violate a right guaranteed by the United States Constitution or the constitution or a statute of this state.

Sec. 1A.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.
(a) A contract provision involving the marriage relationship providing that a foreign law is to govern a dispute arising under the contract is void to the extent that the application of the foreign law to the dispute would violate a right guaranteed by the

1 United States Constitution or the constitution of this state.

2 (b) A contract provision involving the marriage
3 relationship providing that the forum to resolve a dispute arising
4 under the contract is located outside the states and territories of
5 the United States is void if the foreign law that would be applied
6 to the dispute in that forum would, as applied, violate a right
7 guaranteed by the United States Constitution or the constitution of
8 this state.

9 Sec. 1A.004. APPLICATION OF CHAPTER. This chapter does not
10 apply to a corporation or other legal entity that contracts to
11 subject the entity to foreign law in a jurisdiction other than this
12 state or the United States.

13 SECTION 2. Subtitle A, Title 5, Family Code, is amended by
14 adding Chapter 112 to read as follows:

15 CHAPTER 112. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN
16 FORUM

17 Sec. 112.001. DEFINITION. In this chapter, "foreign law"
18 means a law, rule, or legal code of a jurisdiction outside of the
19 states and territories of the United States.

20 Sec. 112.002. DECISION BASED ON FOREIGN LAW. A ruling or
21 decision of a court, arbitrator, or administrative adjudicator in a
22 suit affecting the parent-child relationship may not be based on a
23 foreign law if the application of that law would violate a right
24 guaranteed by the United States Constitution or the constitution or
25 a statute of this state.

26 Sec. 112.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.

27 (a) A contract provision involving the parent-child relationship

1 providing that a foreign law is to govern a dispute arising under
2 the contract is void to the extent that the application of the
3 foreign law to the dispute would violate a right guaranteed by the
4 United States Constitution or the constitution of this state.

5 (b) A contract provision involving the parent-child
6 relationship providing that the forum to resolve a dispute arising
7 under the contract is located outside the states and territories of
8 the United States is void if the foreign law that would be applied
9 to the dispute in that forum would, as applied, violate a right
10 guaranteed by the United States Constitution or the constitution of
11 this state.

12 Sec. 112.004. APPLICATION OF CHAPTER. This chapter does
13 not apply to a corporation or other legal entity that contracts to
14 subject the entity to foreign law in a jurisdiction other than this
15 state or the United States.

16 SECTION 3. (a) Chapters 1A and 112, Family Code, as added
17 by this Act, apply only to a ruling or decision that becomes final
18 on or after the effective date of this Act. A ruling or decision
19 that becomes final before the effective date of this Act and any
20 appeal of that ruling or decision are governed by the law in effect
21 immediately before the effective date of this Act, and that law is
22 continued in effect for that purpose.

23 (b) Chapters 1A and 112, Family Code, as added by this Act,
24 apply only to a contract entered into on or after the effective date
25 of this Act. A contract entered into before the effective date of
26 this Act is governed by the law in effect immediately before that
27 date, and that law is continued in effect for that purpose.

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1 SECTION 4. This Act takes effect September 1, 2013.