

BILL ANALYSIS

Senate Research Center

H.B. 3093
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Jurisprudence
5/11/1999
Engrossed

DIGEST

Currently, under Texas law, a close relative of a child is not allowed to file a suit affecting the parent-child relationship. In order for a relative to sue for custody of the child, the relative must qualify under another provision. For example, the relative could file suit if the relative had actual care, control, or possession of the child for at least six months preceding the filing of the petition. This bill would authorize a person within three degrees of consanguinity of a child, such as a sibling, grandparent, aunt, or uncle, to file a suit affecting the parent-child relationship if the child's parent, managing conservator, or guardian is deceased at the time the petition is filed.

PURPOSE

As proposed, H.B. 3093 authorizes a person within three degrees of consanguinity of a child, such as a sibling, grandparent, aunt, or uncle, to file a suit affecting the parent-child relationship if the child's parent, managing conservator, or guardian is deceased at the time the petition is filed.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 102.003, Family Code, to authorize an original suit affecting a parent-child relationship to be filed at any time by a person who is a relative of the child within the third degree of consanguinity, as determined by Chapter 573, Government Code, if the child's parent's are deceased at the time the petition is filed. Makes a conforming change.

SECTION 2. Amends Section 102.004(a), Family Code, to authorize a grandparent to file an original suit requesting managing conservatorship in addition to the general standing to file suit under Section 102.003(13), if there is satisfactory proof to the court that the order requested is necessary because the child's present environment presents a serious question concerning the child's physical health or welfare or both parents, the surviving parent, or the managing conservator either filed the petition or consented to the suit.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.
Effective date: upon passage.