

1 AN ACT

2 relating to suits affecting the parent-child relationship,
3 protective orders, and collaborative law.

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

5 SECTION 1. Section 6.603, Family Code, is amended by adding
6 Subsection (h) to read as follows:

7 (h) The provisions for confidentiality of alternative
8 dispute resolution procedures as provided in Chapter 154, Civil
9 Practice and Remedies Code, apply equally to collaborative law
10 procedures under this section.

11 SECTION 2. Chapter 81, Family Code, is amended by adding
12 Section 81.009 to read as follows:

13 Sec. 81.009. APPEAL. (a) Except as provided by Subsections
14 (b) and (c), a protective order rendered under this subtitle may be
15 appealed.

16 (b) A protective order rendered against a party in a suit
17 for dissolution of a marriage may not be appealed until the time the
18 final decree of dissolution of the marriage becomes a final,
19 appealable order.

20 (c) A protective order rendered against a party in a suit
21 affecting the parent-child relationship may not be appealed until
22 the time an order providing for support of the child or possession
23 of or access to the child becomes a final, appealable order.

24 SECTION 3. Section 102.004, Family Code, is amended to read

1 as follows:

2 Sec. 102.004. STANDING FOR GRANDPARENT OR OTHER PERSON.

3 (a) In addition to the general standing to file suit provided by
4 Section 102.003[~~(13)~~], a grandparent may file an original suit
5 requesting managing conservatorship if there is satisfactory proof
6 to the court that:

7 (1) the order requested is necessary because the
8 child's present circumstances would significantly impair
9 ~~[environment presents a serious question concerning]~~ the child's
10 physical health or emotional development [~~welfare~~]; or

11 (2) both parents, the surviving parent, or the
12 managing conservator or custodian either filed the petition or
13 consented to the suit.

14 (b) An original suit requesting possessory conservatorship
15 may not be filed by a grandparent or other person. However, the
16 court may grant a grandparent or other person deemed by the court to
17 have had substantial past contact with the child leave to intervene
18 in a pending suit filed by a person authorized to do so under this
19 subchapter if there is satisfactory proof to the court that
20 appointment of a parent as a sole managing conservator or both
21 parents as joint managing conservators would significantly impair
22 the child's physical health or emotional development.

23 (c) Possession of or access [~~Access~~] to a child by a
24 grandparent is governed by the standards established by Chapter
25 153.

26 SECTION 4. Section 102.009(a), Family Code, is amended to
27 read as follows:

1 (a) Except as provided by Subsection (b), the following are
2 entitled to service of citation on the filing of a petition in an
3 original suit:

4 (1) a managing conservator;

5 (2) a possessory conservator;

6 (3) a person having possession of or access to the
7 child under an order;

8 (4) a person required by law or by order to provide for
9 the support of the child;

10 (5) a guardian of the person of the child;

11 (6) a guardian of the estate of the child;

12 (7) each parent as to whom the parent-child
13 relationship has not been terminated or process has not been waived
14 under Chapter 161;

15 (8) an alleged father, unless there is attached to the
16 petition an affidavit of waiver of interest in a child executed by
17 the alleged father as provided by Chapter 161 or unless the
18 petitioner has complied with the provisions of Section
19 161.002(b)(2) or (b)(3);

20 (9) a man who has filed a notice of intent to claim
21 paternity as provided by Chapter 160;

22 (10) the Department of Family and Protective [~~and~~
23 ~~Regulatory~~] Services, if the petition requests that the department
24 be appointed as managing conservator of the child; [~~and~~]

25 (11) the Title IV-D agency, if the petition requests
26 the termination of the parent-child relationship and support rights
27 have been assigned to the Title IV-D agency under Chapter 231;

1 (12) a prospective adoptive parent to whom standing
2 has been conferred under Section 102.0035; and

3 (13) a person designated as the managing conservator
4 in a revoked or unrevoked affidavit of relinquishment under
5 Chapter 161 or to whom consent to adoption has been given in writing
6 under Chapter 162.

7 SECTION 5. Section 105.008(a), Family Code, is amended to
8 read as follows:

9 (a) The clerk of the court shall provide the state case
10 registry with a record of a court order for child support [~~as~~
11 ~~required by procedures adopted under Section 234.003~~]. The record
12 of an order shall include information provided by the parties on a
13 form developed by the Title IV-D agency. The form shall be
14 completed by the petitioner and submitted to the clerk at the time
15 the order is filed for record.

16 SECTION 6. Section 105.009, Family Code, is amended by
17 adding Subsection (m) to read as follows:

18 (m) A course under this section must be available in both
19 English and Spanish.

20 SECTION 7. Section 153.0071, Family Code, is amended by
21 adding Subsection (e-1) to read as follows:

22 (e-1) Notwithstanding Subsections (d) and (e), a court may
23 decline to enter a judgment on a mediated settlement agreement if
24 the court finds that:

25 (1) a party to the agreement was a victim of family
26 violence, and that circumstance impaired the party's ability to
27 make decisions; and

1 (2) the agreement is not in the child's best interest.

2 SECTION 8. Section 153.0072, Family Code, is amended by
3 adding Subsection (h) to read as follows:

4 (h) The provisions for confidentiality of alternative
5 dispute resolution procedures as provided in Chapter 154, Civil
6 Practice and Remedies Code, apply equally to collaborative law
7 procedures under this section.

8 SECTION 9. Section 153.009, Family Code, is amended to read
9 as follows:

10 Sec. 153.009. INTERVIEW OF CHILD IN CHAMBERS. (a) In a
11 nonjury trial or at a hearing, on the application of a party, the
12 amicus attorney, or the attorney ad litem for the child, the court
13 shall ~~may~~ interview ~~[the child]~~ in chambers a child 12 years of
14 age or older and may interview in chambers a child under 12 years of
15 age to determine the child's wishes as to conservatorship or as to
16 the person who shall have the exclusive right to determine the
17 child's primary residence. The court may also interview a child in
18 chambers on the court's own motion for a purpose specified by this
19 subsection.

20 (b) In a nonjury trial or at a hearing, on the application of
21 a party, the amicus attorney, or the attorney ad litem for the child
22 or on the court's own motion, the court may interview the child in
23 chambers to determine the child's wishes as to possession, access,
24 or any other issue in the suit affecting the parent-child
25 relationship ~~[When the issue of managing conservatorship is~~
26 contested, on the application of a party, the court shall interview
27 a child 12 years of age or older and may interview a child under 12

1 ~~years of age]~~.

2 (c) Interviewing a child does not diminish the discretion of
3 the court in determining the best interests of the child.

4 (d) In a jury trial, the court may not interview the child in
5 chambers regarding an issue on which a party is entitled to a jury
6 verdict.

7 (e) In any trial or hearing, the [~~(e)~~ ~~The~~] court may permit
8 the attorney for a party, the amicus attorney, the guardian ad litem
9 for the child, or the attorney ad litem for the child to be present
10 at the interview.

11 (f) [~~(d)~~] On the motion of a party, the amicus attorney, or
12 the attorney ad litem for the child, or on the court's own motion,
13 the court shall cause a record of the interview to be made when the
14 child is 12 years of age or older. A record of the interview shall
15 be part of the record in the case.

16 SECTION 10. Section 153.132, Family Code, is amended to
17 read as follows:

18 Sec. 153.132. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE
19 MANAGING CONSERVATOR. Unless limited by court order, a parent
20 appointed as sole managing conservator of a child has the rights and
21 duties provided by Subchapter B and the following exclusive rights:

22 (1) the right to designate the primary residence of
23 the child;

24 (2) the right to consent to medical, dental, and
25 surgical treatment involving invasive procedures;

26 (3) the right [~~and~~] to consent to psychiatric and
27 psychological treatment;

1 (4) [~~(3)~~] the right to receive and give receipt for
2 periodic payments for the support of the child and to hold or
3 disburse these funds for the benefit of the child;

4 (5) [~~(4)~~] the right to represent the child in legal
5 action and to make other decisions of substantial legal
6 significance concerning the child;

7 (6) [~~(5)~~] the right to consent to marriage and to
8 enlistment in the armed forces of the United States;

9 (7) [~~(6)~~] the right to make decisions concerning the
10 child's education;

11 (8) [~~(7)~~] the right to the services and earnings of
12 the child; and

13 (9) [~~(8)~~] except when a guardian of the child's estate
14 or a guardian or attorney ad litem has been appointed for the child,
15 the right to act as an agent of the child in relation to the child's
16 estate if the child's action is required by a state, the United
17 States, or a foreign government.

18 SECTION 11. Section 153.134(a), Family Code, is amended to
19 read as follows:

20 (a) If a written agreement of the parents is not filed with
21 the court, the court may render an order appointing the parents
22 joint managing conservators only if the appointment is in the best
23 interest of the child, considering the following factors:

24 (1) whether the physical, psychological, or emotional
25 needs and development of the child will benefit from the
26 appointment of joint managing conservators;

27 (2) the ability of the parents to give first priority

1 to the welfare of the child and reach shared decisions in the
2 child's best interest;

3 (3) whether each parent can encourage and accept a
4 positive relationship between the child and the other parent;

5 (4) whether both parents participated in child rearing
6 before the filing of the suit;

7 (5) the geographical proximity of the parents'
8 residences;

9 (6) if the child is 12 years of age or older, the
10 child's preference, if any, regarding the person to have the
11 exclusive right to designate the primary residence of the child
12 [~~appointment of joint managing conservators~~]; and

13 (7) any other relevant factor.

14 SECTION 12. Section 153.312(b), Family Code, is amended to
15 read as follows:

16 (b) The following provisions govern possession of the child
17 for vacations and certain specific holidays and supersede
18 conflicting weekend or Thursday [~~Wednesday~~] periods of possession.
19 The possessory conservator and the managing conservator shall have
20 rights of possession of the child as follows:

21 (1) the possessory conservator shall have possession
22 in even-numbered years, beginning at 6 p.m. on the day the child is
23 dismissed from school for the school's spring vacation and ending
24 at 6 p.m. on the day before school resumes after that vacation, and
25 the managing conservator shall have possession for the same period
26 in odd-numbered years;

27 (2) if a possessory conservator:

1 (A) gives the managing conservator written
2 notice by April 1 of each year specifying an extended period or
3 periods of summer possession, the possessory conservator shall have
4 possession of the child for 30 days beginning not earlier than the
5 day after the child's school is dismissed for the summer vacation
6 and ending not later than seven days before school resumes at the
7 end of the summer vacation, to be exercised in not more than two
8 separate periods of at least seven consecutive days each; or

9 (B) does not give the managing conservator
10 written notice by April 1 of each year specifying an extended period
11 or periods of summer possession, the possessory conservator shall
12 have possession of the child for 30 consecutive days beginning at 6
13 p.m. on July 1 and ending at 6 p.m. on July 31;

14 (3) if the managing conservator gives the possessory
15 conservator written notice by April 15 of each year, the managing
16 conservator shall have possession of the child on any one weekend
17 beginning Friday at 6 p.m. and ending at 6 p.m. on the following
18 Sunday during one period of possession by the possessory
19 conservator under Subdivision (2), provided that the managing
20 conservator picks up the child from the possessory conservator and
21 returns the child to that same place; and

22 (4) if the managing conservator gives the possessory
23 conservator written notice by April 15 of each year or gives the
24 possessory conservator 14 days' written notice on or after April 16
25 of each year, the managing conservator may designate one weekend
26 beginning not earlier than the day after the child's school is
27 dismissed for the summer vacation and ending not later than seven

1 days before school resumes at the end of the summer vacation, during
2 which an otherwise scheduled weekend period of possession by the
3 possessory conservator will not take place, provided that the
4 weekend designated does not interfere with the possessory
5 conservator's period or periods of extended summer possession or
6 with Father's Day if the possessory conservator is the father of the
7 child.

8 SECTION 13. Subchapter F, Chapter 153, Family Code, is
9 amended by adding Section 153.3161 to read as follows:

10 Sec. 153.3161. LIMITED POSSESSION DURING MILITARY
11 DEPLOYMENT. (a) In addition to the general terms and conditions of
12 possession required by Section 153.316, if a possessory conservator
13 or a joint managing conservator of the child without the exclusive
14 right to designate the primary residence of the child is currently a
15 member of the armed forces of the state or the United States or is
16 reasonably expected to join those forces, the court shall:

17 (1) permit that conservator to designate a person who
18 may exercise limited possession of the child during any period that
19 the conservator is deployed outside of the United States; and

20 (2) if the conservator elects to designate a person
21 under Subdivision (1), provide in the order for limited possession
22 of the child by the designated person under those circumstances,
23 subject to the court's determination that the limited possession is
24 in the best interest of the child.

25 (b) If the court determines that the limited possession is
26 in the best interest of the child, the court shall provide in the
27 order that during periods of deployment:

1 (1) the designated person has the right to possession
2 of the child on the first weekend of each month beginning at 6 p.m.
3 on Friday and ending at 6 p.m. on Sunday;

4 (2) the other parent shall surrender the child to the
5 designated person at the beginning of each period of possession at
6 the other parent's residence;

7 (3) the designated person shall return the child to
8 the other parent's residence at the end of each period of
9 possession;

10 (4) the child's other parent and the designated person
11 are subject to the requirements of Sections 153.316(5)-(9);

12 (5) the designated person has the rights and duties of
13 a nonparent possessory conservator under Section 153.376(a) during
14 the period that the person has possession of the child; and

15 (6) the designated person is subject to any provision
16 in a court order restricting or prohibiting access to the child by
17 any specified individual.

18 (c) After the deployment is concluded, and the deployed
19 parent returns to that parent's usual residence, the designated
20 person's right to limited possession under this section terminates
21 and the rights of all affected parties are governed by the terms of
22 any court order applicable when a parent is not deployed.

23 SECTION 14. Sections 155.201(a) and (b), Family Code, are
24 amended to read as follows:

25 (a) On the filing of a motion showing that a suit for
26 dissolution of the marriage of the child's parents has been filed in
27 another court and requesting a transfer to that court, the court

1 having continuing, exclusive jurisdiction of a suit affecting the
2 parent-child relationship shall, within the time required by
3 Section 155.204, transfer the proceedings to the court in which the
4 dissolution of the marriage is pending. The motion must comply with
5 the requirements of Section 155.204(a).

6 (b) If a suit to modify or a motion to enforce an order is
7 filed in the court having continuing, exclusive jurisdiction of a
8 suit, on the timely motion of a party the court shall, within the
9 time required by Section 155.204, transfer the proceeding to
10 another county in this state if the child has resided in the other
11 county for six months or longer.

12 SECTION 15. Section 155.204, Family Code, is amended to
13 read as follows:

14 Sec. 155.204. PROCEDURE FOR TRANSFER. (a) A motion to
15 transfer under Section 155.201(a) may be filed at any time. The
16 motion must contain a certification that all other parties,
17 including the attorney general, if applicable, have been informed
18 of the filing of the motion.

19 (b) Except as provided by Subsection (a) or Section 262.203,
20 a motion to transfer by a petitioner or movant is timely if it is
21 made at the time the initial pleadings are filed. A motion to
22 transfer by another party is timely if it is made on or before the
23 first Monday after the 20th day after the date of service of
24 citation or notice of the suit or before the commencement of the
25 hearing, whichever is sooner.

26 (c) If a timely motion to transfer has been filed and no
27 controverting affidavit is filed within the period allowed for its

1 filing, the proceeding shall, not later than the 21st day after the
2 final date of the period allowed for the filing of a controverting
3 affidavit, be transferred [~~promptly~~] without a hearing to the
4 proper court.

5 (d) [~~(b)~~] On or before the first Monday after the 20th day
6 after the date of notice of a motion to transfer is served, a party
7 desiring to contest the motion must file a controverting affidavit
8 denying that grounds for the transfer exist.

9 (e) [~~(c)~~] If a controverting affidavit contesting the
10 motion to transfer is filed, each party is entitled to notice not
11 less than 10 days before the date of the hearing on the motion to
12 transfer.

13 (f) [~~(d)~~] Only evidence pertaining to the transfer may be
14 taken at the hearing.

15 (g) If the court finds after the hearing on the motion to
16 transfer that grounds for the transfer exist, the proceeding shall
17 be transferred to the proper court not later than the 21st day after
18 the date the hearing is concluded.

19 (h) [~~(e)~~] An order transferring or refusing to transfer the
20 proceeding is not subject to interlocutory appeal.

21 (i) [~~(f)~~] If a transfer order has been signed [~~rendered~~] by
22 a court exercising jurisdiction under Chapter 262, a party may file
23 the transfer order with the clerk of the court of continuing,
24 exclusive jurisdiction. On receipt and without a hearing, the
25 clerk of the court of continuing, exclusive jurisdiction shall
26 transfer the files as provided by this subchapter.

27 SECTION 16. Sections 155.207(a), (b), and (c), Family Code,

1 are amended to read as follows:

2 (a) On the signing [~~rendition~~] of an order of transfer, the
3 clerk of the court transferring a proceeding shall send to the
4 proper court in the county to which transfer is being made:

5 (1) the pleadings in the [~~complete files in all~~
6 ~~matters affecting the child in any~~] pending proceeding and any
7 other document specifically requested by a party;

8 (2) certified copies of all entries in the minutes;
9 and

10 (3) [~~a certified copy of any order of dissolution of~~
11 ~~marriage rendered in a suit joined with the suit affecting the~~
12 ~~parent-child relationship; and~~

13 [~~4~~] a certified copy of each final order [~~rendered~~].

14 (b) The clerk of the transferring court shall keep a copy of
15 the transferred pleadings and other requested documents [~~files~~].
16 If the transferring court retains jurisdiction of another child who
17 was the subject of the suit, the clerk shall send a copy of the
18 pleadings and other requested documents [~~complete files~~] to the
19 court to which the transfer is made and shall keep the original
20 pleadings and other requested documents [~~files~~].

21 (c) On receipt of the pleadings [~~files~~], documents, and
22 orders from the transferring court, the clerk of the transferee
23 court shall docket the suit and shall notify all parties, the clerk
24 of the transferring court, and, if appropriate, the transferring
25 court's local registry that the suit has been docketed.

26 SECTION 17. Section 156.006(b), Family Code, is amended to
27 read as follows:

1 (b) While a suit for modification is pending, the court may
2 not render a temporary order that has the effect of changing the
3 designation of the person who has the exclusive right to designate
4 the primary residence of the child under the final order unless:

5 (1) the order is necessary because the child's present
6 circumstances would significantly impair [~~living environment may~~
7 ~~endanger~~] the child's physical health or [~~significantly impair the~~
8 ~~child's~~] emotional development;

9 (2) the person designated in the final order has
10 voluntarily relinquished the primary care and possession of the
11 child for more than six months and the temporary order is in the
12 best interest of the child; or

13 (3) the child is 12 years of age or older and has filed
14 with the court in writing the name of the person who is the child's
15 preference to have the exclusive right to designate the primary
16 residence of the child and the temporary order designating that
17 person is in the best interest of the child.

18 SECTION 18. Subchapter B, Chapter 156, Family Code, is
19 amended by adding Section 156.105 to read as follows:

20 Sec. 156.105. MODIFICATION OF ORDER BASED ON MILITARY
21 DEPLOYMENT. (a) The military deployment outside this country of a
22 person who is a possessory conservator or a joint managing
23 conservator without the exclusive right to designate the primary
24 residence of the child is a material and substantial change of
25 circumstances sufficient to justify a modification of an existing
26 court order or portion of a decree that sets the terms and
27 conditions for the possession of or access to a child.

1 (b) If the court determines that modification is in the best
2 interest of the child, the court may modify the order or decree to
3 provide in a manner consistent with Section 153.3161 for limited
4 possession of the child during the period of the deployment by a
5 person designated by the deployed conservator.

6 SECTION 19. Section 156.401, Family Code, is amended by
7 amending Subsections (a) and (d) and adding Subsection (a-1) to
8 read as follows:

9 (a) Except as provided by Subsection (a-1) or (b), the court
10 may modify an order that provides for the support of a child if:

11 (1) the circumstances of the child or a person
12 affected by the order have materially and substantially changed
13 since the earlier of:

14 (A) the date of the order's rendition; or

15 (B) the date of the signing of a mediated or
16 collaborative law settlement agreement on which the order is based;
17 or

18 (2) it has been three years since the order was
19 rendered or last modified and the monthly amount of the child
20 support award under the order differs by either 20 percent or \$100
21 from the amount that would be awarded in accordance with the child
22 support guidelines.

23 (a-1) If the parties agree to an order under which the
24 amount of child support differs from the amount that would be
25 awarded in accordance with the child support guidelines, the court
26 may modify the order only if the circumstances of the child or a
27 person affected by the order have materially and substantially

1 changed since the date of the order's rendition.

2 (d) Release of a child support obligor from incarceration is
3 a material and substantial change in circumstances for purposes of
4 this section [~~Subsection (a)(1)~~] if the obligor's child support
5 obligation was abated, reduced, or suspended during the period of
6 the obligor's incarceration.

7 SECTION 20. Sections 156.410(a) and (c), Family Code, are
8 amended to read as follows:

9 (a) For purposes of Section 156.401 [~~156.401(a)(1)~~], the
10 fact that an obligor has been called into active military service in
11 any branch of the United States armed forces is a material and
12 substantial change in circumstances if that active military
13 service:

14 (1) is for at least 30 consecutive days; and

15 (2) results in a decrease in the obligor's net
16 resources during the period of service.

17 (c) Return of the obligor from the active military service
18 described by Subsection (a) is a material and substantial change in
19 circumstances for purposes of Section 156.401 [~~156.401(a)(1)~~] for
20 which an obligee may file a motion for modification of a child
21 support order if the court previously modified the order on the
22 grounds described by Subsection (a).

23 SECTION 21. Section 157.005(b), Family Code, is amended to
24 read as follows:

25 (b) The court retains jurisdiction to confirm the total
26 amount of child support arrearages and render judgment for past-due
27 child support if a motion for enforcement requesting a money

1 judgment is filed not later than the 10th anniversary after the
2 date:

3 (1) the child becomes an adult; or

4 (2) on which the child support obligation terminates
5 under the child support order or by operation of law [~~until the date~~
6 ~~all current child support and medical support and child support~~
7 ~~arrearsages, including interest and any applicable fees and costs,~~
8 ~~have been paid~~].

9 SECTION 22. Section 160.760, Family Code, is amended by
10 adding Subsection (d) to read as follows:

11 (d) If the intended parents fail to file the notice required
12 by Subsection (a), the gestational mother or an appropriate state
13 agency may file the notice required by that subsection. On a
14 showing that an order validating the gestational agreement was
15 rendered in accordance with Section 160.756, the court shall order
16 that the intended parents are the child's parents and are
17 financially responsible for the child.

18 SECTION 23. Section 162.017(d), Family Code, is amended to
19 read as follows:

20 (d) Nothing in this chapter precludes or affects the rights
21 of a biological or adoptive maternal or paternal grandparent to
22 reasonable possession of or access to a grandchild, as provided in
23 Chapter 153.

24 SECTION 24. Section 81.009, Family Code, as added by this
25 Act, applies only to a protective order rendered on or after the
26 effective date of this Act. A protective order rendered before the
27 effective date of this Act is governed by the law in effect on the

1 date the order was rendered, and the former law is continued in
2 effect for that purpose.

3 SECTION 25. The changes in law made by this Act to Sections
4 102.004 and 102.009, Family Code, apply only to an original suit
5 affecting the parent-child relationship filed on or after the
6 effective date of this Act. An original suit affecting the
7 parent-child relationship filed before the effective date of this
8 Act is governed by the law in effect on the date that the suit was
9 filed, and the former law is continued in effect for that purpose.

10 SECTION 26. The changes in law made by this Act to Sections
11 153.0071 and 153.009, Family Code, apply only to a suit affecting
12 the parent-child relationship pending before a trial court on or
13 filed on or after the effective date of this Act.

14 SECTION 27. The change in law made by this Act to Section
15 153.134, Family Code, applies only to an original suit affecting
16 the parent-child relationship or a suit for modification filed on
17 or after the effective date of this Act. An original suit affecting
18 the parent-child relationship or a suit for modification filed
19 before the effective date of this Act is governed by the law in
20 effect on the date that the suit was filed, and the former law is
21 continued in effect for that purpose.

22 SECTION 28. The changes in law made by this Act to Sections
23 155.201, 155.204, and 155.207, Family Code, apply only to a motion
24 to transfer a suit affecting the parent-child relationship filed on
25 or after the effective date of this Act. A motion to transfer a suit
26 affecting the parent-child relationship filed before the effective
27 date of this Act is governed by the law in effect on the date that

1 the motion was filed, and the former law is continued in effect for
2 that purpose.

3 SECTION 29. Section 153.3161, Family Code, as added by this
4 Act, applies only to a suit affecting the parent-child relationship
5 pending in a trial court on or filed on or after the effective date
6 of this Act.

7 SECTION 30. The change in law made by this Act to Section
8 156.006, Family Code, applies only to a suit for modification filed
9 on or after the effective date of this Act. A suit for modification
10 filed before the effective date of this Act is governed by the law
11 in effect on the date that the suit was filed, and the former law is
12 continued in effect for that purpose.

13 SECTION 31. Section 156.105, Family Code, as added by this
14 Act, applies only to an action to modify an order in a suit
15 affecting the parent-child relationship pending in a trial court on
16 or filed on or after the effective date of this Act.

17 SECTION 32. The change in law made by this Act to Section
18 156.401, Family Code, applies only to a suit for modification
19 pending before a trial court on or filed on or after the effective
20 date of this Act.

21 SECTION 33. The change in law made by this Act to Section
22 157.005, Family Code, relating to the enforcement of a child
23 support order rendered before the effective date of this Act
24 applies only to a proceeding for enforcement that is commenced on or
25 after the effective date of this Act. A proceeding for enforcement
26 that is commenced before the effective date of this Act is governed
27 by the law in effect on the date the proceeding was commenced, and

1 the former law is continued in effect for that purpose.

2 SECTION 34. This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 260 was passed by the House on May 10, 2005, by the following vote: Yeas 142, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 260 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 260 on May 29, 2005, by the following vote: Yeas 139, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 260

I certify that H.B. No. 260 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 260 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor