

## **BILL ANALYSIS**

Senate Research Center

H.B. 913  
By: Goodman (Harris)  
Jurisprudence  
5/12/2003  
Engrossed

### **BACKGROUND AND PURPOSE**

Under current law, there is a rebuttable presumption that the naming of parents as joint managing conservators in a suit affecting the parent-child relationship is in the best interest of the child. Since the creation of this presumption, the legislature has amended the Family Code to reflect this presumption. However, some of the changes to the Family Code utilized inconsistent or outdated terminology and do not reflect the current practice or case law. H.B. 913 amends the Family Code to make consistent the terminology and to reflect the current practice and case law.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 105.001(a)(3), Family Code, by deleting the word molesting. Amends Family Code, Section 105.001(c)(2) by replacing the word "parent" with "person."

SECTION 2. Amends Section 105.002(c)(1), Family Code, to provide that a court cannot contravene a jury verdict and that the jury is entitled to determine whether to impose a geographic restriction on where a joint managing conservator may designate the child's primary residence; and if such a restriction is imposed, the jury is entitled to determine the geographic area within which the joint managing conservator must designate the child's primary residence. Amends Family Code, Section 105.002(c)(2) to provide that the court may not submit to the jury questions of support under Chapter 154 or Chapter 159 of the Family Code.

SECTION 3. Amends Section 151.001(a), Family Code, by replacing the word "establish" with "designate" regarding a child's residence.

SECTION 4. Amends Section 152.209(a), Family Code, by not requiring certain information be provided in a party's first pleading or affidavit if each party resides in this state.

SECTION 5. Amends Section 153.008, Family Code, as follows:

Sec. 153.008. New heading: CHILD'S PREFERENCE OF PERSON TO DESIGNATE RESIDENCE. Authorizes a child to file in writing the name of a person who is the child's preference to have the right to designate the primary residence of the child.

SECTION 6. Amends Section 153.073(a), Family Code, by deleting the necessity for a court to order that a conservator receive certain information regarding the child.

SECTION 7. Amends Section 153.074, Family Code, by deleting the right of a parent to consent to emergency medical treatment during periods of possession.

SECTION 8. Amends Section 153.076, Family Code, as follows:

Sec. 153.076. New heading: DUTY TO PROVIDE INFORMATION. Expands the duty

to provide information concerning the child to conservators of the child and not just the parents.

SECTION 9. Amends Section 153.132, Family Code, by replacing the word "establish" with "designate."

SECTION 10. Amends Section 153.133(a), Family Code, by replacing the word "establish" with "designate."

SECTION 11. Amends Section 153.134(b), Family Code, to delete existing language relating to a geographic area within which the conservator must maintain the child's primary residence.

SECTION 12. Amends Section 153.137, Family Code, by changing terminology to conform with other amendments.

SECTION 13. Amends Section 153.312(a), Family Code, by changing the weekday visitation from "Wednesdays" to "Thursdays."

SECTION 14. Amends Section 153.314, Family Code, by changing the weekday visitation from "Wednesdays" to "Thursdays."

SECTION 15. Amends Section 153.317, Family Code, by changing the weekday visitation from "Wednesdays" to "Thursdays."

SECTION 16. Amends Section 153.371, Family Code, by replacing the word "establish" with "designate."

SECTION 17. Amends Section 155.301(a), Family Code, to require a court of this state with continuing, exclusive jurisdiction over suits filed under the Uniform Child Custody Jurisdiction and Enforcement Act to transfer the proceeding to the county of residence of the resident party.

SECTION 18. Amends Section 156.006(b), Family Code, by replacing the word "determine" with "designate."

SECTION 19. Amends Section 156.101, Family Code, by allowing for modification of an order for conservatorship and access if there are changes in circumstances from the earlier of the date of the signing of a mediated or collaborative law settlement agreement on which the order is based.

SECTION 20. Amends Section 156.102(a) and (b), Family Code, by allowing for modification of an order determining that a person has the right to designate the primary residence of the child within one year of the order if there are changes in circumstances from the earlier of the date of the signing of the mediated or collaborative law settlement agreement on which the order was rendered or the rendition of the order. Additionally amends Section 156.102(a) and (b) of the Family Code by replacing the word "determine" with "designate."

SECTION 21. Amends Section 156.401(a), Family Code, by allowing for modification of an order for child support if there are changes in circumstances from the earlier of the date of the signing of the mediated or collaborative law settlement agreement on which the order was rendered or the rendition of the order.

SECTION 22. Repeals Sections 105.002(d) and 153.136, Family Code.

SECTION 23. (a) Effective date: September 1, 2003.

(b)-(g) Make application of this Act prospective.