

BILL ANALYSIS

H.B. 1689
By: Deshotel
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that a gestational agreement may complicate a suit for the dissolution of a marriage if certain disclosures regarding the agreement are not made in that suit and that a gestational agreement that is not substantially compliant with state law may make it difficult to establish a parent-child relationship or otherwise enforce a contract that is not validated before embryo transfer. H.B. 1689 seeks to address these issues by providing certain disclosure requirements regarding the existence of a gestational agreement in a suit for the dissolution of a marriage and by providing for the standing of an intended parent under a substantially compliant gestational agreement to file a suit affecting the parent-child relationship.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1689 amends the Family Code to require the petition in a suit for dissolution of a marriage in which the parties to the suit 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 child's birth to state the following:

- that the parties to the marriage have entered into such an agreement;
- whether the gestational mother under the agreement is pregnant or a child who is the subject of the agreement has been born; and
- whether the agreement has been validated under the Uniform Parentage Act.

H.B. 1689 authorizes an original suit affecting the parent-child relationship to be filed at any time by a person who is an intended parent of a child or unborn child under a compliant gestational agreement if the person is filing an original suit jointly with the other intended parent under the agreement or if the person is filing an original suit against that other intended parent.

EFFECTIVE DATE

September 1, 2019.