

By: Deshotel, Thierry

H.B. No. 1216

Substitute the following for H.B. No. 1216:

By: Dutton

C.S.H.B. No. 1216

A BILL TO BE ENTITLED

AN ACT

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

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

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

9 (a-1) If the parties to a suit for dissolution of a marriage
10 are the intended parents under a gestational agreement that is in
11 effect and that establishes a parent-child relationship between the
12 parties as intended parents and an unborn child on the birth of the
13 child, the petition in the suit for dissolution of a marriage shall
14 state:

15 (1) that the parties to the marriage have entered into
16 a gestational agreement establishing a parent-child relationship
17 between the parties as intended parents and an unborn child on the
18 birth of the child;

19 (2) whether the gestational mother under the agreement
20 is pregnant or a child who is the subject of the agreement has been
21 born; and

22 (3) whether the agreement has been validated under
23 Section 160.756.

24 SECTION 2. Section 102.003, Family Code, is amended by

1 amending Subsection (a) and adding Subsection (d) to read as
2 follows:

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

4 (1) a parent of the child;

5 (2) the child through a representative authorized by
6 the court;

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

10 (4) a guardian of the person or of the estate of the
11 child;

12 (5) a governmental entity;

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

14 (7) a licensed child placing agency;

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

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

22 (10) a person designated as the managing conservator
23 in a revoked or unrevoked affidavit of relinquishment under Chapter
24 161 or to whom consent to adoption has been given in writing under
25 Chapter 162;

26 (11) a person with whom the child and the child's
27 guardian, managing conservator, or parent have resided for at least

1 six months ending not more than 90 days preceding the date of the
2 filing of the petition if the child's guardian, managing
3 conservator, or parent is deceased at the time of the filing of the
4 petition;

5 (12) a person who is the foster parent of a child
6 placed by the Department of Family and Protective Services in the
7 person's home for at least 12 months ending not more than 90 days
8 preceding the date of the filing of the petition;

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

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

18 (15) subject to Subsection (d), a person who is an
19 intended parent of a child or unborn child under a gestational
20 agreement that substantially complies with the requirements of
21 Section 160.754.

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

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

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

1 SECTION 3. Section 6.406, Family Code, as amended by this
2 Act, applies only to a petition for dissolution of a marriage that
3 is filed on or after the effective date of this Act. A petition for
4 dissolution of a marriage that is filed before the effective date of
5 this Act is governed by the law in effect on the date the petition is
6 filed, and the former law is continued in effect for that purpose.

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