

By: Ortega, Wu, Frank, Cain

H.B. No. 1410

A BILL TO BE ENTITLED

AN ACT

relating to the ability of foster parents to intervene in certain suits affecting the parent-child relationship.

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

SECTION 1. Section 102.004, Family Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) An original suit requesting possessory conservatorship may not be filed by a grandparent or other person. However, the court may grant a grandparent or other person, subject to the requirements of Subsection (b-1) if applicable, deemed by the court to have had substantial past contact with the child leave to intervene in a pending suit filed by a person authorized to do so under this chapter [~~subchapter~~] if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development.

(b-1) A foster parent may only be granted leave to intervene under Subsection (b) if the foster parent would have standing to file an original suit as provided by Section 102.003(a)(12).

SECTION 2. The changes in law made by this Act apply only to an original suit affecting the parent-child relationship filed on or after the effective date of this Act. An original suit affecting

1 the parent-child relationship filed before the effective date of
2 this Act is subject to the law in effect at the time the suit was
3 filed, and the former law is continued in effect for that purpose.

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