

SUBJECT: Requiring the disclosure of gestational agreements in divorce petitions

COMMITTEE: Juvenile Justice and Family Issues — favorable, without amendment

VOTE: 8 ayes — Dutton, Murr, Bowers, Calanni, Cyrier, Dean, Shine, Talarico

0 nays

WITNESSES: None

BACKGROUND: Family Code ch. 160 subch. I governs gestational agreements between a woman and the intended parents of a child in which the woman relinquishes all rights as a parent of a child conceived by assisted reproduction and that provides that the intended parents become the parents of the child.

Sec. 160.754 establishes the process by which a prospective gestational mother, her husband if she is married, each donor, and each intended parent may enter into a gestational agreement.

Sec. 160.756 authorizes courts to validate gestational agreements. Validation of gestational agreements is subject to the court's discretion.

DIGEST: HB 1689 would require divorce petitions between married individuals that were the intended parents under a gestational agreement that was in effect to state:

- the existence of the gestational agreement;
- whether the gestational mother was pregnant or a child had been born under the gestational agreement; and
- whether the gestational agreement had been validated by a court.

The bill also would authorize an intended parent in a gestational agreement to file a lawsuit affecting the parent-child relationship if the parent filed jointly with the other intended parent in the gestational agreement or filed suit against the other intended parent.

The bill would take effect September 1, 2019, and would apply only to petitions for divorce filed on or after that date.

**SUPPORTERS
SAY:**

HB 1689 would provide legal protection to intended parents and children conceived under gestational agreements by requiring petitions for divorce to include information about gestational agreements and by authorizing intended parents under such an agreement to file lawsuits regarding parent-child relationships.

By requiring courts to address gestational agreements at the time a divorce petition was filed, the bill would enable judges to determine the best outcomes for children in these divorce cases. This would reduce the need for further proceedings regarding parent-child relationships, especially if a gestational agreement was not previously validated by a court.

The bill would protect individuals pursuing assisted reproduction and empower more people to assert their right to enter into gestational agreements.

**OPPONENTS
SAY:**

HB 1689 would protect certain practices that some Texans consider potentially harmful and morally questionable, such as in vitro fertilization and surrogacy.