

## **BILL ANALYSIS**

Senate Research Center  
86R10824 MM-F

H.B. 1689  
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State Affairs  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, non-biological parents have no legal claim to their child under a gestational agreement, even if they were the intended parent in the agreement. There is also no requirement for gestational agreements to be made known in a divorce suit.

H.B. 1689 requires parties to a suit for divorce to disclose that they have entered a gestational agreement, whether the gestational mother is pregnant, and whether the agreement has been verified by a court hearing. It also gives the intended parents standing to file a suit affecting the parent-child relationship.

H.B. 1689 amends current law relating to disclosure regarding the existence of a gestational agreement in a suit for the dissolution of a marriage and standing of an intended parent under a gestational agreement to file a suit affecting the parent-child relationship.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 6.406, Family Code, by adding Subsection (a-1), as follows:

(a-1) Requires the petition in a suit for dissolution of a marriage, if the parties to the suit for dissolution of a marriage are the intended parents under a gestational agreement that is in effect and that establishes a parent-child relationship between the parties as intended parents and an unborn child on the birth of the child, to state:

(1) that the parties to the marriage have entered into a gestational agreement establishing a parent-child relationship between the parties as intended parents and an unborn child on the birth of the child;

(2) whether the gestational mother under the agreement is pregnant or a child who is the subject of the agreement has been born; and

(3) whether the agreement has been validated under Section 160.756 (Hearing to Validate Gestational Agreement).

SECTION 2. Amends Section 102.003, Family Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Authorizes an original suit to be filed at any time by:

(1)–(12) makes no changes to these subdivisions;

(13)–(14) makes nonsubstantive changes to these subdivisions; or

(15) subject to Subsection (d), a person who is an intended parent of a child or unborn child under a gestational agreement that substantially complies with the requirements of Section 160.754 (Gestational Agreement Authorized).

(d) Provides that a person described by Subsection (a)(15) has standing to file an original suit only if the person is filing an original suit jointly with the other intended parent under the gestational agreement or if the person is filing an original suit against the other intended parent under the gestational agreement.

SECTION 3. Makes application of Section 6.406, Family Code, as amended by this Act, prospective.

SECTION 4. Effective date: September 1, 2019.