1-1   By: Perry   S.B. No. 454
1-2   (In the Senate - Filed January 10, 2017; February 6, 2017,
1-3   read first time and referred to Committee on State Affairs;
1-4   March 6, 2017, reported adversely, with favorable Committee
1-5   Substitute by the following vote: Yeas 9, Nays 0; March 6, 2017,
1-6   sent to printer.)

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 454   By: Creighton

1-19   A BILL TO BE ENTITLED
1-20   AN ACT

1-21 relating to certain protective orders in a suit for dissolution of
1-22 marriage or a suit affecting the parent-child relationship,
1-23 including a proceeding to adjudicate parentage.
1-24   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-25   SECTION 1.   Section 6.405, Family Code, is amended to read as
1-26 follows:
1-27   Sec. 6.405.   PROTECTIVE ORDER AND RELATED ORDERS.   (a)   The
1-28 petition in a suit for dissolution of a marriage must state whether,
1-29 in regard to a party to the suit or a child of a party to the suit:
1-30   (1)   there is in effect:
1-31   (A)   a protective order under Title 4;
1-32   (B)   a protective order under Chapter 7A, Code of
1-33 Criminal Procedure; or
1-34   (C)   an order for emergency protection under
1-35 Article 17.292, Code of Criminal Procedure; [is in effect] or
1-36   (2)   [if] an application for an [a protective] order
1-37 described by Subdivision (1) is pending [with regard to the parties
1-38 to the suit].
1-39   (b)   The petitioner shall attach to the petition a copy of
1-40 each [protective] order described by Subsection (a)(1) [issued
1-41 under Title 4] in which a party [one of the parties] to the suit or
1-42 the child of a party to the suit was the applicant or victim of the
1-43 conduct alleged in the application or order and the other party was
1-44 the respondent or defendant of an action regarding the conduct
1-45 alleged in the application or order without regard to the date of
1-46 the order. If a copy of the [protective] order is not available at
1-47 the time of filing, the petition must state that a copy of the order
1-48 will be filed with the court before any hearing.
1-49   SECTION 2.   Section 102.008, Family Code, is amended by
1-50 amending Subsection (b) and adding Subsections (c) and (d) to read
1-51 as follows:
1-52   (b)   The petition must include:
1-53   (1)   a statement that the court in which the petition is
1-54 filed has continuing, exclusive jurisdiction or that no court has
1-55 continuing jurisdiction of the suit;
1-56   (2)   the name and date of birth of the child, except
1-57 that if adoption of a child is requested, the name of the child may
1-58 be omitted;
1-59   (3)   the full name of the petitioner and the
1-60 petitioner's relationship to the child or the fact that no

2-1 relationship exists;
2-2   (4) the names of the parents, except in a suit in which
2-3 adoption is requested;
2-4   (5) the name of the managing conservator, if any, or
2-5 the child's custodian, if any, appointed by order of a court of
2-6 another state or country;
2-7   (6) the names of the guardians of the person and estate
2-8 of the child, if any;
2-9   (7) the names of possessory conservators or other
2-10 persons, if any, having possession of or access to the child under
2-11 an order of the court;
2-12   (8) the name of an alleged father of the child or a
2-13 statement that the identity of the father of the child is unknown;
2-14   (9) a full description and statement of value of all
2-15 property owned or possessed by the child;
2-16   (10) a statement describing what action the court is
2-17 requested to take concerning the child and the statutory grounds on
2-18 which the request is made; [and]
2-19   (11) a statement as to whether, in regard to a party to
2-20 the suit or a child of a party to the suit:
2-21   (A) there is in effect:
2-22   (i) a protective order under Title 4;
2-23   (ii) a protective order under Chapter 7A,
2-24 Code of Criminal Procedure; or
2-25   (iii) an order for emergency protection
2-26 under Article 17.292, Code of Criminal Procedure; or
2-27   (B) an application for an order described by
2-28 Paragraph (A) is pending; and
2-29   (12) any other information required by this title.
2-30   (c) The petitioner shall attach a copy of each order
2-31 described by Subsection (b)(11)(A) in which a party to the suit or a
2-32 child of a party to the suit was the applicant or victim of the
2-33 conduct alleged in the application or order and the other party was
2-34 the respondent or defendant of an action regarding the conduct
2-35 alleged in the application or order without regard to the date of
2-36 the order. If a copy of the order is not available at the time of
2-37 filing, the petition must state that a copy of the order will be
2-38 filed with the court before any hearing.
2-39   (d) Notwithstanding any other provision of this section, if
2-40 the Title IV-D agency files a petition in a suit affecting the
2-41 parent-child relationship, the agency is not required to:
2-42   (1) include in the petition the statement described by
2-43 Subsection (b)(11); or
2-44   (2) attach copies of the documentation described by
2-45 Subsection (c).
2-46   SECTION 3. Subchapter G, Chapter 160, Family Code, is
2-47 amended by adding Section 160.6035 to read as follows:
2-48   Sec. 160.6035. CONTENTS OF PETITION; STATEMENT RELATING TO
2-49 CERTAIN PROTECTIVE ORDERS REQUIRED. (a) The petition in a
2-50 proceeding to adjudicate parentage must include a statement as to
2-51 whether, in regard to a party to the proceeding or a child of a party
2-52 to the proceeding:
2-53   (1) there is in effect:
2-54   (A) a protective order under Title 4;
2-55   (B) a protective order under Chapter 7A, Code of
2-56 Criminal Procedure; or
2-57   (C) an order for emergency protection under
2-58 Article 17.292, Code of Criminal Procedure; or
2-59   (2) an application for an order described by
2-60 Subdivision (1) is pending.
2-61   (b) The petitioner shall attach a copy of each order
2-62 described by Subsection (a)(1) in which a party to the proceeding or
2-63 a child of a party to the proceeding was the applicant or victim of
2-64 the conduct alleged in the application or order and the other party
2-65 was the respondent or defendant of an action regarding the conduct
2-66 alleged in the application or order without regard to the date of
2-67 the order. If a copy of the order is not available at the time of
2-68 filing, the petition must state that a copy of the order will be
2-69 filed with the court before any hearing.

3-1   (c)   Notwithstanding any other provision of this section, if
3-2 the Title IV-D agency files a petition in a proceeding to adjudicate
3-3 parentage, the agency is not required to:
3-4   (1)   include in the petition the statement described by
3-5 Subsection (a); or
3-6   (2)   attach copies of the documentation described by
3-7 Subsection (b).
3-8   SECTION 4.   The change in law made by this Act applies only
3-9 to a petition filed on or after the effective date of this Act. A
3-10 petition filed before the effective date of this Act is governed by
3-11 the law in effect on the date the petition was filed, and the former
3-12 law is continued in effect for that purpose.
3-13   SECTION 5.   This Act takes effect September 1, 2017.

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