

- SUBJECT:** Clarifying court jurisdiction in adoption suits
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 9 ayes — Dutton, Murr, Bowers, Calanni, Cyrier, Dean, Lopez, Shine, Talarico
- 0 nays
- WITNESSES:** For — (*Registered, but did not testify*: Meagan Corser, Texas Home School Coalition)
- Against — None
- On — Anna Ford, Department of Family and Protective Services
- BACKGROUND:** Family Code sec. 103.001(b) allows suits in which adoptions are requested to be filed in the county where the child resides or in the county where the petitioners reside, regardless of whether another court has continuing, exclusive jurisdiction. A court that has continuing, exclusive jurisdiction is not required to transfer the suit affecting the parent-child relationship to the court in which the adoption is filed.
- Sec. 102.008 requires petitions in suits in which adoptions are requested to include a statement that the court in which the petition is filed has continuing, exclusive jurisdiction or that no court has continuing jurisdiction of the suit.
- Some have noted that there are inconsistencies in the law because an adoption petition could be filed in a court different from the court maintaining continuing, exclusive jurisdiction.
- DIGEST:** HB 369 would require petitions in suits in which the adoption of a child was requested to include a statement that the court in which the petition was filed had jurisdiction of the suit.

If a suit in which the adoption of a child was requested had been filed in a court located in the county in which the child resided and a motion was filed requesting a transfer of jurisdiction to that court, the court that had continuing, exclusive jurisdiction of a suit affecting the parent-child relationship of that child would have to transfer the proceedings to the court in which the suit for adoption was pending.

A motion to transfer jurisdiction could be filed at any time, and the motion would have to contain a certification that all other parties, including the attorney general, if applicable, had been informed of the filing of the motion.

The bill would take effect September 1, 2019, and would apply to petitions for adoption and motions to transfer suits affecting parent-child relationships filed on or after that date.