

By: Birdwell

S.B. No. 2052

A BILL TO BE ENTITLED

AN ACT

relating to the determination of the best interest of the child in certain suits affecting the parent-child relationship.

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

SECTION 1. Section 153.002, Family Code, is amended to read as follows:

Sec. 153.002. BEST INTEREST OF CHILD. (a) The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.

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

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

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

(c) In a suit between a parent and a nonparent, the nonparent may overcome the presumption under Subsection (b) by proving by clear and convincing evidence that denial of the relief requested by the nonparent would significantly impair the child's physical health or emotional development.

SECTION 2. Section 156.101, Family Code, is amended by adding Subsection (c) to read as follows:

(c) In a suit for modification between a parent and a

1 nonparent, the presumption under Section 153.002(b) applies. The
2 presumption is rebutted if, in the order subject to modification,
3 the presumption was rebutted with respect to the child who is the
4 subject of the suit.

5 SECTION 3. The changes in law made by this Act apply to a
6 suit affecting the parent-child relationship that is pending in a
7 trial court on or after the effective date of this Act or filed on or
8 after that date.

9 SECTION 4. This Act takes effect September 1, 2025.