

By: Fallon

H.B. No. 498

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. DEFINITIONS; PUBLIC POLICY. (a) In this chapter:

(1) "Foreign court" means any court, tribunal, administrative adjudicator, or arbitrator outside of the states and territories of the United States.

(2) "Foreign judgment" means a judgment issued by a foreign court.

(3) "Foreign law" means a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States.

(b) For purposes of this chapter, the application of a law is contrary to the public policy of this state if application of the law would:

(1) violate a fundamental right guaranteed by the

1 United States Constitution;

2 (2) violate a fundamental right guaranteed by the  
3 constitution of this state;

4 (3) violate good morals or natural justice; or

5 (4) be prejudicial to the general interests of the  
6 citizens of this state.

7 Sec. 1A.002. PROHIBITION AGAINST ENFORCEMENT OF CERTAIN  
8 FOREIGN JUDGMENTS. A court of this state may not enforce a foreign  
9 judgment involving the marriage relationship if the court finds  
10 that the foreign court's application of foreign law to the dispute  
11 was contrary to the public policy of this state.

12 Sec. 1A.003. PROHIBITION AGAINST ENFORCEMENT OF CERTAIN  
13 ARBITRATION DECISIONS. A court of this state may not enforce an  
14 arbitration decision involving the marriage relationship if the  
15 court finds that the arbitrator's application of foreign law to the  
16 dispute was contrary to the public policy of this state.

17 Sec. 1A.004. CONFLICTS OF LAW. A court of this state may  
18 not apply foreign law to a dispute involving the marriage  
19 relationship if the court finds that application of the foreign law  
20 to the dispute would be contrary to the public policy of this state.

21 Sec. 1A.005. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.  
22 (a) A contract provision involving the marriage relationship  
23 providing that a foreign law is to govern a dispute arising under  
24 the contract is void to the extent that the application of the  
25 foreign law to the dispute would be contrary to the public policy of  
26 this state.

27 (b) A contract provision involving the marriage

1 relationship providing that the forum to resolve a dispute arising  
2 under the contract is located outside the states and territories of  
3 the United States is void if the foreign law that would be applied  
4 to the dispute in that forum would, as applied, be contrary to the  
5 public policy of this state.

6 Sec. 1A.006. FORUM NON CONVENIENS. A court of this state  
7 that has jurisdiction to adjudicate a suit affecting the marriage  
8 relationship may not decline jurisdiction because a foreign court  
9 is a more convenient forum if the foreign court would apply foreign  
10 law to the dispute that, as applied, would be contrary to the public  
11 policy of this state.

12 Sec. 1A.007. APPLICATION OF CHAPTER. This chapter does not  
13 apply to a corporation or other legal entity that contracts to  
14 subject the entity to foreign law.

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

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

19 Sec. 112.001. DEFINITIONS; PUBLIC POLICY. (a) In this  
20 chapter:

21 (1) "Foreign court" means any court, tribunal,  
22 administrative adjudicator, or arbitrator outside of the states and  
23 territories of the United States.

24 (2) "Foreign judgment" means a judgment issued by a  
25 foreign court.

26 (3) "Foreign law" means a law, rule, or legal code of a  
27 jurisdiction outside of the states and territories of the United

1 States.

2 (b) For purposes of this chapter, the application of a law  
3 is contrary to the public policy of this state if application of the  
4 law would:

5 (1) violate a fundamental right guaranteed by the  
6 United States Constitution;

7 (2) violate a fundamental right guaranteed by the  
8 constitution of this state;

9 (3) violate good morals or natural justice; or

10 (4) be prejudicial to the general interests of the  
11 citizens of this state.

12 Sec. 112.002. PROHIBITION AGAINST ENFORCEMENT OF CERTAIN  
13 FOREIGN JUDGMENTS. A court of this state may not enforce a foreign  
14 judgment involving the parent-child relationship if the court finds  
15 that the foreign court's application of foreign law to the dispute  
16 was contrary to the public policy of this state.

17 Sec. 112.003. PROHIBITION AGAINST ENFORCEMENT OF CERTAIN  
18 ARBITRATION DECISIONS. A court of this state may not enforce an  
19 arbitration decision involving the parent-child relationship if  
20 the court finds that the arbitrator's application of foreign law to  
21 the dispute was contrary to the public policy of this state.

22 Sec. 112.004. CONFLICTS OF LAW. A court of this state may  
23 not apply foreign law to a dispute involving the parent-child  
24 relationship if the court finds that application of the foreign law  
25 to the dispute would be contrary to the public policy of this state.

26 Sec. 112.005. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.

27 (a) A contract provision involving the parent-child relationship

1 providing that a foreign law is to govern a dispute arising under  
2 the contract is void to the extent that the application of the  
3 foreign law to the dispute would be contrary to the public policy of  
4 this state.

5 (b) A contract provision involving the parent-child  
6 relationship providing that the forum to resolve a dispute arising  
7 under the contract is located outside the states and territories of  
8 the United States is void if the foreign law that would be applied  
9 to the dispute in that forum would, as applied, be contrary to the  
10 public policy of this state.

11 Sec. 112.006. FORUM NON CONVENIENS. A court of this state  
12 that has jurisdiction to adjudicate a suit affecting the  
13 parent-child relationship may not decline jurisdiction because a  
14 foreign court is a more convenient forum if the foreign court would  
15 apply foreign law to the dispute that, as applied, would be contrary  
16 to the public policy of this state.

17 Sec. 112.007. APPLICATION OF CHAPTER. This chapter does  
18 not apply to a corporation or other legal entity that contracts to  
19 subject the entity to foreign law.

20 SECTION 3. Sections 1A.005 and 112.005, Family Code, as  
21 added by this Act, apply only to a contract entered into on or after  
22 the effective date of this Act. A contract entered into before the  
23 effective date of this Act is governed by the law in effect  
24 immediately before that date, and that law is continued in effect  
25 for that purpose.

26 SECTION 4. This Act takes effect September 1, 2017.