

1-1 By: Birdwell S.B. No. 2052
1-2 (In the Senate - Filed March 7, 2025; March 17, 2025, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 14, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 14, 2025,
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 COMMITTEE SUBSTITUTE FOR S.B. No. 2052 By: Hughes

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to suits affecting the parent-child relationship between a
1-18 parent and a nonparent.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 102, Family Code, is amended by adding
1-21 Section 102.0031 to read as follows:

1-22 Sec. 102.0031. REQUIRED AFFIDAVIT FOR STANDING OF
1-23 NONPARENT. (a) A nonparent who files or intervenes in a suit
1-24 affecting the parent-child relationship in which another party to
1-25 the suit is a parent of the child shall execute and serve with the
1-26 nonparent's initial pleading an affidavit that:

1-27 (1) attests, based on the nonparent's personal
1-28 knowledge or representations made to the nonparent by a person with
1-29 personal knowledge of the matter, that denying the relief sought
1-30 would significantly impair the child's physical health or emotional
1-31 development; and

1-32 (2) contains facts that support the allegation under
1-33 Subdivision (1).

1-34 (b) The court shall deny the relief sought and dismiss the
1-35 suit or strike the intervention, as applicable, unless the court
1-36 determines, based on the affidavit, that the affidavit contains
1-37 facts adequate to support the allegation under Subsection (a)(1).

1-38 SECTION 2. Section 153.002, Family Code, is amended to read
1-39 as follows:

1-40 Sec. 153.002. BEST INTEREST OF CHILD; REBUTTABLE
1-41 PRESUMPTION IN SUIT BETWEEN PARENT AND NONPARENT. (a) The best
1-42 interest of the child shall always be the primary consideration of
1-43 the court in determining the issues of conservatorship and
1-44 possession of and access to the child.

1-45 (b) In a suit between a parent and a nonparent, it is a
1-46 rebuttable presumption that:

1-47 (1) a parent acts in the best interest of the parent's
1-48 child; and

1-49 (2) it is in the best interest of a child to be in the
1-50 care, custody, and control of a parent.

1-51 (c) In a suit between a parent and a nonparent, the
1-52 nonparent may overcome the presumption under Subsection (b) by
1-53 proving by clear and convincing evidence that denial of the relief
1-54 requested by the nonparent would significantly impair the child's
1-55 physical health or emotional development. If the court renders an
1-56 order in the suit granting relief to the nonparent, the court shall
1-57 state in the order:

1-58 (1) the specific facts that support the court's
1-59 finding that denying the relief requested by the nonparent would
1-60 significantly impair the child's physical health or emotional

2-1 development; and
2-2 (2) the extent to which the nonparent has overcome the
2-3 presumption under Subsection (b).

2-4 SECTION 3. Subchapter A, Chapter 156, Family Code, is
2-5 amended by adding Section 156.008 to read as follows:

2-6 Sec. 156.008. ADDITIONAL REQUIREMENTS IN SUIT FOR
2-7 MODIFICATION BETWEEN PARENT AND NONPARENT. In a suit for
2-8 modification between a parent and a nonparent, the nonparent:

2-9 (1) if required to overcome the presumption under
2-10 Section 153.002(b), must overcome the presumption by clear and
2-11 convincing evidence; and

2-12 (2) may not overcome the presumption under Section
2-13 153.002(b) on the basis of a prior order granting relief to the
2-14 nonparent if the parent agreed to the prior order.

2-15 SECTION 4. The changes in law made by this Act apply to a
2-16 suit affecting the parent-child relationship that is pending in a
2-17 trial court on or after the effective date of this Act or filed on or
2-18 after that date.

2-19 SECTION 5. This Act takes effect September 1, 2025.

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