

1-1 By: Dutton (Senate Sponsor - Paxton) H.B. No. 3181
 1-2 (In the Senate - Received from the House May 5, 2025;
 1-3 May 6, 2025, read first time and referred to Committee on State
 1-4 Affairs; May 23, 2025, reported favorably by the following vote:
 1-5 Yeas 10, Nays 0; May 23, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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	X			

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

1-21 relating to the enforcement of a court order for possession of or
 1-22 access to a child and related order modifications.

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

1-24 SECTION 1. Subchapter B, Chapter 156, Family Code, is
 1-25 amended by adding Section 156.107 to read as follows:

1-26 Sec. 156.107. MODIFICATION OF ORDER ON FINDING OF CONTEMPT
 1-27 FOR DENIAL OF POSSESSION AND ACCESS. A finding by the court that a
 1-28 conservator is in contempt of court for the denial of court-ordered
 1-29 possession of or access to a child and has previously been found in
 1-30 contempt of court at least three times for failure to comply with
 1-31 the terms of an order providing for possession of or access to the
 1-32 child constitutes a material and substantial change of
 1-33 circumstances sufficient to justify modification of an existing
 1-34 court order or portion of a decree that provides for the appointment
 1-35 of a conservator or that sets the terms and conditions of
 1-36 conservatorship or for the possession of or access to the child.

1-37 SECTION 2. Section 157.165, Family Code, is amended to read
 1-38 as follows:

1-39 Sec. 157.165. PROBATION OF CONTEMPT ORDER. (a) Except as
 1-40 provided by Subsection (b), the ~~the~~ court may place the
 1-41 respondent on community supervision and suspend commitment if the
 1-42 court finds that the respondent is in contempt of court for failure
 1-43 or refusal to obey an order rendered as provided in this title.

1-44 (b) The court may not place the respondent on community
 1-45 supervision and suspend commitment if the court finds that the
 1-46 respondent:

1-47 (1) is in contempt of court for the failure or refusal
 1-48 to obey an order for possession of or access to a child; and

1-49 (2) has previously been found in contempt of court at
 1-50 least three times for the failure or refusal to obey an order for
 1-51 possession of or access to a child.

1-52 SECTION 3. Section 157.167, Family Code, is amended by
 1-53 amending Subsection (c) and adding Subsection (e) to read as
 1-54 follows:

1-55 (c) Except as provided by Subsections ~~Subsection~~ (d) and
 1-56 (e), for good cause shown, the court may waive the requirement that
 1-57 the respondent pay attorney's fees and costs if the court states the
 1-58 reasons supporting that finding.

1-59 (e) The court may not waive the requirement that the
 1-60 respondent pay attorney's fees and costs if the court finds that the
 1-61 respondent has previously been found in contempt of court at least

2-1 three times for the denial of court-ordered possession of or access
2-2 to the child who is the subject of the proceeding.

2-3 SECTION 4. Section 157.168, Family Code, is amended by
2-4 amending Subsections (a) and (a-2) and adding Subsection (d) to
2-5 read as follows:

2-6 (a) Unless a party shows good cause why the order should not
2-7 be rendered [~~Except as provided in Subsection (a-1)~~], a court shall
2-8 [~~may~~] order additional periods of possession of or access to a child
2-9 to compensate for the denial of court-ordered possession or access.

2-10 (a-2) The additional periods of possession or access:

2-11 (1) except as provided by Subsection (d), must be of
2-12 the same type and duration of the possession or access that was
2-13 denied;

2-14 (2) may include weekend, holiday, and summer
2-15 possession or access; and

2-16 (3) must occur on or before the second anniversary of
2-17 the date the court finds that court-ordered possession or access
2-18 has been denied.

2-19 (d) If the court finds that the person denying possession or
2-20 access has previously been found in contempt of court at least three
2-21 times for the denial of court-ordered possession or access with
2-22 respect to the child who is the subject of the proceeding, the
2-23 additional periods of possession of or access to the child ordered
2-24 by the court under this section must be, in total, twice the
2-25 duration of the periods of possession and access that were denied.

2-26 SECTION 5. Sections 157.168(a-1) and (c), Family Code, are
2-27 repealed.

2-28 SECTION 6. (a) Section 156.107, Family Code, as added by
2-29 this Act, applies to a suit for modification that is pending in a
2-30 trial court on the effective date of this Act or that is filed on or
2-31 after that date.

2-32 (b) The changes in law made by this Act to Sections 157.165
2-33 and 157.168, Family Code, apply to a suit affecting the
2-34 parent-child relationship that is pending in a trial court on the
2-35 effective date of this Act or that is filed on or after the
2-36 effective date of this Act.

2-37 (c) The change in law made by this Act to Section 157.167,
2-38 Family Code, applies only to an enforcement order rendered on or
2-39 after the effective date of this Act. An enforcement order rendered
2-40 before the effective date of this Act is governed by the law in
2-41 effect on the date the order was rendered, and the former law is
2-42 continued in effect for that purpose.

2-43 SECTION 7. This Act takes effect September 1, 2025.

2-44 * * * * *