

By: Dawson

H.B. No. 3217

A BILL TO BE ENTITLED

AN ACT

relating to modification of an order for possession of or access to a child; providing a criminal penalty.

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

SECTION 1. Subchapter B, Chapter 156, Family Code, is amended by adding Section 156.105 to read as follows:

Sec. 156.105. MODIFICATION FOR REFUSAL TO COMPLY WITH COURT-ORDERED POSSESSION AND ACCESS; PENALTY. (a) It is a material and substantial change of circumstances sufficient to justify a modification of a court order or portion of a decree that provides for the appointment of a conservator or that sets the terms and conditions of conservatorship or for the possession of or access to a child if the managing conservator has:

(1) engaged in a pattern or history of noncompliance with the terms of the court order or decree that provide for the possession of or access to the child; and

(2) been previously held in contempt of court for violating the terms of the order or decree that provide for the possession of or access to the child.

(b) A person commits an offense if the person files a suit to modify an order or portion of a decree based on the grounds permitted under Subsection (a) and the person knows that the managing conservator has not been previously held in contempt of court for violating terms of the court order or decree that provide

1 for the possession of or access to the child. An offense under this  
2 subsection is a Class B misdemeanor.

3 SECTION 2. This Act takes effect September 1, 2003.