

1-1 By: Uresti S.B. No. 950
1-2 (In the Senate - Filed March 4, 2015; March 9, 2015, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 14, 2015, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 14, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Ellis	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Estes	X		
1-13	Fraser	X		
1-14	Nelson	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to certain procedural measures in a suit affecting a
1-20 parent-child relationship to protect a child against child neglect
1-21 or physical or sexual abuse.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 153.004(e) and (f), Family Code, are
1-24 amended to read as follows:

1-25 (e) It is a rebuttable presumption that it is not in the best
1-26 interest of a child for a parent to have unsupervised visitation
1-27 with the child if credible evidence is presented of a history or
1-28 pattern of past or present child neglect or physical or sexual abuse
1-29 by:

1-30 (1) that parent directed against the other parent, a
1-31 spouse, or a child; or

1-32 (2) any person who resides in that parent's household
1-33 or who by virtue of the person's relationship with that parent is
1-34 otherwise likely to have unsupervised access to the child during
1-35 that parent's periods of possession of or access to the child,
1-36 directed against any person.

1-37 (f) In determining under this section whether there is
1-38 credible evidence of a history or pattern of past or present child
1-39 neglect or physical or sexual abuse by a parent or other person, as
1-40 applicable [directed against the other parent, a spouse, or a
1-41 child], the court shall consider whether a protective order was
1-42 rendered under Chapter 85, Title 4, against the parent or other
1-43 person during the two-year period preceding the filing of the suit
1-44 or during the pendency of the suit.

1-45 SECTION 2. Section 153.0071(e-1), Family Code, is amended
1-46 to read as follows:

1-47 (e-1) Notwithstanding Subsections (d) and (e), a court may
1-48 decline to enter a judgment on a mediated settlement agreement if
1-49 the court finds:

1-50 (1) that:

1-51 (A) ~~[(1)]~~ a party to the agreement was a victim
1-52 of family violence, and that circumstance impaired the party's
1-53 ability to make decisions; or

1-54 (B) the agreement would permit a person who is
1-55 subject to registration under Chapter 62, Code of Criminal
1-56 Procedure, or who otherwise has a history or pattern of past or
1-57 present physical or sexual abuse directed against any person to:

1-58 (i) reside in the same household as the
1-59 child; or

1-60 (ii) otherwise have unsupervised access to
1-61 the child; and

2-1 (2) that the agreement is not in the child's best
2-2 interest.

2-3 SECTION 3. The changes in law made by this Act apply only to
2-4 a suit affecting the parent-child relationship pending in a trial
2-5 court on the effective date of this Act or filed on or after that
2-6 date. A suit affecting the parent-child relationship in which a
2-7 final order is rendered before the effective date of this Act is
2-8 governed by the law in effect on the date the order was rendered,
2-9 and the former law is continued in effect for that purpose.

2-10 SECTION 4. The enactment of this Act constitutes a material
2-11 and substantial change of circumstances sufficient to warrant
2-12 modification of a court order or portion of a decree that provides
2-13 for the possession of or access to a child rendered before the
2-14 effective date of this Act.

2-15 SECTION 5. This Act takes effect September 1, 2015.

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