

1-1 By: Cain, et al. (Senate Sponsor - Huffman) H.B. No. 369
1-2 (In the Senate - Received from the House April 23, 2019;
1-3 April 24, 2019, read first time and referred to Committee on State
1-4 Affairs; May 14, 2019, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 14, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Fallon	X		
1-13	Hall	X		
1-14	Lucio	X		
1-15	Nelson	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to jurisdiction in a suit for adoption of a child and the
1-20 mandatory transfer of certain suits affecting the parent-child
1-21 relationship to the court in which a suit for adoption is pending.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 102.008(b), Family Code, is amended to
1-24 read as follows:

1-25 (b) The petition must include:

1-26 (1) a statement that:

1-27 (A) the court in which the petition is filed has
1-28 continuing, exclusive jurisdiction or that no court has continuing
1-29 jurisdiction of the suit; or

1-30 (B) in a suit in which adoption of a child is
1-31 requested, the court in which the petition is filed has
1-32 jurisdiction of the suit under Section 103.001(b);

1-33 (2) the name and date of birth of the child, except
1-34 that if adoption of a child is requested, the name of the child may
1-35 be omitted;

1-36 (3) the full name of the petitioner and the
1-37 petitioner's relationship to the child or the fact that no
1-38 relationship exists;

1-39 (4) the names of the parents, except in a suit in which
1-40 adoption is requested;

1-41 (5) the name of the managing conservator, if any, or
1-42 the child's custodian, if any, appointed by order of a court of
1-43 another state or country;

1-44 (6) the names of the guardians of the person and estate
1-45 of the child, if any;

1-46 (7) the names of possessory conservators or other
1-47 persons, if any, having possession of or access to the child under
1-48 an order of the court;

1-49 (8) the name of an alleged father of the child or a
1-50 statement that the identity of the father of the child is unknown;

1-51 (9) a full description and statement of value of all
1-52 property owned or possessed by the child;

1-53 (10) a statement describing what action the court is
1-54 requested to take concerning the child and the statutory grounds on
1-55 which the request is made;

1-56 (11) a statement as to whether, in regard to a party to
1-57 the suit or a child of a party to the suit:

1-58 (A) there is in effect:

1-59 (i) a protective order under Title 4;

1-60 (ii) a protective order under Chapter 7A,

1-61 Code of Criminal Procedure; or

2-1 (iii) an order for emergency protection
2-2 under Article 17.292, Code of Criminal Procedure; or

2-3 (B) an application for an order described by
2-4 Paragraph (A) is pending; and

2-5 (12) any other information required by this title.

2-6 SECTION 2. Section 103.001(b), Family Code, is amended to
2-7 read as follows:

2-8 (b) A suit in which adoption is requested may be filed in the
2-9 county where the child resides or in the county where the
2-10 petitioners reside, regardless of whether another court has
2-11 continuing exclusive jurisdiction under Chapter 155. Except as
2-12 provided by Section 155.201, a [A] court that has continuing
2-13 exclusive jurisdiction is not required to transfer the suit
2-14 affecting the parent-child relationship to the court in which the
2-15 adoption suit is filed.

2-16 SECTION 3. Section 155.201, Family Code, is amended by
2-17 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
2-18 read as follows:

2-19 (a) On the filing of a motion showing that a suit for
2-20 dissolution of the marriage of the child's parents has been filed in
2-21 another court and requesting a transfer to that court, the court
2-22 having continuing, exclusive jurisdiction of a suit affecting the
2-23 parent-child relationship shall, within the time required by
2-24 Section 155.204, transfer the proceedings to the court in which the
2-25 dissolution of the marriage is pending.

2-26 (a-1) On the filing of a motion showing that a suit in which
2-27 adoption of a child is requested has been filed in another court
2-28 located in the county in which the child resides as provided by
2-29 Section 103.001 and requesting a transfer to that court, the court
2-30 having continuing, exclusive jurisdiction of a suit affecting the
2-31 parent-child relationship with regard to that child shall, within
2-32 the time required by Section 155.204, transfer the proceedings to
2-33 the court in which the suit for adoption is pending.

2-34 (a-2) A [The] motion described by Subsection (a) or (a-1)
2-35 must comply with the requirements of Section 155.204(a).

2-36 SECTION 4. Section 155.204(a), Family Code, is amended to
2-37 read as follows:

2-38 (a) A motion to transfer under Section 155.201(a) or (a-1)
2-39 may be filed at any time. The motion must contain a certification
2-40 that all other parties, including the attorney general, if
2-41 applicable, have been informed of the filing of the motion.

2-42 SECTION 5. Section 102.008(b), Family Code, as amended by
2-43 this Act, applies to a petition in a suit affecting the parent-child
2-44 relationship filed on or after the effective date of this Act. A
2-45 petition filed before the effective date of this Act is governed by
2-46 the law in effect on the date the petition was filed, and the former
2-47 law is continued in effect for that purpose.

2-48 SECTION 6. The changes in law made by this Act to Sections
2-49 103.001, 155.201, and 155.204, Family Code, apply to a motion to
2-50 transfer a suit affecting the parent-child relationship filed on or
2-51 after the effective date of this Act. A motion to transfer a suit
2-52 affecting the parent-child relationship filed before the effective
2-53 date of this Act is governed by the law in effect on the date that
2-54 motion was filed, and the former law is continued in effect for that
2-55 purpose.

2-56 SECTION 7. This Act takes effect September 1, 2019.

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