

By: Cain

H.B. No. 369

A BILL TO BE ENTITLED

AN ACT

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

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

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

(b) The petition must include:

(1) a statement that:

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

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

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

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

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

(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.