

By: White

H.B. No. 1361

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the dismissal of certain suits affecting the
3 parent-child relationship in which the court has rendered a
4 temporary order.

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

6 SECTION 1. Chapter 105, Family Code, is amended by adding
7 Section 105.0012 to read as follows:

8 Sec. 105.0012. DISMISSAL AFTER ONE YEAR FOLLOWING CERTAIN
9 TEMPORARY ORDERS. (a) This section applies only to a suit affecting
10 the parent-child relationship:

11 (1) that was filed by a person who:

12 (A) is not a parent of the child; and

13 (B) requests termination of the parent-child
14 relationship or that the person be named as a conservator of the
15 child or granted possession of or access to the child; and

16 (2) in which the court has rendered a temporary order
17 under Section 105.001 appointing the person as a conservator of the
18 child or granting the person possession of or access to the child.

19 (b) In a suit to which this section applies, unless the
20 court has commenced the trial on the merits, on the first Monday
21 after the first anniversary of the date the court rendered the
22 temporary order described by Subsection (a)(2):

23 (1) the court's jurisdiction in the suit terminates;
24 and

1 (2) the suit is dismissed with prejudice and without a
2 court order.

3 (c) Notwithstanding Subsection (b), the court may retain
4 jurisdiction to award attorney's fees to a parent defending the
5 suit.

6 SECTION 2. The change in law made by this Act applies only
7 to a temporary order rendered on or after the effective date of this
8 Act. A temporary order rendered before the effective date of this
9 Act is governed by the law in effect on the date the order is
10 rendered, and the former law is continued in effect for that
11 purpose.

12 SECTION 3. This Act takes effect September 1, 2017.