

BILL ANALYSIS

Senate Research Center
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H.B. 2350
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas law governs who has legal standing to file suits affecting the parent-child relationships, providing that only individuals with a significant connection to the child can initiate legal action. Over time, amendments to the Texas Family Code have refined these provisions to balance parental rights with the best interest of the child.

H.B. 2350 seeks to modify the existing framework by expanding and clarifying standing requirements, particularly for relatives and individuals with substantial prior contact with the child. These changes aim to streamline legal processes while protecting children's welfare in custody, adoption, and conservatorship cases. H.B. 2350 would revise and clarify categories of individuals who may file suits regarding the parent-child relationship.

H.B. 2350 would expand standing for certain relatives, extending eligibility to the fourth degree of consanguinity, while also refining the criteria for foster parents and other caregivers. Additionally, H.B. 2350 would eliminate standing for non-relatives based solely on past contact with the child unless specific conditions are met. By making these adjustments, the bill would provide that legal actions involving children are initiated by those with a legitimate and direct interest in their well-being, thereby preventing unnecessary litigation while prioritizing stability and continuity in children's lives.

H.B. 2350 amends current law relating to standing in a suit affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 102.003, Family Code, as follows:

Sec. 102.003. GENERAL STANDING TO FILE SUIT. (a) Authorizes an original suit under Title 5 (The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship) to be filed at any time by:

(1)-(8) makes no changes to these subdivision;

(9) a person, other than a foster parent, relative, or designated caregiver of a child placed by the Department of Family and Protective Services (DFPS), who has had exclusive, rather than 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) makes no changes to this subdivision;

(11) a person who is the foster parent, relative, or designated caregiver of a child placed by DFPS 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, unless the child has been returned to the parent under Section 263.403 (Monitored Return of Child to Parent) or the child has been placed with a parent and the suit by DFPS has been dismissed under Section 263.401 (Dismissal After One Year; New Trials; Extension);

(12) a person who is a relative of the child within the fourth, rather than third, degree by consanguinity, as determined by Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), Government Code, if the child's parents are deceased at the time of the filing of the petition; or

(13)-(14) redesignates Subdivisions (14)-(15) as Subdivisions (13)-(14) and makes no further changes.

Deletes existing text authorizing an original suit to be filed at any time by 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. Makes nonsubstantive changes.

(b)-(d) Makes conforming changes to these subsections.

SECTION 2. Amends Sections 102.0035(a) and (e), Family Code, as follows:

(a) Makes a conforming change to this subsection.

(e) Provides that 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) (relating to authorizing an original suit under this title to be filed at any time by a certain individual) and (14) (relating to authorizing an original suit under this title to be filed at any time by a person who is an intended parent of a child or unborn child under a certain gestational agreement), rather than Sections 102.003(a)(1)-(13), or any other law under which the person has standing to file a suit.

SECTION 3. Amends the heading to Section 102.004, Family Code, to read as follows:

Sec. 102.004. STANDING FOR CERTAIN RELATIVES AND OTHER PERSONS.

SECTION 4. Amends Section 102.004, Family Code, by amending Subsections (a), (b), and (b-1) and adding Subsections (b-2) and (b-3), as follows:

(a) Makes a conforming change to this subsection.

(b) Prohibits an original suit requesting possessory conservatorship from being filed by a grandparent or other relative or person. Authorizes a grandparent or other relative or person, however, to intervene in a pending suit under Subsection (b-1) or (b-2), as applicable. Makes a nonsubstantive change.

(b-1) Creates this subsection from existing text. Authorizes a grandparent or other relative of the child within the fourth degree of consanguinity to intervene in a pending suit filed by a person authorized to do so under Chapter 102 (Filing Suit) if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development.

(b-2) Creates this subsection from existing text. Authorizes the court to grant a person, other than a grandparent or other relative of the child within the fourth degree of consanguinity, subject to the requirements of Subsection (b-3), rather than Subsection (b-

1), if applicable, deemed by the court to have had substantial past contact with the child leave to intervene in a pending suit filed by a person authorized to do so under this chapter if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development. Prohibits the court from granting a person leave to intervene under this subsection unless each parent consents to the intervention.

(b-3) Redesignates existing Subsection (b-1) as Subsection (b-3). Provides that a foster parent, relative, or designated caregiver is authorized to be granted leave to intervene under Subsection (b-2), rather than Subsection (b), only if the foster parent, relative, or designated caregiver would have standing to file an original suit as provided by Section 102.003(a)(11), rather than Section 102.003(a)(12).

SECTION 5. Amends Section 102.005, Family Code, to delete existing text authorizing an original suit requesting only an adoption or for termination of the parent-child relationship joined with a petition for adoption to be filed by an adult who has had actual possession and control of the child for not less than two months during the three-month period preceding the filing of the petition or another adult whom the court determines to have had substantial past contact with the child sufficient to warrant standing to do so and to make nonsubstantive changes.

SECTION 6. Amends Section 102.006(c), Family Code, as follows:

(c) Provides that the limitations on filing suit imposed by Section 102.006 (Limitations on Standing) do not apply to a relative within the fourth degree of consanguinity of a former parent whose parent-child relationship with the child has been terminated by court order if the relative files a certain suit. Deletes existing text providing that the limitations on filing suit imposed by this section do not apply to an adult sibling of the child, a grandparent of the child, an aunt who is a sister of a parent of the child, or an uncle who is a brother of a parent of the child if the adult sibling, grandparent, aunt, or uncle files a certain suit.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2025.