

By: Kolkhorst  
(Schofield)

S.B. No. 738

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of certain suits affecting the parent-child relationship.

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

SECTION 1. Section 155.201, Family Code, is amended by adding Subsection (d) to read as follows:

(d) On receiving notice that a court exercising jurisdiction under Chapter 262 has ordered the transfer of a suit under Section 262.203(a)(2), the court of continuing, exclusive jurisdiction shall, pursuant to the requirements of Section 155.204(i), transfer the proceedings to the court in which the suit under Chapter 262 is pending, within the time required by Subsection 155.207(a).

SECTION 2. Section 155.204(i), Family Code, is amended to read as follows:

(i) If a transfer order has been signed by a court exercising jurisdiction under Chapter 262, the Department of Family and Protective Services shall ~~[a party may]~~ file the transfer order with the clerk of the court of continuing, exclusive jurisdiction. On receipt and without a hearing or further order from the court of continuing, exclusive jurisdiction, the clerk of the court of continuing, exclusive jurisdiction shall transfer the files as provided by this subchapter within the time required by Subsection 155.207(a).

1 SECTION 3. Section 262.203(a), Family Code, is amended to  
2 read as follows:

3 (a) On the motion of a party or the court's own motion, if  
4 applicable, the court that rendered the temporary order shall in  
5 accordance with procedures provided by Chapter 155:

6 (1) transfer the suit to the court of continuing,  
7 exclusive jurisdiction, if any, within the time required by  
8 Subsection 155.207(a), if the court finds that the transfer is:

9 (A) necessary for the convenience of the parties;

10 and

11 (B) in the best interest of the child;

12 (2) [~~if grounds exist for mandatory transfer from the~~  
13 ~~court of continuing, exclusive jurisdiction under Section~~  
14 ~~155.201,~~] order transfer of the suit from the [~~that~~] court of of  
15 continuing, exclusive jurisdiction; or

16 (3) if grounds exist for transfer based on improper  
17 venue, order transfer of the suit to the court having venue of the  
18 suit under Chapter 103.

19 SECTION 4. The changes in law made by this Act apply to a  
20 suit affecting the parent-child relationship filed on or after the  
21 effective date of this Act. A suit affecting the parent-child  
22 relationship filed before the effective date of this Act is  
23 governed by the law in effect on the date the suit was filed, and the  
24 former law is continued in effect for that purpose.

25 SECTION 5. This Act takes effect only if a specific  
26 appropriation for the implementation of the Act is provided in a  
27 general appropriations act of the 85th Legislature.

1 SECTION 6. This Act takes effect September 1, 2017.