88R7422 AMF-D

By:  Landgraf H.B. No. 1800

A BILL TO BE ENTITLED

AN ACT

relating to standing in a suit affecting the parent-child relationship.

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

SECTION 1.  Section 102.003, Family Code, is amended to read as follows:

Sec. 102.003.  GENERAL STANDING TO FILE SUIT. (a) An original suit may be filed at any time by:

(1)  a parent of the child;

(2)  the child through a representative authorized by the court;

(3)  a custodian or person having the right of visitation with or access to the child appointed by an order of a court of another state or country;

(4)  a guardian of the person or of the estate of the child;

(5)  a governmental entity;

(6)  the Department of Family and Protective Services;

(7)  a licensed child placing agency;

(8)  a man alleging himself to be the father of a child filing in accordance with Chapter 160, subject to the limitations of that chapter, but not otherwise;

(9)  a person[~~, other than a foster parent,~~] who has had actual care, control, and possession of the child for at least six months ending not more than 90 days preceding the date of the filing of the petition;

(10)  a person designated as the managing conservator in a revoked or unrevoked affidavit of relinquishment under Chapter 161 or to whom consent to adoption has been given in writing under Chapter 162;

(11)  a person with whom the child and the child's guardian, managing conservator, or parent have resided for at least six months ending not more than 90 days preceding the date of the filing of the petition if the child's guardian, managing conservator, or parent is deceased at the time of the filing of the petition;

(12)  [~~a person who is the foster parent of a child placed by the Department of Family and Protective Services in the person's home for at least 12 months ending not more than 90 days preceding the date of the filing of the petition;~~

[~~(13)~~] a person who is a relative of the child within the third degree by consanguinity, as determined by Chapter 573, Government Code, if the child's parents are deceased at the time of the filing of the petition;

(13) [~~(14)~~]  a person who has been named as a prospective adoptive parent of a child by a pregnant woman or the parent of the child, in a verified written statement to confer standing executed under Section 102.0035, regardless of whether the child has been born; or

(14) [~~(15)~~]  subject to Subsection (d), a person who is an intended parent of a child or unborn child under a gestational agreement that complies with the requirements of Section 160.754.

(b)  In computing the time necessary for standing under Subsections (a)(9) and [~~,~~] (11)[~~, and (12)~~], the court may not require that the time be continuous and uninterrupted but shall consider the child's principal residence during the relevant time preceding the date of commencement of the suit.

(c)  Notwithstanding the time requirements of Subsection (a)(9) [~~(a)(12)~~], a person who is the foster parent of a child may file a suit to adopt a child for whom the person is providing foster care at any time after the person has been approved to adopt the child. The standing to file suit under this subsection applies only to the adoption of a child who is eligible to be adopted.

(d)  A person described by Subsection (a)(14) [~~(a)(15)~~] has standing to file an original suit only if:

(1)  the person is filing an original suit jointly with the other intended parent under the gestational agreement; or

(2)  the person is filing an original suit against the other intended parent under the gestational agreement.

SECTION 2.  Sections 102.0035(a) and (e), Family Code, are amended to read as follows:

(a)  A pregnant woman or a parent of a child may execute a statement to confer standing to a prospective adoptive parent as provided by this section to assert standing under Section 102.003(a)(13) [~~102.003(a)(14)~~]. A statement to confer standing under this section may not be executed in a suit brought by a governmental entity under Chapter 262 or 263.

(e)  A statement to confer standing is not required in a suit brought by a person who has standing to file a suit affecting the parent-child relationship under Sections 102.003(a)(1)-(12) [~~102.003(a)(1)-(13)~~] or any other law under which the person has standing to file a suit.

SECTION 3.  Section 102.004(b-1), Family Code, is amended to read as follows:

(b-1)  A foster parent may only be granted leave to intervene under Subsection (b) if the foster parent would have standing to file an original suit as provided by Section 102.003(a)(9) [~~102.003(a)(12)~~].

SECTION 4.  The change in law made by this Act applies to a suit affecting the parent-child relationship that is filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2023.