By:  Dutton (Senate Sponsor - Hughes) H.B. No. 1854

(In the Senate - Received from the House April 23, 2019; April 24, 2019, read first time and referred to Committee on State Affairs; April 29, 2019, reported favorably by the following vote: Yeas 8, Nays 0; April 29, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Huffman         X

Hughes          X

Birdwell        X

Creighton                 X

Fallon          X

Hall            X

Lucio           X

Nelson          X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to loss of continuing, exclusive jurisdiction of a court in certain suits affecting the parent-child relationship.

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

SECTION 1.  Section 155.004(a), Family Code, is amended to read as follows:

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

(1)  an order of adoption is rendered by another [~~after the~~] court in an original suit filed as described by Section 103.001(b) [~~acquires continuing, exclusive jurisdiction of the suit~~];

(2)  the parents of the child have remarried each other after the dissolution of a previous marriage between them and file a suit for the dissolution of their subsequent marriage combined with a suit affecting the parent-child relationship as if there had not been a prior court with continuing, exclusive jurisdiction over the child; or

(3)  another court assumed jurisdiction over a suit and rendered a final order based on incorrect information received from the vital statistics unit that there was no court of continuing, exclusive jurisdiction.

SECTION 2.  (a) The change in law made by this Act applies only to an order of adoption rendered on or after the effective date of this Act.

(b)  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, 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.  This Act takes effect September 1, 2019.

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