

By: Elkins

H.B. No. 4174

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the limitation on the right of a child's grandparent to  
3 request possession of or access to the child.

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

5 SECTION 1. Section 153.434, Family Code, is amended to read  
6 as follows:

7 Sec. 153.434. LIMITATION ON RIGHT TO REQUEST POSSESSION OR  
8 ACCESS. A biological or adoptive grandparent may not request  
9 possession of or access to a grandchild if:

10 (1) each of the biological parents of the grandchild  
11 has:

12 (A) died;

13 (B) had the person's parental rights terminated;

14 or

15 (C) executed an affidavit of waiver of interest  
16 in child or an affidavit of relinquishment of parental rights under  
17 Chapter 161 and the affidavit designates the Department of Family  
18 and Protective Services, a licensed child-placing agency, or a  
19 person other than the child's stepparent as the managing  
20 conservator of the child; and

21 (2) the grandchild has been adopted, or is the subject  
22 of a pending suit for adoption, by a person other than:

23 (A) the child's stepparent; or

24 (B) a relative of the grandparent related within

1 the third degree by consanguinity.

2           SECTION 2. The change in law made by this Act applies only  
3 to a suit affecting the parent-child relationship filed on or after  
4 the effective date of this Act. A suit filed before that date is  
5 governed by the law in effect on the date the suit was filed, and the  
6 former law is continued in effect for that purpose.

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