

CHAPTER 168

H.B. No. 793

AN ACT

relating to persons who may bring an original suit affecting the parent-child relationship and to the court in which juveniles are tried.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 11.03(a), Family Code, is amended to read as follows:

(a) An original suit affecting the parent-child relationship may be brought at any time by:

- (1) a parent of the child;
- (2) the child (through a representative authorized by the court);
- (3) a custodian or person having rights of visitation with or access to the child appointed by an order of a court of another state or country or by a court of this state before January 1, 1974;
- (4) a guardian of the person or of the estate of the child;
- (5) a governmental entity;
- (6) any authorized agency;
- (7) a man alleging himself to be the biological father of a child who has no presumed father filing in accordance with Chapter 13 of this code, but not otherwise;
- (8) a person who has had actual possession and control of the child for at least six months immediately preceding the filing of the petition; ~~or~~
- (9) a person designated as the managing conservator in a revoked or unrevoked affidavit of relinquishment under Section 15.03 of this code or to whom consent to adoption has been given in writing under Section 16.05 of this code; *or*
- (10) *a person with whom the child and the child's guardian, managing conservator, or parent have resided for at least six months immediately preceding the filing of the petition and the child's guardian, managing conservator, or parent is deceased at the time of the filing of the petition.*

SECTION 2. Section 11.03(b), Family Code, is amended to read as follows:

(b) An original suit affecting the parent-child relationship seeking managing conservatorship may be brought by a grandparent ~~[or by any other person deemed by the court to have had substantial past contact with the child sufficient to warrant standing to do so]~~, if there is satisfactory proof to the court that:

(1) *the order sought is necessary because the child's present environment presents a serious question concerning the child's physical health or welfare* ~~[child's environment with the parent or parents, the managing conservator, or the custodian presents a serious and immediate question concerning the welfare of the child];~~ or

(2) both parents, the surviving parent, or the managing conservator or custodian either filed the petition or consented to the suit.

SECTION 3. Section 51.18, Family Code, is amended to read as follows:

Sec. 51.18. *ELECTION BETWEEN JUVENILE COURT AND* ~~[POWERS AND DUTIES OF]~~ ALTERNATE JUVENILE COURT. (a) *This section applies only to a child who has a right to a trial before a juvenile court the judge of which is not an attorney licensed in this state.*

(b) *On any matter that may lead to an order appealable under Section 56.01 of this code, a child may be tried before either the juvenile court or the alternate juvenile court.*

(c) *The child may elect to be tried before the alternate juvenile court only if the child files a written notice with that court not later than 10 days before the date of the trial. After the notice is filed, the child may be tried only in the alternate juvenile court. If the child does not file a notice as provided by this subsection, the child may be tried only in the juvenile court.*

(d) *If the child is tried before the juvenile court, the child is not entitled to a trial de novo before the alternate juvenile court.*

(e) *The child may appeal any order of the juvenile court or alternate juvenile court only as provided by Section 56.01 of this code.* ~~[If a juvenile court, the judge of which is not an attorney licensed in this state, issues an order that may be appealed as provided in Subsection (e) of Section 56.01 of this code, the child shall have a right to a trial de novo before the alternate juvenile court or may appeal the order of the court as provided in Section 56.01.]~~

SECTION 4. Section 51.04(d), Family Code, is amended to read as follows:

(d) If the judge of a court designated in Subsection (b) or (c) of this section is not an attorney licensed in this state, there shall also be designated an alternate court, the judge of which is an attorney licensed in this state. ~~[The alternate juvenile court shall rule on motions and hold hearings as provided in Section 51.18 of this chapter.]~~

SECTION 5. Section 23.001, Government Code, is amended to read as follows:

Sec. 23.001. JUVENILE JURISDICTION. ~~[(a)]~~ Each district court, county court, and statutory county court exercising any of the constitutional jurisdiction of either a county court or a district court has jurisdiction over juvenile matters and may be designated a juvenile court.

~~[(b) Action taken by a juvenile judge who is not licensed to practice law in this state is subject to a trial de novo and appeal as provided by Sections 51.04, 51.18, and 56.01 of the Family Code.]~~

SECTION 6. Section 1 of this Act applies only to a suit filed on or after the effective date of this Act. A suit filed before that date is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 7. Sections 3, 4, and 5 of this Act apply only to a trial that began on or after the effective date of this Act. A trial that began before the effective date of this Act is governed by the law in effect at the time the trial began and that law is continued in effect for that purpose.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be

suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1993, by a non-record vote; passed by the Senate on May 7, 1993: Yeas 30, Nays 0.

Approved May 17, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.