

BILL ANALYSIS

Senate Research Center
86R22137 JSC-F

H.B. 1854
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that there is confusion regarding the court with continuing, exclusive jurisdiction of a suit affecting the parent-child relationship when an adoption suit is filed either in the county where the child resides or in the county where the petitioners reside. H.B. 1854 seeks to clarify that the court with original jurisdiction loses its right to render child custody and support orders once the final order of adoption is rendered by the subsequent court.

H.B. 1854 amends current law relating to loss of continuing, exclusive jurisdiction of a court in certain suits affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 155.004(a), Family Code, as follows:

(a) Provides that a court of this state loses its continuing, exclusive jurisdiction to modify its order if:

(1) an order of adoption is rendered by another court in an original suit filed as described by Section 103.001(b) (relating to authorizing a suit in which adoption is requested to be filed in certain counties under certain conditions), rather than if an order of adoption is rendered after the court acquires continuing, exclusive jurisdiction of the suit; or

(2) and (3) makes no changes to these subdivisions.

SECTION 2. (a) Makes application of this Act prospective.

(b) Provides that, notwithstanding Subsection (a) of this section, an order of adoption rendered in a suit filed as described by Section 103.001(b), Family Code, on or after September 1, 2015, but before the effective date of this Act by a court that had jurisdiction under that section to render the order of adoption regardless of whether another court had continuing, exclusive jurisdiction under Chapter 155 (Continuing, Exclusive Jurisdiction; Transfer), Family Code, is a final order and is not subject to an appeal on the basis that the court rendering the order of adoption did not have continuing, exclusive jurisdiction at the time the adoption order was rendered.

SECTION 3. Effective date: September 1, 2019.