

By: Burkett

H.B. No. 1391

A BILL TO BE ENTITLED

AN ACT

relating to appointment of a nonparent as managing conservator of a child.

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

SECTION 1. Subchapter G, Chapter 153, Family Code, is amended by adding Sections 153.3722 and 153.3723 to read as follows:

Sec. 153.3722. REQUIREMENTS FOR APPOINTMENT OF NONPARENT AS MANAGING CONSERVATOR. (a) In a suit in which the court appoints a nonparent as managing conservator of a child:

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

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

(B) a parent may be entitled to request visitation with the child or appointment of the parent as managing conservator, notwithstanding the nonparent's appointment; and

(C) the nonparent's appointment will not result in the eligibility of the nonparent and child for postadoption benefits; and

(2) the court order appointing the nonparent as

managing conservator must include provisions that address the authority of the nonparent to:

(A) authorize medical, dental, psychological, or surgical treatment and immunization of the child or any other treatment that requires parental consent;

(B) obtain and maintain health insurance coverage for the child and automobile insurance coverage for the child, if appropriate;

(C) enroll the child in a day-care program or preschool;

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

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

(F) authorize employment of the child;

(G) apply for and receive public benefits for or on behalf of the child; and

(H) obtain legal services for the child and execute contracts or other legal documents for the child.

(b) If a nonparent does not appear in person before the court, the court, before entering an order appointing the nonparent as managing conservator of a child, shall require evidence that the nonparent was informed of the rights and duties of a nonparent appointed as managing conservator of a child.

Sec. 153.3723. ELIGIBILITY OF NONPARENT MANAGING CONSERVATOR FOR POSTADOPTION BENEFITS. The appointment of a

1 nonparent as managing conservator for a child may not be used as the  
2 basis for denying postadoption benefits if the nonparent  
3 subsequently adopts the child and meets the applicable benefits  
4 eligibility criteria.

5         SECTION 2. Section 153.3722, Family Code, as added by this  
6 Act, applies to a suit affecting the parent-child relationship that  
7 is pending in a trial court on or filed on or after the effective  
8 date of this Act.

9         SECTION 3. This Act takes effect September 1, 2015.