

1-1 By: West S.B. No. 314
 1-2 (In the Senate - Filed January 15, 2015; February 2, 2015,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 March 18, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 18, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 314 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to appointment of a nonparent as managing conservator of a
 1-22 child.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter E, Chapter 263, Family Code, is
 1-25 amended by adding Section 263.408 to read as follows:

1-26 Sec. 263.408. REQUIREMENTS FOR APPOINTMENT OF NONPARENT AS
 1-27 MANAGING CONSERVATOR. (a) In a suit in which the court appoints a
 1-28 nonparent as managing conservator of a child:

1-29 (1) the department must provide the nonparent with an
 1-30 explanation of the differences between appointment as a managing
 1-31 conservator of a child and adoption of a child, including specific
 1-32 statements informing the nonparent that:

1-33 (A) the nonparent's appointment conveys only the
 1-34 rights specified by the court order or applicable laws instead of
 1-35 the complete rights of a parent conveyed by adoption;

1-36 (B) a parent may be entitled to request
 1-37 visitation with the child or petition the court to appoint the
 1-38 parent as the child's managing conservator, notwithstanding the
 1-39 nonparent's appointment as managing conservator; and

1-40 (C) the nonparent's appointment as the child's
 1-41 managing conservator will not result in the eligibility of the
 1-42 nonparent and child for postadoption benefits; and

1-43 (2) in addition to the rights and duties provided
 1-44 under Section 153.371, the court order appointing the nonparent as
 1-45 managing conservator must include provisions that address the
 1-46 authority of the nonparent to:

1-47 (A) authorize immunization of the child or any
 1-48 other medical treatment that requires parental consent;

1-49 (B) obtain and maintain health insurance
 1-50 coverage for the child and automobile insurance coverage for the
 1-51 child, if appropriate;

1-52 (C) enroll the child in a day-care program or
 1-53 school, including prekindergarten;

1-54 (D) authorize the child to participate in
 1-55 school-related or extracurricular or social activities, including
 1-56 athletic activities;

1-57 (E) authorize the child to obtain a learner's
 1-58 permit, driver's license, or state-issued identification card;

1-59 (F) authorize employment of the child;
 1-60 (G) apply for and receive public benefits for or

2-1 on behalf of the child; and
2-2 (H) obtain legal services for the child and
2-3 execute contracts or other legal documents for the child.

2-4 (b) The court must require evidence that the nonparent was
2-5 informed of the rights and duties of a nonparent appointed as
2-6 managing conservator of a child before the court renders an order
2-7 appointing the nonparent as managing conservator of a child.

2-8 SECTION 2. Section 263.408, Family Code, as added by this
2-9 Act, applies to a suit affecting the parent-child relationship that
2-10 is pending in a trial court on or filed on or after the effective
2-11 date of this Act.

2-12 SECTION 3. This Act takes effect September 1, 2015.

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