

By: Perry

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 Subsection (c) to read as  
8 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 SECTION 3. Subchapter G, Chapter 160, Family Code, is  
3 amended by adding Section 160.6035 to read as follows:

4 Sec. 160.6035. CONTENTS OF PETITION; STATEMENT RELATING TO  
5 CERTAIN PROTECTIVE ORDERS REQUIRED. (a) The petition in a  
6 proceeding to adjudicate parentage must include a statement as to  
7 whether, in regard to a party to the proceeding or a child of a party  
8 to the proceeding:

9 (1) there is in effect:

10 (A) a protective order under Title 4;

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

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

15 (2) an application for an order described by  
16 Subdivision (1) is pending.

17 (b) The petitioner shall attach a copy of each order  
18 described by Subsection (a)(1) in which a party to the proceeding or  
19 a child of a party to the proceeding was the applicant or victim of  
20 the conduct alleged in the application or order and the other party  
21 was the respondent or defendant of an action regarding the conduct  
22 alleged in the application or order without regard to the date of  
23 the order. If a copy of the order is not available at the time of  
24 filing, the petition must state that a copy of the order will be  
25 filed with the court before any hearing.

26 SECTION 4. The change in law made by this Act applies only  
27 to a petition filed on or after the effective date of this Act. A

1 petition filed before the effective date of this Act is governed by  
2 the law in effect on the date the petition was filed, and the former  
3 law is continued in effect for that purpose.

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