

By: Hall

S.B. No. 1090

A BILL TO BE ENTITLED

AN ACT

relating to the application of foreign laws and foreign forum selection in a proceeding involving marriage, a suit for dissolution of a marriage, or a suit affecting the parent-child relationship in this state.

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

SECTION 1. Subtitle A, Title 1, Family Code, is amended by adding Chapter 1A to read as follows:

CHAPTER 1A. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN FORUM

Sec. 1A.001. DEFINITION. In this chapter, "foreign law" means a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States.

Sec. 1A.002. DECISION BASED ON FOREIGN LAW. A ruling or decision of a court, arbitrator, or administrative adjudicator under this title may not be based on a foreign law.

Sec. 1A.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.
(a) A contract provision involving the marriage relationship providing that a foreign law is to govern a dispute arising under the contract is void.

(b) A contract provision involving the marriage relationship providing that the forum to resolve a dispute arising under the contract is located outside the states and territories of the United States is void.

Sec. 1A.004. APPLICATION OF CHAPTER. This chapter does not apply to a corporation or other legal entity that contracts to subject the entity to foreign law in a jurisdiction other than this state or the United States.

SECTION 2. Subtitle A, Title 5, Family Code, is amended by adding Chapter 112 to read as follows:

CHAPTER 112. APPLICATION OF FOREIGN LAWS; SELECTION OF FOREIGN
FORUM

Sec. 112.001. DEFINITION. In this chapter, "foreign law" means a law, rule, or legal code of a jurisdiction outside of the states and territories of the United States.

Sec. 112.002. DECISION BASED ON FOREIGN LAW. A ruling or decision of a court, arbitrator, or administrative adjudicator in a suit affecting the parent-child relationship may not be based on a foreign law.

Sec. 112.003. CHOICE OF FOREIGN LAW OR FORUM IN CONTRACT.

(a) A contract provision involving the parent-child relationship providing that a foreign law is to govern a dispute arising under the contract is void.

(b) A contract provision involving the parent-child relationship providing that the forum to resolve a dispute arising under the contract is located outside the states and territories of the United States is void.

Sec. 112.004. APPLICATION OF CHAPTER. This chapter does not apply to a corporation or other legal entity that contracts to subject the entity to foreign law in a jurisdiction other than this state or the United States.

1 SECTION 3. (a) Chapters 1A and 112, Family Code, as added
2 by this Act, apply only to a ruling or decision that becomes final
3 on or after the effective date of this Act. A ruling or decision
4 that becomes final before the effective date of this Act and any
5 appeal of that ruling or decision are governed by the law in effect
6 immediately before the effective date of this Act, and that law is
7 continued in effect for that purpose.

8 (b) Chapters 1A and 112, Family Code, as added by this Act,
9 apply only to a contract entered into on or after the effective date
10 of this Act. A contract entered into before the effective date of
11 this Act is governed by the law in effect immediately before that
12 date, and that law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect September 1, 2015.