

1-1 By: Dutton, et al. (Senate Sponsor - West) H.B. No. 2099
1-2 (In the Senate - Received from the House April 28, 2003;
1-3 May 1, 2003, read first time and referred to Committee on Health
1-4 and Human Services; May 22, 2003, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the determination of the conservatorship of, and the
1-9 right of possession of or access to, a child by a person who has a
1-10 history of family violence.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 153.004, Family Code, is amended by
1-13 adding Subsection (f) to read as follows:

1-14 (f) In determining under this section whether there is
1-15 credible evidence of a history or pattern of past or present child
1-16 neglect or physical or sexual abuse by a parent directed against the
1-17 other parent, a spouse, or a child, the court shall consider whether
1-18 a protective order was rendered under Chapter 85, Title 4, against
1-19 the parent during the two-year period preceding the filing of the
1-20 suit or during the pendency of the suit.

1-21 SECTION 2. This Act takes effect September 1, 2003, and
1-22 applies only to an order in a suit affecting the parent-child
1-23 relationship rendered on or after that date, without regard to
1-24 whether the suit was filed before, on, or after that date.

1-25 SECTION 3. The enactment of this Act does not by itself
1-26 constitute a material and substantial change of circumstances
1-27 sufficient to warrant modification of a court order or portion of a
1-28 decree that provides for the possession of or access to a child
1-29 rendered before the effective date of this Act.

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