

By: West

S.B. No. 314

A BILL TO BE ENTITLED

AN ACT

relating to appointment of a nonparent as managing conservator of a child.

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

SECTION 1. Subchapter G, Chapter 153, Family Code, is amended by adding Sections 153.3722 and 153.3723 to read as follows:

Sec. 153.3722. REQUIREMENTS FOR APPOINTMENT OF NONPARENT AS MANAGING CONSERVATOR. (a) In a suit in which the court appoints a nonparent as managing conservator of a child:

(1) the court must provide the nonparent with an explanation of the differences between appointment as a managing conservator of a child and adoption of a child, including specific statements informing the nonparent that:

(A) the nonparent's appointment conveys only the rights specified by the court or applicable laws instead of the complete rights of a parent conveyed by adoption;

(B) a parent may be entitled to request visitation with the child or appointment of the parent as managing conservator, notwithstanding the nonparent's appointment; and

(C) the nonparent's appointment will not result in the eligibility of the nonparent and child for postadoption benefits; and

(2) the court order appointing the nonparent as

1 managing conservator must include provisions that address the
2 authority of the nonparent to:

3 (A) authorize medical, dental, psychological, or
4 surgical treatment and immunization of the child or any other
5 treatment that requires parental consent;

6 (B) obtain and maintain health insurance
7 coverage for the child and automobile insurance coverage for the
8 child, if appropriate;

9 (C) enroll the child in a day-care program or
10 preschool;

11 (D) authorize the child to participate in
12 school-related or extracurricular or social activities, including
13 athletic activities;

14 (E) authorize the child to obtain a learner's
15 permit, driver's license, or state-issued identification card;

16 (F) authorize employment of the child;

17 (G) apply for and receive public benefits for or
18 on behalf of the child; and

19 (H) obtain legal services for the child and
20 execute contracts or other legal documents for the child.

21 (b) If a nonparent does not appear in person before the
22 court, the court, before entering an order appointing the nonparent
23 as managing conservator of a child, shall require evidence that the
24 nonparent was informed of the rights and duties of a nonparent
25 appointed as managing conservator of a child.

26 Sec. 153.3723. ELIGIBILITY OF NONPARENT MANAGING
27 CONSERVATOR FOR POSTADOPTION BENEFITS. The appointment of a

1 nonparent as managing conservator for a child may not be used as the
2 basis for denying postadoption benefits if the nonparent
3 subsequently adopts the child and meets the applicable benefits
4 eligibility criteria.

5 SECTION 2. Section 153.3722, Family Code, as added by this
6 Act, applies to a suit affecting the parent-child relationship that
7 is pending in a trial court on or filed on or after the effective
8 date of this Act.

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