

By: Deshotel

H.B. No. 1704

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to disclosure of pregnancy or the existence of a  
3 gestational agreement in a suit for the dissolution of a marriage  
4 and standing of an intended parent under a gestational agreement to  
5 file a suit affecting the parent-child relationship.

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

7 SECTION 1. Section 6.406(a), Family Code, is amended to  
8 read as follows:

9 (a) The petition in a suit for dissolution of a marriage  
10 shall state whether:

11 (1) there are children born or adopted of the marriage  
12 who are under 18 years of age or who are otherwise entitled to  
13 support as provided by Chapter 154;

14 (2) a party to the marriage is pregnant; or

15 (3) the parties to the marriage have entered into a  
16 gestational agreement establishing a parent-child relationship  
17 between the parties and the child to be born under the agreement.

18 SECTION 2. Section 102.003, Family Code, as amended by S.B.  
19 219, Acts of the 84th Legislature, Regular Session, 2015, is  
20 amended by amending Subsection (a) and adding Subsection (d) to  
21 read as follows:

22 (a) An original suit may be filed at any time by:

23 (1) a parent of the child;

24 (2) the child through a representative authorized by

1 the court;

2 (3) a custodian or person having the right of  
3 visitation with or access to the child appointed by an order of a  
4 court of another state or country;

5 (4) a guardian of the person or of the estate of the  
6 child;

7 (5) a governmental entity;

8 (6) the Department of Family and Protective Services;

9 (7) a licensed child placing agency;

10 (8) a man alleging himself to be the father of a child  
11 filing in accordance with Chapter 160, subject to the limitations  
12 of that chapter, but not otherwise;

13 (9) a person, other than a foster parent, who has had  
14 actual care, control, and possession of the child for at least six  
15 months ending not more than 90 days preceding the date of the filing  
16 of the petition;

17 (10) a person designated as the managing conservator  
18 in a revoked or unrevoked affidavit of relinquishment under Chapter  
19 161 or to whom consent to adoption has been given in writing under  
20 Chapter 162;

21 (11) a person with whom the child and the child's  
22 guardian, managing conservator, or parent have resided for at least  
23 six months ending not more than 90 days preceding the date of the  
24 filing of the petition if the child's guardian, managing  
25 conservator, or parent is deceased at the time of the filing of the  
26 petition;

27 (12) a person who is the foster parent of a child

1 placed by the Department of Family and Protective Services in the  
2 person's home for at least 12 months ending not more than 90 days  
3 preceding the date of the filing of the petition;

4 (13) a person who is a relative of the child within the  
5 third degree by consanguinity, as determined by Chapter 573,  
6 Government Code, if the child's parents are deceased at the time of  
7 the filing of the petition; ~~[or]~~

8 (14) a person who has been named as a prospective  
9 adoptive parent of a child by a pregnant woman or the parent of the  
10 child, in a verified written statement to confer standing executed  
11 under Section 102.0035, regardless of whether the child has been  
12 born; or

13 (15) subject to Subsection (d), a person who is an  
14 intended parent of a child under a gestational agreement that  
15 substantially complies with the requirements of Section 160.754,  
16 regardless of whether the child has been born.

17 (d) A person described by Subsection (a)(15) has standing to  
18 file an original suit only if:

19 (1) the person is filing an original suit jointly with  
20 the other intended parent under the gestational agreement; or

21 (2) the person is filing an original suit against the  
22 other intended parent under the gestational agreement.

23 SECTION 3. Section 6.406(a), Family Code, as amended by  
24 this Act, applies only to a petition for dissolution of a marriage  
25 that is filed on or after the effective date of this Act. A petition  
26 for dissolution of a marriage that is filed before the effective  
27 date of this Act is governed by the law in effect on the date the

H.B. No. 1704

1 petition is filed, and the former law is continued in effect for  
2 that purpose.

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