

BILL ANALYSIS

H.B. 913
By: Goodman
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, there is a rebuttable presumption that the naming of parents as joint managing conservators in suits 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 However, some of the changes to the Family Code utilized inconsistent or outdated terminology and do not reflect the current practice or case law. House Bill 913 amends the Family Code to make consistent the terminology and to reflect the current practice and case law.

RULEMAKING AUTHORITY

It is the committee's opinion that 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 Family Code, Section 105.001(a)(3), by deleting the word molesting. Amends Family Code, Section 105.001(c)(2) by replacing the word parent with person.

SECTION 2. Amends Family Code, Section 105.002(c)(1) 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 Family Code, Section 151.001(a), by replacing the word "establish" with "designate."

SECTION 4. Amends Family Code, Section 152.209(a), 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 Family Code, Section 153.008, by replacing the word choice with preference and provides that a child may 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 Family Code, Section 153.073(a), by deleting the necessity for a court to order that a conservator receive certain information regarding the child.

- SECTION 7.** Amends Family Code, Section 153.074, by deleting the right of a parent to consent to emergency medical treatment during periods of possession.
- SECTION 8.** Amends Family Code, Section 153.076, by expanding the duty to provide information concerning the child to conservators of the child and not just the parents.
- SECTION 9.** Amends Family Code, Section 153.132, by replacing the word “establish” with “designate.”
- SECTION 10.** Amends Family Code, Section 153.133(a), by replacing the word “establish” with “designate.”
- SECTION 11.** Amends Family Code, Section 153.137, by changing terminology to conform with other amendments.
- SECTION 12.** Amends Family Code, Section 153.312(a), by changing the weekday visitation from “Wednesdays” to “Thursdays.”
- SECTION 13.** Amends Family Code, Section 153.314, by changing the weekday visitation from “Wednesdays” to “Thursdays.”
- SECTION 14.** Amends Family Code, Section 153.317, by changing the weekday visitation from “Wednesdays” to “Thursdays.”
- SECTION 15.** Amends Family Code, Section 153.371, by replacing the word “establish” with “designate.”
- SECTION 16.** Amends Family Code, Section 155.301(a) by providing that a court of this state with continuing, exclusive jurisdiction over suits filed under the Uniform Child Custody Jurisdiction and Enforcement Act shall transfer the proceeding to the county of residence of the resident party.
- SECTION 17.** Amends Family Code, Section 156.006(b), by replacing the word “determine” with “designate.”
- SECTION 18.** Amends Family Code, Section 156.101 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 19.** Amends Family Code, Section 156.102(a) and (b) 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 20.** Amends Family Code, Section 156.401(a), 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 21.** Repeals Family Code Sections 105.002(d) and 153.136.

SECTION 22. (a) This Act takes effect September 1, 2003. Prospective provisions.

EFFECTIVE DATE

September 1, 2003.