

By: Deshotel

H.B. No. 1216

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, is amended by
19 amending Subsection (a) and adding Subsection (d) to read as
20 follows:

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

22 (1) a parent of the child;

23 (2) the child through a representative authorized by
24 the court;

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

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

6 (5) a governmental entity;

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

8 (7) a licensed child placing agency;

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

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

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

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

26 (12) a person who is the foster parent of a child
27 placed by the Department of Family and Protective Services in the

1 person's home for at least 12 months ending not more than 90 days
2 preceding the date of the filing of the petition;

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

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

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

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

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

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

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

1 that purpose.

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