

By: Johnson

S.B. No. 80

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a suit for dissolution of marriage and associated suit
3 affecting the parent-child relationship when a party is pregnant.

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

5 SECTION 1. Section 6.406, Family Code, is amended by adding
6 Subsection (c) to read as follows:

7 (c) If a party to a suit for dissolution of a marriage is
8 pregnant:

9 (1) the petition in the suit must state:

10 (A) that the party is pregnant; and

11 (B) whether either party intends to contest the
12 unborn child's paternity;

13 (2) the suit must include a suit affecting the
14 parent-child relationship regarding the unborn child under Title 5;
15 and

16 (3) the court shall defer adjudicating issues relating
17 to the suit affecting the parent-child relationship regarding the
18 unborn child until after the date of the child's birth.

19 SECTION 2. Subchapter H, Chapter 6, Family Code, is amended
20 by adding Section 6.713 to read as follows:

21 Sec. 6.713. FINAL DECREE WHEN PARTY IS PREGNANT. (a) A
22 court may not deny or delay rendering a decree of dissolution of
23 marriage solely because a party to the suit is pregnant.

24 (b) A decree of dissolution of marriage rendered while a

1 party to the suit is pregnant does not affect proceedings in a suit
2 affecting the parent-child relationship regarding the unborn
3 child.

4 SECTION 3. Section 102.003(a), Family Code, is amended to
5 read as follows:

6 (a) An original suit may be filed at any time by:

7 (1) a parent of the child;

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

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

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

15 (5) a governmental entity;

16 (6) the Department of Family and Protective Services;

17 (7) a licensed child placing agency;

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

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

25 (10) a person designated as the managing conservator
26 in a revoked or unrevoked affidavit of relinquishment under Chapter
27 161 or to whom consent to adoption has been given in writing under

1 Chapter 162;

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

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

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

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

21 (15) subject to Subsection (d), a person who is an
22 intended parent of a child or unborn child under a gestational
23 agreement that complies with the requirements of Section 160.754;
24 or

25 (16) a person who is a party to a suit for dissolution
26 of marriage under Chapter 6 in which one of the parties to the suit
27 is pregnant.

1 SECTION 4. Section 102.008, Family Code, is amended by
2 amending Subsection (b) and adding Subsection (b-1) to read as
3 follows:

4 (b) The petition must include:

5 (1) a statement that:

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

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

12 (2) the name and date of birth of the child, except
13 that:

14 (A) if adoption of a child is requested, the name
15 of the child may be omitted; and

16 (B) if the suit is filed under Section
17 102.003(a)(16), the petition must state that the child has not been
18 born and the expected date of birth of the child;

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

27 (6) the names of the guardians of the person and estate

1 of the child, if any;

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

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

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

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

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

14 (A) there is in effect:

15 (i) a protective order under Title 4;

16 (ii) a protective order under Subchapter A,
17 Chapter 7B, Code of Criminal Procedure; or

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

20 (B) an application for an order described by
21 Paragraph (A) is pending; and

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

23 (b-1) A petition to which Subsection (b)(2)(B) applies must
24 be amended as soon as practicable after the date of the child's
25 birth to state the name and date of birth of the child.

26 SECTION 5. The changes in law made by this Act apply to a
27 suit for dissolution of a marriage or a suit affecting the

1 parent-child relationship that is filed on or after the effective
2 date of this Act. A suit for dissolution of a marriage or a suit
3 affecting the parent-child relationship filed before the effective
4 date of this Act is governed by the law in effect on the date the
5 suit was filed, and the former law is continued in effect for that
6 purpose.

7 SECTION 6. This Act takes effect September 1, 2023.