

By: Perry, Hall

S.B. No. 454

A BILL TO BE ENTITLED

AN ACT

relating to certain protective orders in a suit for dissolution of marriage or a suit affecting the parent-child relationship, including a proceeding to adjudicate parentage.

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

SECTION 1. Section 6.405, Family Code, is amended to read as follows:

Sec. 6.405. PROTECTIVE ORDER AND RELATED ORDERS. (a) The petition in a suit for dissolution of a marriage must state whether, in regard to a party to the suit or a child of a party to the suit:

(1) there is in effect:

(A) a protective order under Title 4;

(B) a protective order under Chapter 7A, Code of Criminal Procedure; or

(C) an order for emergency protection under Article 17.292, Code of Criminal Procedure; ~~is in effect~~ or

(2) ~~if~~ an application for an ~~a protective~~ order described by Subdivision (1) is pending ~~with regard to the parties to the suit~~.

(b) The petitioner shall attach to the petition a copy of each ~~protective~~ order described by Subsection (a)(1) ~~issued under Title 4~~ in which a party ~~one of the parties~~ to the suit or the child of a party to the suit was the applicant or victim of the conduct alleged in the application or order and the other party was

1 the respondent or defendant of an action regarding the conduct
2 alleged in the application or order without regard to the date of
3 the order. If a copy of the [~~protective~~] order is not available at
4 the time of filing, the petition must state that a copy of the order
5 will be filed with the court before any hearing.

6 SECTION 2. Section 102.008, Family Code, is amended by
7 amending Subsection (b) and adding Subsections (c) and (d) to read
8 as follows:

9 (b) The petition must include:

10 (1) a statement that the court in which the petition is
11 filed has continuing, exclusive jurisdiction or that no court has
12 continuing jurisdiction of the suit;

13 (2) the name and date of birth of the child, except
14 that if adoption of a child is requested, the name of the child may
15 be omitted;

16 (3) the full name of the petitioner and the
17 petitioner's relationship to the child or the fact that no
18 relationship exists;

19 (4) the names of the parents, except in a suit in which
20 adoption is requested;

21 (5) the name of the managing conservator, if any, or
22 the child's custodian, if any, appointed by order of a court of
23 another state or country;

24 (6) the names of the guardians of the person and estate
25 of the child, if any;

26 (7) the names of possessory conservators or other
27 persons, if any, having possession of or access to the child under

1 an order of the court;

2 (8) the name of an alleged father of the child or a
3 statement that the identity of the father of the child is unknown;

4 (9) a full description and statement of value of all
5 property owned or possessed by the child;

6 (10) a statement describing what action the court is
7 requested to take concerning the child and the statutory grounds on
8 which the request is made; ~~and~~

9 (11) a statement as to whether, in regard to a party to
10 the suit or a child of a party to the suit:

11 (A) there is in effect:

12 (i) a protective order under Title 4;

13 (ii) a protective order under Chapter 7A,
14 Code of Criminal Procedure; or

15 (iii) an order for emergency protection
16 under Article 17.292, Code of Criminal Procedure; or

17 (B) an application for an order described by
18 Paragraph (A) is pending; and

19 (12) any other information required by this title.

20 (c) The petitioner shall attach a copy of each order
21 described by Subsection (b)(11)(A) in which a party to the suit or a
22 child of a party to the suit was the applicant or victim of the
23 conduct alleged in the application or order and the other party was
24 the respondent or defendant of an action regarding the conduct
25 alleged in the application or order without regard to the date of
26 the order. If a copy of the order is not available at the time of
27 filing, the petition must state that a copy of the order will be

1 filed with the court before any hearing.

2 (d) Notwithstanding any other provision of this section, if
3 the Title IV-D agency files a petition in a suit affecting the
4 parent-child relationship, the agency is not required to:

5 (1) include in the petition the statement described by
6 Subsection (b)(11); or

7 (2) attach copies of the documentation described by
8 Subsection (c).

9 SECTION 3. Subchapter G, Chapter 160, Family Code, is
10 amended by adding Section 160.6035 to read as follows:

11 Sec. 160.6035. CONTENTS OF PETITION; STATEMENT RELATING TO
12 CERTAIN PROTECTIVE ORDERS REQUIRED. (a) The petition in a
13 proceeding to adjudicate parentage must include a statement as to
14 whether, in regard to a party to the proceeding or a child of a party
15 to the proceeding:

16 (1) there is in effect:

17 (A) a protective order under Title 4;

18 (B) a protective order under Chapter 7A, Code of
19 Criminal Procedure; or

20 (C) an order for emergency protection under
21 Article 17.292, Code of Criminal Procedure; or

22 (2) an application for an order described by
23 Subdivision (1) is pending.

24 (b) The petitioner shall attach a copy of each order
25 described by Subsection (a)(1) in which a party to the proceeding or
26 a child of a party to the proceeding was the applicant or victim of
27 the conduct alleged in the application or order and the other party

1 was the respondent or defendant of an action regarding the conduct
2 alleged in the application or order without regard to the date of
3 the order. If a copy of the order is not available at the time of
4 filing, the petition must state that a copy of the order will be
5 filed with the court before any hearing.

6 (c) Notwithstanding any other provision of this section, if
7 the Title IV-D agency files a petition in a proceeding to adjudicate
8 parentage, the agency is not required to:

9 (1) include in the petition the statement described by
10 Subsection (a); or

11 (2) attach copies of the documentation described by
12 Subsection (b).

13 SECTION 4. The change in law made by this Act applies only
14 to a petition filed on or after the effective date of this Act. A
15 petition filed before the effective date of this Act is governed by
16 the law in effect on the date the petition was filed, and the former
17 law is continued in effect for that purpose.

18 SECTION 5. This Act takes effect September 1, 2017.