

By: Leach

H.B. No. 562

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 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) 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

1 guaranteed by the United States Constitution or the constitution of
2 this state.

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

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

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

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

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

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

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

1 (a) A contract provision involving the parent-child relationship
2 providing that a foreign law is to govern a dispute arising under
3 the contract is void to the extent that the application of the
4 foreign law to the dispute would violate a fundamental right
5 guaranteed by the United States Constitution or the constitution of
6 this state.

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

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

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

25 (b) Chapters 1A and 112, Family Code, as added by this Act,
26 apply only to a contract entered into on or after the effective date
27 of this Act. A contract entered into before the effective date of

1 this Act is governed by the law in effect immediately before that
2 date, and that law is continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2015.