

## **BILL ANALYSIS**

Senate Research Center  
79R14059 JMM-F

C.S.S.B. 1657  
By: Staples  
Jurisprudence  
4/29/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Texas law clearly states that a court cannot give a custodial parent the ability to deny possession of or access to a child because the obligor parent does not pay child support. This is to ensure that no parent can arbitrarily deny the other parent's access to the child. However, it could be construed from this law that the state's intent is for a court to not alter a possession order based on an obligor's failure to pay court-ordered child support. Failure of an obligor to pay court-ordered child support is a substantial change to the court-ordered requirements and would warrant a court modifying the terms of access and visitation.

C.S.S.B. 1657 clarifies that the legislature does recognize that a court may modify an order that provides for the appointment of a conservator of the child, that provides the terms and conditions of conservatorship, or that provides for the possession of or access to a child because of flagrant and consistent failure to pay court-ordered child support.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 156.101, Family Code, to authorize a court to modify an order that provides for the appointment of a conservator of the child, that provides the terms and conditions of conservatorship, or that provides for the possession of or access to a child if modification would be in the best interest of the child and the conservator or other person entitled to possession of or access to the child has failed to pay court-ordered child support for more than 12 consecutive months. Makes a nonsubstantive change.

SECTION 2. Effective date: September 1, 2005.