

1-1 By: Kolkhorst S.B. No. 738
 1-2 (In the Senate - Filed February 3, 2017; February 21, 2017,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; April 24, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 April 24, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 738 By: Kolkhorst

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

1-21 relating to the transfer of certain suits affecting the
 1-22 parent-child relationship.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 155.201, Family Code, is amended by
 1-25 adding Subsection (d) to read as follows:

1-26 (d) On receiving notice that a court exercising
 1-27 jurisdiction under Chapter 262 has ordered the transfer of a suit
 1-28 under Section 262.203(a)(2), the court of continuing, exclusive
 1-29 jurisdiction shall, pursuant to the requirements of Section
 1-30 155.204(i), transfer the proceedings to the court in which the suit
 1-31 under Chapter 262 is pending.

1-32 SECTION 2. Section 155.204(i), Family Code, is amended to
 1-33 read as follows:

1-34 (i) If a transfer order has been signed by a court
 1-35 exercising jurisdiction under Chapter 262, the Department of Family
 1-36 and Protective Services shall ~~[a party may]~~ file the transfer order
 1-37 with the clerk of the court of continuing, exclusive jurisdiction.
 1-38 On receipt and without a hearing or further order from the court of
 1-39 continuing, exclusive jurisdiction, the clerk of the court of
 1-40 continuing, exclusive jurisdiction shall transfer the files as
 1-41 provided by this subchapter.

1-42 SECTION 3. Section 262.203(a), Family Code, is amended to
 1-43 read as follows:

1-44 (a) On the motion of a party or the court's own motion, if
 1-45 applicable, the court that rendered the temporary order shall in
 1-46 accordance with procedures provided by Chapter 155:

1-47 (1) transfer the suit to the court of continuing,
 1-48 exclusive jurisdiction, if any, if the court finds that the
 1-49 transfer is:

1-50 (A) necessary for the convenience of the parties;
 1-51 and

1-52 (B) in the best interest of the child;

1-53 (2) ~~[if grounds exist for mandatory transfer from the~~
 1-54 ~~court of continuing, exclusive jurisdiction under Section~~
 1-55 ~~155.201,] order transfer of the suit from the ~~[that]~~ court of~~
 1-56 ~~continuing, exclusive jurisdiction; or~~

1-57 (3) if grounds exist for transfer based on improper
 1-58 venue, order transfer of the suit to the court having venue of the
 1-59 suit under Chapter 103.

1-60 SECTION 4. The changes in law made by this Act apply to a

2-1 suit affecting the parent-child relationship filed on or after the
2-2 effective date of this Act. A suit affecting the parent-child
2-3 relationship filed before the effective date of this Act is
2-4 governed by the law in effect on the date the suit was filed, and the
2-5 former law is continued in effect for that purpose.

2-6 SECTION 5. This Act takes effect only if a specific
2-7 appropriation for the implementation of the Act is provided in a
2-8 general appropriations act of the 85th Legislature.

2-9 SECTION 6. This Act takes effect September 1, 2017.

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