

By: Burkett, et al.

H.B. No. 1391

Substitute the following for H.B. No. 1391:

By: Dutton

C.S.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 E, Chapter 263, Family Code, is amended by adding Section 263.408 to read as follows:

Sec. 263.408. 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 department 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 order 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 petition the court to appoint the parent as the child's managing conservator, notwithstanding the nonparent's appointment as managing conservator; and

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

(2) in addition to the rights and duties provided

1 under Section 153.371, the court order appointing the nonparent as
2 managing conservator must include provisions that address the
3 authority of the nonparent to:

4 (A) authorize immunization of the child or any
5 other medical treatment that requires parental consent;

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

9 (C) enroll the child in a day-care program or
10 school, including prekindergarten;

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

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

16 (F) authorize employment of the child;

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

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

21 (b) The court must require evidence that the nonparent was
22 informed of the rights and duties of a nonparent appointed as
23 managing conservator of a child before the court renders an order
24 appointing the nonparent as managing conservator of a child.

25 SECTION 2. Section 263.408, Family Code, as added by this
26 Act, applies to a suit affecting the parent-child relationship that
27 is pending in a trial court on or filed on or after the effective

C.S.H.B. No. 1391

1 date of this Act.

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