

By: Cain

H.B. No. 369

A BILL TO BE ENTITLED

AN ACT

1
2 relating to jurisdiction in a suit for adoption of a child and the
3 mandatory transfer of certain suits affecting the parent-child
4 relationship to the court in which a suit for adoption is pending.

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

6 SECTION 1. Section 102.008(b), Family Code, is amended to
7 read as follows:

8 (b) The petition must include:

9 (1) a statement that:

10 (A) the court in which the petition is filed has
11 continuing, exclusive jurisdiction or that no court has continuing
12 jurisdiction of the suit; or

13 (B) in a suit in which adoption of a child is
14 requested, the court in which the petition is filed has
15 jurisdiction of the suit under Section 103.001(b);

16 (2) the name and date of birth of the child, except
17 that if adoption of a child is requested, the name of the child may
18 be omitted;

19 (3) the full name of the petitioner and the
20 petitioner's relationship to the child or the fact that no
21 relationship exists;

22 (4) the names of the parents, except in a suit in which
23 adoption is requested;

24 (5) the name of the managing conservator, if any, or

1 the child's custodian, if any, appointed by order of a court of
2 another state or country;

3 (6) the names of the guardians of the person and estate
4 of the child, if any;

5 (7) the names of possessory conservators or other
6 persons, if any, having possession of or access to the child under
7 an order of the court;

8 (8) the name of an alleged father of the child or a
9 statement that the identity of the father of the child is unknown;

10 (9) a full description and statement of value of all
11 property owned or possessed by the child;

12 (10) a statement describing what action the court is
13 requested to take concerning the child and the statutory grounds on
14 which the request is made;

15 (11) a statement as to whether, in regard to a party to
16 the suit or a child of a party to the suit:

17 (A) there is in effect:

18 (i) a protective order under Title 4;

19 (ii) a protective order under Chapter 7A,
20 Code of Criminal Procedure; or

21 (iii) an order for emergency protection
22 under Article 17.292, Code of Criminal Procedure; or

23 (B) an application for an order described by
24 Paragraph (A) is pending; and

25 (12) any other information required by this title.

26 SECTION 2. Section 103.001(b), Family Code, is amended to
27 read as follows:

1 (b) A suit in which adoption is requested may be filed in the
2 county where the child resides or in the county where the
3 petitioners reside, regardless of whether another court has
4 continuing exclusive jurisdiction under Chapter 155. Except as
5 provided by Section 155.201, a [A] court that has continuing
6 exclusive jurisdiction is not required to transfer the suit
7 affecting the parent-child relationship to the court in which the
8 adoption suit is filed.

9 SECTION 3. Section 155.201, Family Code, is amended by
10 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
11 read as follows:

12 (a) On the filing of a motion showing that a suit for
13 dissolution of the marriage of the child's parents has been filed in
14 another court and requesting a transfer to that court, the court
15 having continuing, exclusive jurisdiction of a suit affecting the
16 parent-child relationship shall, within the time required by
17 Section 155.204, transfer the proceedings to the court in which the
18 dissolution of the marriage is pending.

19 (a-1) On the filing of a motion showing that a suit in which
20 adoption of a child is requested has been filed in another court
21 located in the county in which the child resides as provided by
22 Section 103.001 and requesting a transfer to that court, the court
23 having continuing, exclusive jurisdiction of a suit affecting the
24 parent-child relationship with regard to that child shall, within
25 the time required by Section 155.204, transfer the proceedings to
26 the court in which the suit for adoption is pending.

27 (a-2) A [The] motion described by Subsection (a) or (a-1)

1 must comply with the requirements of Section 155.204(a).

2 SECTION 4. Section 155.204(a), Family Code, is amended to
3 read as follows:

4 (a) A motion to transfer under Section 155.201(a) or (a-1)
5 may be filed at any time. The motion must contain a certification
6 that all other parties, including the attorney general, if
7 applicable, have been informed of the filing of the motion.

8 SECTION 5. Section 102.008(b), Family Code, as amended by
9 this Act, applies to a petition in a suit affecting the parent-child
10 relationship filed on or after the effective date of this Act. A
11 petition filed before the effective date of this Act is governed by
12 the law in effect on the date the petition was filed, and the former
13 law is continued in effect for that purpose.

14 SECTION 6. The changes in law made by this Act to Sections
15 103.001, 155.201, and 155.204, Family Code, apply to a motion to
16 transfer a suit affecting the parent-child relationship filed on or
17 after the effective date of this Act. A motion to transfer a suit
18 affecting the parent-child relationship filed before the effective
19 date of this Act is governed by the law in effect on the date that
20 motion was filed, and the former law is continued in effect for that
21 purpose.

22 SECTION 7. This Act takes effect September 1, 2019.