

BILL ANALYSIS

Senate Research Center
84R3445 KSD-F

S.B. 531
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State Affairs
4/30/2015
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Foreign laws are used frequently in court proceedings in the United States. This bill would amend the Family Code regarding marriages and parent-child relationships to ensure that when foreign laws are applied in these types of civil suits, the constitutional rights of those involved are not infringed upon.

The intent of S.B. 531 is to protect the constitutional rights of those who are part of proceedings involving marriage, dissolution of marriage, or a suit affecting the parent-child relationship.

As proposed, S.B. 531 amends current law 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 1, Family Code, by adding Chapter 1A, as follows:

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

Sec. 1A.001. DEFINITION. Defines "foreign law" in this chapter.

Sec. 1A.002. DECISION BASED ON FOREIGN LAW. Prohibits a ruling or decision of a court, arbitrator, or administrative adjudicator under this title from being based on a foreign law if the application of that law would violate a fundamental 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) Provides that 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 fundamental right guaranteed by the United States Constitution or the constitution of this state.

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

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

SECTION 2. Amends Subtitle A, Title 5, Family Code, by adding Chapter 112, as follows:

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

Sec. 112.001. DEFINITION. Defines "foreign law" in this chapter.

Sec. 112.002. DECISION BASED ON FOREIGN LAW. Prohibits a ruling or decision of a court, arbitrator, or administrative adjudicator in a suit affecting the parent-child relationship from being based on a foreign law if the application of that law would violate a fundamental right guaranteed by the United States Constitution or the constitution or a statute of this state.

Sec. 112.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT. (a) Provides that a contract provision involving the parent-child 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 fundamental right guaranteed by the United States Constitution or the constitution of this state.

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

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

SECTION 3. (a) Provides that Chapters 1A and 112, Family Code, as added by this Act, apply only to a ruling or decision that becomes final on or after the effective date of this Act. Makes application of this Act prospective.

(b) Provides that Chapters 1A and 112, Family Code, as added by this Act, apply only to a contract entered into on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2015.