

1-1 By: Deshotel (Senate Sponsor - Miles) H.B. No. 1689
 1-2 (In the Senate - Received from the House April 11, 2019;
 1-3 April 15, 2019, read first time and referred to Committee on State
 1-4 Affairs; April 29, 2019, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; April 29, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to disclosure regarding the existence of a gestational
 1-20 agreement in a suit for the dissolution of a marriage and standing
 1-21 of an intended parent under a gestational agreement to file a suit
 1-22 affecting the parent-child relationship.

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

1-24 SECTION 1. Section 6.406, Family Code, is amended by adding
 1-25 Subsection (a-1) to read as follows:

1-26 (a-1) If the parties to a suit for dissolution of a marriage
 1-27 are the intended parents under a gestational agreement that is in
 1-28 effect and that establishes a parent-child relationship between the
 1-29 parties as intended parents and an unborn child on the birth of the
 1-30 child, the petition in the suit for dissolution of a marriage shall
 1-31 state:

1-32 (1) that the parties to the marriage have entered into
 1-33 a gestational agreement establishing a parent-child relationship
 1-34 between the parties as intended parents and an unborn child on the
 1-35 birth of the child;

1-36 (2) whether the gestational mother under the agreement
 1-37 is pregnant or a child who is the subject of the agreement has been
 1-38 born; and

1-39 (3) whether the agreement has been validated under
 1-40 Section 160.756.

1-41 SECTION 2. Section 102.003, Family Code, is amended by
 1-42 amending Subsection (a) and adding Subsection (d) to read as
 1-43 follows:

1-44 (a) An original suit may be filed at any time by:

1-45 (1) a parent of the child;

1-46 (2) the child through a representative authorized by
 1-47 the court;

1-48 (3) a custodian or person having the right of
 1-49 visitation with or access to the child appointed by an order of a
 1-50 court of another state or country;

1-51 (4) a guardian of the person or of the estate of the
 1-52 child;

1-53 (5) a governmental entity;

1-54 (6) the Department of Family and Protective Services;

1-55 (7) a licensed child placing agency;

1-56 (8) a man alleging himself to be the father of a child
 1-57 filing in accordance with Chapter 160, subject to the limitations
 1-58 of that chapter, but not otherwise;

1-59 (9) a person, other than a foster parent, who has had
 1-60 actual care, control, and possession of the child for at least six
 1-61 months ending not more than 90 days preceding the date of the filing

2-1 of the petition;
2-2 (10) a person designated as the managing conservator
2-3 in a revoked or unrevoked affidavit of relinquishment under Chapter
2-4 161 or to whom consent to adoption has been given in writing under
2-5 Chapter 162;

2-6 (11) a person with whom the child and the child's
2-7 guardian, managing conservator, or parent have resided for at least
2-8 six months ending not more than 90 days preceding the date of the
2-9 filing of the petition if the child's guardian, managing
2-10 conservator, or parent is deceased at the time of the filing of the
2-11 petition;

2-12 (12) a person who is the foster parent of a child
2-13 placed by the Department of Family and Protective Services in the
2-14 person's home for at least 12 months ending not more than 90 days
2-15 preceding the date of the filing of the petition;

2-16 (13) a person who is a relative of the child within the
2-17 third degree by consanguinity, as determined by Chapter 573,
2-18 Government Code, if the child's parents are deceased at the time of
2-19 the filing of the petition; [~~or~~]

2-20 (14) a person who has been named as a prospective
2-21 adoptive parent of a child by a pregnant woman or the parent of the
2-22 child, in a verified written statement to confer standing executed
2-23 under Section 102.0035, regardless of whether the child has been
2-24 born; or

2-25 (15) subject to Subsection (d), a person who is an
2-26 intended parent of a child or unborn child under a gestational
2-27 agreement that substantially complies with the requirements of
2-28 Section 160.754.

2-29 (d) A person described by Subsection (a)(15) has standing to
2-30 file an original suit only if:

2-31 (1) the person is filing an original suit jointly with
2-32 the other intended parent under the gestational agreement; or

2-33 (2) the person is filing an original suit against the
2-34 other intended parent under the gestational agreement.

2-35 SECTION 3. Section 6.406, Family Code, as amended by this
2-36 Act, applies only to a petition for dissolution of a marriage that
2-37 is filed on or after the effective date of this Act. A petition for
2-38 dissolution of a marriage that is filed before the effective date of
2-39 this Act is governed by the law in effect on the date the petition is
2-40 filed, and the former law is continued in effect for that purpose.

2-41 SECTION 4. This Act takes effect September 1, 2019.

2-42 * * * * *