

By: Cook

H.B. No. 2688

A BILL TO BE ENTITLED

AN ACT

relating to the modification of certain orders in a suit affecting the parent-child relationship.

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

SECTION 1. Subchapter B, Chapter 156, Family Code, is amended by adding Section 156.1011 to read as follows:

Sec. 156.1011. REQUIRED FINDINGS FOR CERTAIN MODIFICATIONS; PARENTAL PRESUMPTION. (a) In a suit seeking to modify an order appointing a child's parent as the child's managing conservator, the court may not remove the parent as the child's managing conservator unless the court finds that the parent's continued appointment would not be in the best interest of the child because the continued appointment would significantly impair the child's physical health or emotional development.

(b) In a suit by a nonparent seeking a modification that has the effect of creating a designation, or changing the designation of the person who has the exclusive right to designate the primary residence of the child, if one or both of the child's parents were named in the final order as a managing conservator of the child, the court shall designate or maintain the designation of a parent managing conservator as the person with the exclusive right to designate the child's primary residence unless the court finds that the designation would significantly impair the child's physical health or emotional development.

1        (c) Section 153.373 applies in a suit for modification under  
2 this subchapter.

3        SECTION 2. The change in law made by this Act applies to a  
4 suit for modification that is pending in a trial court on the  
5 effective date of this Act or that is filed on or after the  
6 effective date of this Act.

7        SECTION 3. This Act takes effect September 1, 2023.