

By: Sanford, Swanson, Krause

H.B. No. 1849

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the modification of an order establishing the
3 conservatorship or possession of or access to a child after a
4 conservator's death.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 156, Family Code, is
7 amended by adding Section 156.106 to read as follows:

8 Sec. 156.106. MODIFICATION OF ORDER BASED ON DEATH OF
9 CONSERVATOR. (a) The death of a person who is a conservator of a
10 child is a material and substantial change of circumstances
11 sufficient to justify a temporary order and modification of an
12 existing court order or portion of a decree that provides for the
13 appointment of a conservator or that sets the terms and conditions
14 of conservatorship or for the possession of or access to the child.

15 (b) Before modifying an order under Section 156.101 based on
16 a material and substantial change of circumstances described by
17 Subsection (a), the court must consider any term or condition of the
18 order or portion of a decree that denies possession of the child to
19 a parent or imposes restrictions or limitations on the parent's
20 right to possession of or access to the child. The court shall
21 include those restrictions or limitations in a modification of the
22 order if the court finds that the restrictions or limitations
23 continue to be in the best interest of the child.

24 SECTION 2. The change in law made by this Act applies to a

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1 suit for modification that is pending in a trial court on the
2 effective date of this Act or that is filed on or after that date.

3 SECTION 3. This Act takes effect September 1, 2021.