

1-1 By: Birdwell S.B. No. 1178
 1-2 (In the Senate - Filed March 8, 2021; March 18, 2021, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 21, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 2; April 21, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15		X		
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1178 By: Birdwell

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the rights and duties of parents and the protection of
 1-22 parental rights in suits affecting the parent-child relationship.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 151.001(a), Family Code, is amended to
 1-25 read as follows:

1-26 (a) In addition to the rights and duties described by
 1-27 Section 151.004, a [A] parent of a child has the following rights
 1-28 and duties:

1-29 (1) the right to have physical possession [~~to direct~~
 1-30 ~~the moral and religious training,~~] and to designate the residence
 1-31 of the child;

1-32 (2) the duty of care, control, protection, and
 1-33 reasonable discipline of the child;

1-34 (3) the duty to support the child, including providing
 1-35 the child with clothing, food, shelter, medical and dental care,
 1-36 and education;

1-37 (4) the duty, except when a guardian of the child's
 1-38 estate has been appointed, to manage the estate of the child,
 1-39 including the right as an agent of the child to act in relation to
 1-40 the child's estate if the child's action is required by a state, the
 1-41 United States, or a foreign government;

1-42 (5) except as provided by Section 264.0111, the right
 1-43 to the services and earnings of the child;

1-44 (6) the right to consent to the child's marriage,
 1-45 enlistment in the armed forces of the United States, medical and
 1-46 dental care, and psychiatric, psychological, and surgical
 1-47 treatment;

1-48 (7) the right to represent the child in legal action
 1-49 and to make other decisions of substantial legal significance
 1-50 concerning the child;

1-51 (8) the right to receive and give receipt for payments
 1-52 for the support of the child and to hold or disburse funds for the
 1-53 benefit of the child;

1-54 (9) the right to inherit from and through the child;
 1-55 and

1-56 (10) [~~the right to make decisions concerning the~~
 1-57 ~~child's education, and~~

1-58 [~~(11)~~] any other right or duty existing between a
 1-59 parent and child by virtue of law.

1-60 SECTION 2. Chapter 151, Family Code, is amended by adding

2-1 Section 151.004 to read as follows:
2-2 Sec. 151.004. PRESUMPTION OF PARENTAL FITNESS; FUNDAMENTAL
2-3 RIGHT OF PARENTS TO RAISE CHILDREN. (a) In a suit, there is a
2-4 presumption that a parent is a fit parent who acts in the best
2-5 interest of the parent's child.
2-6 (b) The fundamental right of a parent to raise the parent's
2-7 child includes the right to direct and make decisions for the
2-8 child's care, custody, control, education, upbringing, moral and
2-9 religious training, and medical care.
2-10 (c) In a suit between a parent and a nonparent, a court may
2-11 not grant any relief that conflicts with a parent's decisions or
2-12 proposed decisions for the child unless the court finds that:
2-13 (1) the requested relief is necessary to prevent a
2-14 significant impairment of the child's physical health or emotional
2-15 well-being; or
2-16 (2) in the most recent final order rendered regarding
2-17 the child in a previous suit to which the parent was a party, the
2-18 parent:
2-19 (A) either:
2-20 (i) was given an opportunity to be heard and
2-21 present evidence; or
2-22 (ii) entered into a written agreement that
2-23 did not name the parent as the sole managing conservator or a joint
2-24 managing conservator of the child;
2-25 (B) was not appointed as the sole managing
2-26 conservator or a joint managing conservator of the child; and
2-27 (C) had adequate notice of the final hearing as
2-28 required by law.
2-29 (d) This section may not be construed to limit the rights of
2-30 the state to investigate or act on a report of child abuse or
2-31 neglect allegedly committed by a person responsible for a child's
2-32 care, custody, or welfare, beyond the limitations required by the
2-33 United States Constitution and the Texas Constitution.
2-34 (e) This section does not apply to an order to enforce child
2-35 support.
2-36 SECTION 3. This Act takes effect immediately if it receives
2-37 a vote of two-thirds of all the members elected to each house, as
2-38 provided by Section 39, Article III, Texas Constitution. If this
2-39 Act does not receive the vote necessary for immediate effect, this
2-40 Act takes effect September 1, 2021.

2-41 * * * * *