By: McGee H.B. No. 1268

A BILL TO BE ENTITLED

AN ACT

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

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

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

(c) If a party to a suit for dissolution of a marriage discloses to the court that either party is pregnant, the suit must include a suit affecting the parent-child relationship regarding the unborn child under Title 5.

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

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

(b) If a party to the suit is known by the court to be pregnant, the court may, on a showing of good cause, sever:

(1) a suit affecting the parent-child relationship joined under Section 6.406; or

(2) a claim or other matter related to division of the marital estate.

(c) If a court severs a suit, claim, or other matter under Subsection (b), the court:

(1) shall render, as applicable, orders for injunctive or other relief the court considers necessary to protect, until final adjudication of the matter severed:

(A) the parties to the suit for dissolution of the marriage;

(B) a child or unborn child subject to a suit affecting the parent-child relationship that has been severed; and

(C) the marital estate;

(2) may not waive or consider waived any unadjudicated claim:

(A) pending at the time the matter is severed; or

(B) that may arise after the court renders a decree for dissolution of the marriage; and

(3) may not require any additional fees in relation to the matter severed.

(d) A decree of dissolution of marriage rendered while a party to the suit is pregnant does not affect proceedings in a suit affecting the parent-child relationship regarding the unborn child.

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

(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;

(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~~]

(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; or

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

SECTION 4. Section 102.008, Family Code, is amended by amending Subsection (b) and adding Subsection (b-1) 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:

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

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

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

(6) the names of the guardians of the person and estate of the child, if any;

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

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

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

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

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

(A) there is in effect:

(i) a protective order under Title 4;

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

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

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

(12) any other information required by this title.

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

SECTION 5. The changes in law made by this Act apply to a suit for dissolution of a marriage or a suit affecting the parent-child relationship that is filed on or after the effective date of this Act. A suit for dissolution of a marriage or 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 6. This Act takes effect September 1, 2025.