

BILL ANALYSIS

Senate Research Center
86R1396 KJE-F

H.B. 369
By: Cain et al. (Huffman)
State Affairs
5/10/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that changes are needed to the law relating to jurisdiction in a suit for the adoption of a child and to the transfer of venue in such suits to provide for proper compliance with certain requirements. H.B. 369 seeks to address this issue by requiring a court with continuing and exclusive jurisdiction of a suit affecting the parent-child relationship with respect to a child for whom adoption is sought to transfer the suit to the county in which the child resides.

H.B. 369 amends current law relating to jurisdiction in a suit for adoption of a child and the mandatory transfer of certain suits affecting the parent-child relationship to the court in which a suit for adoption is pending.

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 102.008(b), Family Code, to require a petition, in a suit in which adoption of a child is requested, to state that the court in which the petition is filed has jurisdiction of the suit under Section 103.001(b) and to make certain nonsubstantive changes to this subsection.

SECTION 2. Amends Section 103.001(b), Family Code, to provide an exception under Section 155.201 (Mandatory Transfer) to the provision providing that a court that has continuing exclusive jurisdiction is not required to transfer the suit affecting the parent-child relationship to the court in which the adoption suit is filed.

SECTION 3. Amends Section 155.201, Family Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Creates Subsection (a-2) from existing text of this subsection and makes no further changes to this subsection.

(a-1) Requires the court having continuing, exclusive jurisdiction of a suit affecting the parent-child relationship with regard to a child, on the filing of a motion showing that a suit in which adoption of the child is requested has been filed in another court located in the county in which the child resides as provided by Section 103.001 (Venue For Original Suit) and requesting a transfer to that court, to, within the time required by Section 155.204 (Procedure For Transfer), transfer the proceedings to the court in which the suit for adoption is pending.

(a-2) Requires a motion described by Subsection (a) or (a-1), rather than the motion, to comply with the requirements of Section 155.204(a).

SECTION 4. Amends Section 155.204(a), Family Code, to authorize a motion to transfer under Section 155.201(a) or (a-1), rather than a motion to transfer under Section 155.201(a), to be filed at any time.

SECTION 5. Makes application of Section 102.008(b), Family Code, as amended by this Act, prospective.

SECTION 6. Makes application of Sections 103.001, 155.201, and 155.204, Family Code, as amended by this Act, prospective.

SECTION 7. Effective date: September 1, 2019.