1-2   (In the Senate - Filed February 10, 2015; February 18, 2015,
1-3 read first time and referred to Committee on State Affairs;
1-4 May 18, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 2; May 18, 2015,
1-6 sent to printer.)

1-7   COMMITTEE VOTE

1-8	Yea	Nay	Absent	PNV
1-9 Huffman	X			
1-10 Ellis		X		
1-11 Birdwell	X			
1-12 Creighton	X			
1-13 Estes			X	
1-14 Fraser	X			
1-15 Nelson	X			
1-16 Schwertner	X			
1-17 Zaffirini		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 531   By: Creighton

1-19   A BILL TO BE ENTITLED
1-20   AN ACT

1-21 relating to the application of foreign laws and foreign forum
1-22 selection in a proceeding involving marriage, a suit for
1-23 dissolution of a marriage, or a suit affecting the parent-child
1-24 relationship in this state.
1-25   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-26   SECTION 1. Subtitle A, Title 1, Family Code, is amended by
1-27 adding Chapter 1A to read as follows:
1-28   CHAPTER 1A. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN
1-29   FORUM
1-30   Sec. 1A.001. DEFINITIONS; PUBLIC POLICY. (a) In this
1-31 chapter:
1-32   (1) "Foreign court" means any court, tribunal,
1-33 administrative adjudicator, or arbitrator outside of the states and
1-34 territories of the United States.
1-35   (2) "Foreign judgment" means a judgment issued by a
1-36 foreign court.
1-37   (3) "Foreign law" means a law, rule, or legal code of a
1-38 jurisdiction outside of the states and territories of the United
1-39 States.
1-40   (b) For purposes of this chapter, the application of a law
1-41 is contrary to the public policy of this state if application of the
1-42 law would:
1-43   (1) violate a fundamental right guaranteed by the
1-44 United States Constitution;
1-45   (2) violate a fundamental right guaranteed by the
1-46 constitution of this state;
1-47   (3) violate good morals or natural justice; or
1-48   (4) be prejudicial to the general interests of the
1-49 citizens of this state.
1-50   Sec. 1A.002. PROHIBITION AGAINST ENFORCEMENT OF CERTAIN
1-51 FOREIGN JUDGMENTS. A court of this state may not enforce a foreign
1-52 judgment involving the marriage relationship if the court finds
1-53 that the foreign court's application of foreign law to the dispute
1-54 was contrary to the public policy of this state.
1-55   Sec. 1A.003. PROHIBITION AGAINST ENFORCEMENT OF CERTAIN
1-56 ARBITRATION DECISIONS. A court of this state may not enforce an
1-57 arbitration decision involving the marriage relationship if the
1-58 court finds that the arbitrator's application of foreign law to the
1-59 dispute was contrary to the public policy of this state.
1-60   Sec. 1A.004. CONFLICTS OF LAW. A court of this state may

2-1   not apply foreign law to a dispute involving the marriage
2-2   relationship if the court finds that application of the foreign law
2-3   to the dispute would be contrary to the public policy of this state.
2-4   Sec. 1A.005. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.
2-5   (a) A contract provision involving the marriage relationship
2-6   providing that a foreign law is to govern a dispute arising under
2-7   the contract is void to the extent that the application of the
2-8   foreign law to the dispute would be contrary to the public policy of
2-9   this state.
2-10   (b) A contract provision involving the marriage
2-11   relationship providing that the forum to resolve a dispute arising
2-12   under the contract is located outside the states and territories of
2-13   the United States is void if the foreign law that would be applied
2-14   to the dispute in that forum would, as applied, be contrary to the
2-15   public policy of this state.
2-16   Sec. 1A.006. FORUM NON CONVENIENS. A court of this state
2-17   that has jurisdiction to adjudicate a suit affecting the marriage
2-18   relationship may not decline jurisdiction because a foreign court
2-19   is a more convenient forum if the foreign court would apply foreign
2-20   law to the dispute that, as applied, would be contrary to the public
2-21   policy of this state.
2-22   Sec. 1A.007. APPLICATION OF CHAPTER. This chapter does not
2-23   apply to a corporation or other legal entity that contracts to
2-24   subject the entity to foreign law.
2-25   SECTION 2. Subtitle A, Title 5, Family Code, is amended by
2-26   adding Chapter 112 to read as follows:
2-27   CHAPTER 112. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN
2-28   FORUM
2-29   Sec. 112.001. DEFINITIONS; PUBLIC POLICY. (a) In this
2-30   chapter:
2-31   (1) "Foreign court" means any court, tribunal,
2-32   administrative adjudicator, or arbitrator outside of the states and
2-33   territories of the United States.
2-34   (2) "Foreign judgment" means a judgment issued by a
2-35   foreign court.
2-36   (3) "Foreign law" means a law, rule, or legal code of a
2-37   jurisdiction outside of the states and territories of the United
2-38   States.
2-39   (b) For purposes of this chapter, the application of a law
2-40   is contrary to the public policy of this state if application of the
2-41   law would:
2-42   (1) violate a fundamental right guaranteed by the
2-43   United States Constitution;
2-44   (2) violate a fundamental right guaranteed by the
2-45   constitution of this state;
2-46   (3) violate good morals or natural justice; or
2-47   (4) be prejudicial to the general interests of the
2-48   citizens of this state.
2-49   Sec. 112.002. PROHIBITION AGAINST ENFORCEMENT OF CERTAIN
2-50   FOREIGN JUDGMENTS. A court of this state may not enforce a foreign
2-51   judgment involving the parent-child relationship if the court finds
2-52   that the foreign court's application of foreign law to the dispute
2-53   was contrary to the public policy of this state.
2-54   Sec. 112.003. PROHIBITION AGAINST ENFORCEMENT OF CERTAIN
2-55   ARBITRATION DECISIONS. A court of this state may not enforce an
2-56   arbitration decision involving the parent-child relationship if
2-57   the court finds that the arbitrator's application of foreign law to
2-58   the dispute was contrary to the public policy of this state.
2-59   Sec. 112.004. CONFLICTS OF LAW. A court of this state may
2-60   not apply foreign law to a dispute involving the parent-child
2-61   relationship if the court finds that application of the foreign law
2-62   to the dispute would be contrary to the public policy of this state.
2-63   Sec. 112.005. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.
2-64   (a) A contract provision involving the parent-child relationship
2-65   providing that a foreign law is to govern a dispute arising under
2-66   the contract is void to the extent that the application of the
2-67   foreign law to the dispute would be contrary to the public policy
2-68   this state.
2-69   (b) A contract provision involving the parent-child

3-1   relationship providing that the forum to resolve a dispute arising
3-2   under the contract is located outside the states and territories of
3-3   the United States is void if the foreign law that would be applied
3-4   to the dispute in that forum would, as applied, be contrary to the
3-5   public policy of this state.
3-6   Sec. 112.006. FORUM NON CONVENIENS. A court of this state
3-7   that has jurisdiction to adjudicate a suit affecting the
3-8   parent-child relationship may not decline jurisdiction because a
3-9   foreign court is a more convenient forum if the foreign court would
3-10 apply foreign law to the dispute that, as applied, would be contrary
3-11 to the public policy of this state.
3-12   Sec. 112.007. APPLICATION OF CHAPTER.   This chapter does
3-13 not apply to a corporation or other legal entity that contracts to
3-14 subject the entity to foreign law.
3-15   SECTION 3.   Sections 1A.005 and 112.005, Family Code, as
3-16 added by this Act, apply only to a contract entered into on or after
3-17 the effective date of this Act. A contract entered into before the
3-18 effective date of this Act is governed by the law in effect
3-19 immediately before that date, and that law is continued in effect
3-20 for that purpose.
3-21   SECTION 4.   This Act takes effect September 1, 2015.

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