

1-1 By: Goodman (Senate Sponsor - Averitt) H.B. No. 260  
1-2 (In the Senate - Received from the House May 11, 2005;  
1-3 May 13, 2005, read first time and referred to Committee on  
1-4 Jurisprudence; May 21, 2005, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; May 21, 2005, sent to printer.)

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

1-8 relating to suits affecting the parent-child relationship and  
1-9 protective orders.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 81, Family Code, is amended by adding  
1-12 Section 81.009 to read as follows:

1-13 Sec. 81.009. APPEAL. (a) A protective order rendered  
1-14 under this subtitle is a final, appealable order.

1-15 (b) An appeal of a protective order rendered under this  
1-16 subtitle, with or without a supersedeas bond, does not suspend the  
1-17 order. The court that rendered the protective order retains  
1-18 jurisdiction to enforce the order until the appellate court  
1-19 supersedes the order.

1-20 (c) On the motion of a party or on the court's own motion,  
1-21 the appellate court in its opinion may identify the parties by  
1-22 fictitious names or by the parties' initials only.

1-23 SECTION 2. Section 102.004, Family Code, is amended to read  
1-24 as follows:

1-25 Sec. 102.004. STANDING FOR GRANDPARENT OR OTHER PERSON.

1-26 (a) In addition to the general standing to file suit provided by  
1-27 Section 102.003[~~(13)~~], a grandparent may file an original suit  
1-28 requesting managing conservatorship if there is satisfactory proof  
1-29 to the court that:

1-30 (1) the order requested is necessary because the  
1-31 child's present circumstances would significantly impair  
1-32 [environment presents a serious question concerning] the child's  
1-33 physical health or emotional development [welfare]; or

1-34 (2) both parents, the surviving parent, or the  
1-35 managing conservator or custodian either filed the petition or  
1-36 consented to the suit.

1-37 (b) An original suit requesting possessory conservatorship  
1-38 may not be filed by a grandparent or other person. However, the  
1-39 court may grant a grandparent or other person deemed by the court to  
1-40 have had substantial past contact with the child leave to intervene  
1-41 in a pending suit filed by a person authorized to do so under this  
1-42 subchapter if there is satisfactory proof to the court that  
1-43 appointment of a parent as a sole managing conservator or both  
1-44 parents as joint managing conservators would significantly impair  
1-45 the child's physical health or emotional development.

1-46 (c) Possession of or access [Access] to a child by a  
1-47 grandparent is governed by the standards established by Chapter  
1-48 153.

1-49 SECTION 3. Section 102.009(a), Family Code, is amended to  
1-50 read as follows:

1-51 (a) Except as provided by Subsection (b), the following are  
1-52 entitled to service of citation on the filing of a petition in an  
1-53 original suit:

1-54 (1) a managing conservator;  
1-55 (2) a possessory conservator;  
1-56 (3) a person having possession of or access to the  
1-57 child under an order;

1-58 (4) a person required by law or by order to provide for  
1-59 the support of the child;

1-60 (5) a guardian of the person of the child;

1-61 (6) a guardian of the estate of the child;

1-62 (7) each parent as to whom the parent-child  
1-63 relationship has not been terminated or process has not been waived  
1-64 under Chapter 161;

2-1 (8) an alleged father, unless there is attached to the  
 2-2 petition an affidavit of waiver of interest in a child executed by  
 2-3 the alleged father as provided by Chapter 161 or unless the  
 2-4 petitioner has complied with the provisions of Section  
 2-5 161.002(b)(2) or (b)(3);

2-6 (9) a man who has filed a notice of intent to claim  
 2-7 paternity as provided by Chapter 160;

2-8 (10) the Department of Family and Protective [and  
 2-9 Regulatory] Services, if the petition requests that the department  
 2-10 be appointed as managing conservator of the child; ~~[and]~~

2-11 (11) the Title IV-D agency, if the petition requests  
 2-12 the termination of the parent-child relationship and support rights  
 2-13 have been assigned to the Title IV-D agency under Chapter 231;

2-14 (12) a prospective adoptive parent to whom standing  
 2-15 has been conferred under Section 102.0035; and

2-16 (13) a person designated as the managing conservator  
 2-17 in a revoked or unrevoked affidavit of relinquishment under Chapter  
 2-18 161 or to whom consent to adoption has been given in writing under  
 2-19 Chapter 162.

2-20 SECTION 4. Section 105.008(a), Family Code, is amended to  
 2-21 read as follows:

2-22 (a) The clerk of the court shall provide the state case  
 2-23 registry with a record of a court order for child support [~~as~~  
 2-24 ~~required by procedures adopted under Section 234.003~~]. The record  
 2-25 of an order shall include information provided by the parties on a  
 2-26 form developed by the Title IV-D agency. The form shall be  
 2-27 completed by the petitioner and submitted to the clerk at the time  
 2-28 the order is filed for record.

2-29 SECTION 5. Section 105.009, Family Code, is amended by  
 2-30 adding Subsection (m) to read as follows:

2-31 (m) A course under this section must be available in both  
 2-32 English and Spanish.

2-33 SECTION 6. Section 153.0071, Family Code, is amended by  
 2-34 adding Subsection (e-1) to read as follows:

2-35 (e-1) Notwithstanding Subsections (d) and (e), a court may  
 2-36 decline to enter a judgment on a mediated settlement agreement if  
 2-37 the court finds that:

2-38 (1) a party to the agreement was a victim of family  
 2-39 violence, and that circumstance impaired the party's ability to  
 2-40 make decisions; and

2-41 (2) the agreement is not in the child's best interest.

2-42 SECTION 7. Section 153.009, Family Code, is amended to read  
 2-43 as follows:

2-44 Sec. 153.009. INTERVIEW OF CHILD IN CHAMBERS. (a) In a  
 2-45 nonjury trial or at a hearing, on the application of a party, the  
 2-46 amicus attorney, or the attorney ad litem for the child, the court  
 2-47 shall ~~[may]~~ interview ~~[the child]~~ in chambers a child 12 years of  
 2-48 age or older and may interview in chambers a child under 12 years of  
 2-49 age to determine the child's wishes as to conservatorship or as to  
 2-50 the person who shall have the exclusive right to determine the  
 2-51 child's primary residence. The court may also interview a child in  
 2-52 chambers on the court's own motion for a purpose specified by this  
 2-53 subsection.

2-54 (b) In a nonjury trial or at a hearing, on the application of  
 2-55 a party, the amicus attorney, or the attorney ad litem for the child  
 2-56 or on the court's own motion, the court may interview the child in  
 2-57 chambers to determine the child's wishes as to possession, access,  
 2-58 or any other issue in the suit affecting the parent-child  
 2-59 relationship [When the issue of managing conservatorship is  
 2-60 contested, on the application of a party, the court shall interview  
 2-61 a child 12 years of age or older and may interview a child under 12  
 2-62 years of age].

2-63 (c) Interviewing a child does not diminish the discretion of  
 2-64 the court in determining the best interests of the child.

2-65 (d) In a jury trial, the court may not interview the child in  
 2-66 chambers regarding an issue on which a party is entitled to a jury  
 2-67 verdict.

2-68 (e) In any trial or hearing, the [~~(c)~~ The] court may permit  
 2-69 the attorney for a party, the amicus attorney, the guardian ad litem

3-1 for the child, or the attorney ad litem for the child to be present  
 3-2 at the interview.

3-3 (f) [~~(d)~~] On the motion of a party, the amicus attorney, or  
 3-4 the attorney ad litem for the child, or on the court's own motion,  
 3-5 the court shall cause a record of the interview to be made when the  
 3-6 child is 12 years of age or older. A record of the interview shall  
 3-7 be part of the record in the case.

3-8 SECTION 8. Section 153.132, Family Code, is amended to read  
 3-9 as follows:

3-10 Sec. 153.132. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE  
 3-11 MANAGING CONSERVATOR. Unless limited by court order, a parent  
 3-12 appointed as sole managing conservator of a child has the rights and  
 3-13 duties provided by Subchapter B and the following exclusive rights:

3-14 (1) the right to designate the primary residence of  
 3-15 the child;

3-16 (2) the right to consent to medical, dental, and  
 3-17 surgical treatment involving invasive procedures;

3-18 (3) the right [~~, and~~] to consent to psychiatric and  
 3-19 psychological treatment;

3-20 (4) [~~(3)~~] the right to receive and give receipt for  
 3-21 periodic payments for the support of the child and to hold or  
 3-22 disburse these funds for the benefit of the child;

3-23 (5) [~~(4)~~] the right to represent the child in legal  
 3-24 action and to make other decisions of substantial legal  
 3-25 significance concerning the child;

3-26 (6) [~~(5)~~] the right to consent to marriage and to  
 3-27 enlistment in the armed forces of the United States;

3-28 (7) [~~(6)~~] the right to make decisions concerning the  
 3-29 child's education;

3-30 (8) [~~(7)~~] the right to the services and earnings of  
 3-31 the child; and

3-32 (9) [~~(8)~~] except when a guardian of the child's estate  
 3-33 or a guardian or attorney ad litem has been appointed for the child,  
 3-34 the right to act as an agent of the child in relation to the child's  
 3-35 estate if the child's action is required by a state, the United  
 3-36 States, or a foreign government.

3-37 SECTION 9. Section 153.134(a), Family Code, is amended to  
 3-38 read as follows:

3-39 (a) If a written agreement of the parents is not filed with  
 3-40 the court, the court may render an order appointing the parents  
 3-41 joint managing conservators only if the appointment is in the best  
 3-42 interest of the child, considering the following factors:

3-43 (1) whether the physical, psychological, or emotional  
 3-44 needs and development of the child will benefit from the  
 3-45 appointment of joint managing conservators;

3-46 (2) the ability of the parents to give first priority  
 3-47 to the welfare of the child and reach shared decisions in the  
 3-48 child's best interest;

3-49 (3) whether each parent can encourage and accept a  
 3-50 positive relationship between the child and the other parent;

3-51 (4) whether both parents participated in child rearing  
 3-52 before the filing of the suit;

3-53 (5) the geographical proximity of the parents'  
 3-54 residences;

3-55 (6) if the child is 12 years of age or older, the  
 3-56 child's preference, if any, regarding the person to have the  
 3-57 exclusive right to designate the primary residence of the child  
 3-58 [~~appointment of joint managing conservators~~]; and

3-59 (7) any other relevant factor.

3-60 SECTION 10. Section 153.312(b), Family Code, is amended to  
 3-61 read as follows:

3-62 (b) The following provisions govern possession of the child  
 3-63 for vacations and certain specific holidays and supersede  
 3-64 conflicting weekend or Thursday [~~Wednesday~~] periods of possession.  
 3-65 The possessory conservator and the managing conservator shall have  
 3-66 rights of possession of the child as follows:

3-67 (1) the possessory conservator shall have possession  
 3-68 in even-numbered years, beginning at 6 p.m. on the day the child is  
 3-69 dismissed from school for the school's spring vacation and ending

4-1 at 6 p.m. on the day before school resumes after that vacation, and  
 4-2 the managing conservator shall have possession for the same period  
 4-3 in odd-numbered years;

4-4 (2) if a possessory conservator:

4-5 (A) gives the managing conservator written  
 4-6 notice by April 1 of each year specifying an extended period or  
 4-7 periods of summer possession, the possessory conservator shall have  
 4-8 possession of the child for 30 days beginning not earlier than the  
 4-9 day after the child's school is dismissed for the summer vacation  
 4-10 and ending not later than seven days before school resumes at the  
 4-11 end of the summer vacation, to be exercised in not more than two  
 4-12 separate periods of at least seven consecutive days each; or

4-13 (B) does not give the managing conservator  
 4-14 written notice by April 1 of each year specifying an extended period  
 4-15 or periods of summer possession, the possessory conservator shall  
 4-16 have possession of the child for 30 consecutive days beginning at 6  
 4-17 p.m. on July 1 and ending at 6 p.m. on July 31;

4-18 (3) if the managing conservator gives the possessory  
 4-19 conservator written notice by April 15 of each year, the managing  
 4-20 conservator shall have possession of the child on any one weekend  
 4-21 beginning Friday at 6 p.m. and ending at 6 p.m. on the following  
 4-22 Sunday during one period of possession by the possessory  
 4-23 conservator under Subdivision (2), provided that the managing  
 4-24 conservator picks up the child from the possessory conservator and  
 4-25 returns the child to that same place; and

4-26 (4) if the managing conservator gives the possessory  
 4-27 conservator written notice by April 15 of each year or gives the  
 4-28 possessory conservator 14 days' written notice on or after April 16  
 4-29 of each year, the managing conservator may designate one weekend  
 4-30 beginning not earlier than the day after the child's school is  
 4-31 dismissed for the summer vacation and ending not later than seven  
 4-32 days before school resumes at the end of the summer vacation, during  
 4-33 which an otherwise scheduled weekend period of possession by the  
 4-34 possessory conservator will not take place, provided that the  
 4-35 weekend designated does not interfere with the possessory  
 4-36 conservator's period or periods of extended summer possession or  
 4-37 with Father's Day if the possessory conservator is the father of the  
 4-38 child.

4-39 SECTION 11. Sections 155.201(a) and (b), Family Code, are  
 4-40 amended to read as follows:

4-41 (a) On the filing of a motion showing that a suit for  
 4-42 dissolution of the marriage of the child's parents has been filed in  
 4-43 another court and requesting a transfer to that court, the court  
 4-44 having continuing, exclusive jurisdiction of a suit affecting the  
 4-45 parent-child relationship shall, within the time required by  
 4-46 Section 155.204, transfer the proceedings to the court in which the  
 4-47 dissolution of the marriage is pending. The motion must comply with  
 4-48 the requirements of Section 155.204(a).

4-49 (b) If a suit to modify or a motion to enforce an order is  
 4-50 filed in the court having continuing, exclusive jurisdiction of a  
 4-51 suit, on the timely motion of a party the court shall, within the  
 4-52 time required by Section 155.204, transfer the proceeding to  
 4-53 another county in this state if the child has resided in the other  
 4-54 county for six months or longer.

4-55 SECTION 12. Section 155.204, Family Code, is amended to  
 4-56 read as follows:

4-57 Sec. 155.204. PROCEDURE FOR TRANSFER. (a) A motion to  
 4-58 transfer under Section 155.201(a) may be filed at any time. The  
 4-59 motion must contain a certification that all other parties,  
 4-60 including the attorney general, if applicable, have been informed  
 4-61 of the filing of the motion.

4-62 (b) Except as provided by Subsection (a) or Section 262.203,  
 4-63 a motion to transfer by a petitioner or movant is timely if it is  
 4-64 made at the time the initial pleadings are filed. A motion to  
 4-65 transfer by another party is timely if it is made on or before the  
 4-66 first Monday after the 20th day after the date of service of  
 4-67 citation or notice of the suit or before the commencement of the  
 4-68 hearing, whichever is sooner.

4-69 (c) If a timely motion to transfer has been filed and no

5-1 controverting affidavit is filed within the period allowed for its  
 5-2 filing, the proceeding shall, not later than the 21st day after the  
 5-3 final date of the period allowed for the filing of a controverting  
 5-4 affidavit, be transferred [promptly] without a hearing to the  
 5-5 proper court.

5-6 (d) [~~(b)~~] On or before the first Monday after the 20th day  
 5-7 after the date of notice of a motion to transfer is served, a party  
 5-8 desiring to contest the motion must file a controverting affidavit  
 5-9 denying that grounds for the transfer exist.

5-10 (e) [~~(c)~~] If a controverting affidavit contesting the  
 5-11 motion to transfer is filed, each party is entitled to notice not  
 5-12 less than 10 days before the date of the hearing on the motion to  
 5-13 transfer.

5-14 (f) [~~(d)~~] Only evidence pertaining to the transfer may be  
 5-15 taken at the hearing.

5-16 (g) If the court finds after the hearing on the motion to  
 5-17 transfer that grounds for the transfer exist, the proceeding shall  
 5-18 be transferred to the proper court not later than the 21st day after  
 5-19 the date the hearing is concluded.

5-20 (h) [~~(e)~~] An order transferring or refusing to transfer the  
 5-21 proceeding is not subject to interlocutory appeal.

5-22 (i) [~~(f)~~] If a transfer order has been signed [rendered] by  
 5-23 a court exercising jurisdiction under Chapter 262, a party may file  
 5-24 the transfer order with the clerk of the court of continuing,  
 5-25 exclusive jurisdiction. On receipt and without a hearing, the  
 5-26 clerk of the court of continuing, exclusive jurisdiction shall  
 5-27 transfer the files as provided by this subchapter.

5-28 SECTION 13. Sections 155.207(a), (b), and (c), Family Code,  
 5-29 are amended to read as follows:

5-30 (a) On the signing [rendition] of an order of transfer, the  
 5-31 clerk of the court transferring a proceeding shall send to the  
 5-32 proper court in the county to which transfer is being made:

5-33 (1) the pleadings in the [complete files in all  
 5-34 matters affecting the child in any] pending proceeding and any  
 5-35 other document specifically requested by a party;

5-36 (2) certified copies of all entries in the minutes;  
 5-37 and

5-38 (3) [a certified copy of any order of dissolution of  
 5-39 marriage rendered in a suit joined with the suit affecting the  
 5-40 parent-child relationship; and

5-41 [~~(4)~~] a certified copy of each final order [rendered].

5-42 (b) The clerk of the transferring court shall keep a copy of  
 5-43 the transferred pleadings and other requested documents [files].  
 5-44 If the transferring court retains jurisdiction of another child who  
 5-45 was the subject of the suit, the clerk shall send a copy of the  
 5-46 pleadings and other requested documents [complete files] to the  
 5-47 court to which the transfer is made and shall keep the original  
 5-48 pleadings and other requested documents [files].

5-49 (c) On receipt of the pleadings [files], documents, and  
 5-50 orders from the transferring court, the clerk of the transferee  
 5-51 court shall docket the suit and shall notify all parties, the clerk  
 5-52 of the transferring court, and, if appropriate, the transferring  
 5-53 court's local registry that the suit has been docketed.

5-54 SECTION 14. Section 156.006(b), Family Code, is amended to  
 5-55 read as follows:

5-56 (b) While a suit for modification is pending, the court may  
 5-57 not render a temporary order that has the effect of changing the  
 5-58 designation of the person who has the exclusive right to designate  
 5-59 the primary residence of the child under the final order unless:

5-60 (1) the order is necessary because the child's present  
 5-61 circumstances would significantly impair [living environment may  
 5-62 endanger] the child's physical health or [significantly impair the  
 5-63 child's] emotional development;

5-64 (2) the person designated in the final order has  
 5-65 voluntarily relinquished the primary care and possession of the  
 5-66 child for more than six months and the temporary order is in the  
 5-67 best interest of the child; or

5-68 (3) the child is 12 years of age or older and has filed  
 5-69 with the court in writing the name of the person who is the child's

6-1 preference to have the exclusive right to designate the primary  
6-2 residence of the child and the temporary order designating that  
6-3 person is in the best interest of the child.

6-4 SECTION 15. Section 156.401, Family Code, is amended by  
6-5 amending Subsections (a) and (d) and adding Subsection (a-1) to  
6-6 read as follows:

6-7 (a) Except as provided by Subsection (a-1) or (b), the court  
6-8 may modify an order that provides for the support of a child if:

6-9 (1) the circumstances of the child or a person  
6-10 affected by the order have materially and substantially changed  
6-11 since the earlier of:

6-12 (A) the date of the order's rendition; or

6-13 (B) the date of the signing of a mediated or  
6-14 collaborative law settlement agreement on which the order is based;  
6-15 or

6-16 (2) it has been three years since the order was  
6-17 rendered or last modified and the monthly amount of the child  
6-18 support award under the order differs by either 20 percent or \$100  
6-19 from the amount that would be awarded in accordance with the child  
6-20 support guidelines.

6-21 (a-1) If the parties agree to an order under which the  
6-22 amount of child support differs from the amount that would be  
6-23 awarded in accordance with the child support guidelines, the court  
6-24 may modify the order only if the circumstances of the child or a  
6-25 person affected by the order have materially and substantially  
6-26 changed since the date of the order's rendition.

6-27 (d) Release of a child support obligor from incarceration is  
6-28 a material and substantial change in circumstances for purposes of  
6-29 this section [~~Subsection (a)(1)~~] if the obligor's child support  
6-30 obligation was abated, reduced, or suspended during the period of  
6-31 the obligor's incarceration.

6-32 SECTION 16. Sections 156.410(a) and (c), Family Code, are  
6-33 amended to read as follows:

6-34 (a) For purposes of Section 156.401 [~~156.401(a)(1)~~], the  
6-35 fact that an obligor has been called into active military service in  
6-36 any branch of the United States armed forces is a material and  
6-37 substantial change in circumstances if that active military  
6-38 service:

6-39 (1) is for at least 30 consecutive days; and

6-40 (2) results in a decrease in the obligor's net  
6-41 resources during the period of service.

6-42 (c) Return of the obligor from the active military service  
6-43 described by Subsection (a) is a material and substantial change in  
6-44 circumstances for purposes of Section 156.401 [~~156.401(a)(1)~~] for  
6-45 which an obligee may file a motion for modification of a child  
6-46 support order if the court previously modified the order on the  
6-47 grounds described by Subsection (a).

6-48 SECTION 17. Section 157.005(b), Family Code, is amended to  
6-49 read as follows:

6-50 (b) The court retains jurisdiction to confirm the total  
6-51 amount of child support arrearages and render judgment for past-due  
6-52 child support if a motion for enforcement requesting a money  
6-53 judgment is filed not later than the 10th anniversary after the  
6-54 date:

6-55 (1) the child becomes an adult; or

6-56 (2) on which the child support obligation terminates  
6-57 under the child support order or by operation of law [~~until the date~~  
6-58 ~~all current child support and medical support and child support~~  
6-59 ~~arrears, including interest and any applicable fees and costs,~~  
6-60 ~~have been paid~~].

6-61 SECTION 18. Section 160.760, Family Code, is amended by  
6-62 adding Subsection (d) to read as follows:

6-63 (d) If the intended parents fail to file the notice required  
6-64 by Subsection (a), the gestational mother or an appropriate state  
6-65 agency may file the notice required by that subsection. On a  
6-66 showing that an order validating the gestational agreement was  
6-67 rendered in accordance with Section 160.756, the court shall order  
6-68 that the intended parents are the child's parents and are  
6-69 financially responsible for the child.

7-1 SECTION 19. Section 162.017(d), Family Code, is amended to  
7-2 read as follows:

7-3 (d) Nothing in this chapter precludes or affects the rights  
7-4 of a biological or adoptive maternal or paternal grandparent to  
7-5 reasonable possession of or access to a grandchild, as provided in  
7-6 Chapter 153.

7-7 SECTION 20. Section 81.009, Family Code, as added by this  
7-8 Act, applies only to a protective order rendered on or after the  
7-9 effective date of this Act. A protective order rendered before the  
7-10 effective date of this Act is governed by the law in effect on the  
7-11 date the order was rendered, and the former law is continued in  
7-12 effect for that purpose.

7-13 SECTION 21. The changes in law made by this Act to Sections  
7-14 102.004 and 102.009, Family Code, apply only to an original suit  
7-15 affecting the parent-child relationship filed on or after the  
7-16 effective date of this Act. An original suit affecting the  
7-17 parent-child relationship filed before the effective date of this  
7-18 Act is governed by the law in effect on the date that the suit was  
7-19 filed, and the former law is continued in effect for that purpose.

7-20 SECTION 22. The changes in law made by this Act to Sections  
7-21 153.0071 and 153.009, Family Code, apply only to a suit affecting  
7-22 the parent-child relationship pending before a trial court on or  
7-23 filed on or after the effective date of this Act.

7-24 SECTION 23. The change in law made by this Act to Section  
7-25 153.134, Family Code, applies only to an original suit affecting  
7-26 the parent-child relationship or a suit for modification filed on  
7-27 or after the effective date of this Act. An original suit affecting  
7-28 the parent-child relationship or a suit for modification filed  
7-29 before the effective date of this Act is governed by the law in  
7-30 effect on the date that the suit was filed, and the former law is  
7-31 continued in effect for that purpose.

7-32 SECTION 24. The changes in law made by this Act to Sections  
7-33 155.201, 155.204, and 155.207, Family Code, apply only to a motion  
7-34 to transfer a suit affecting the parent-child relationship filed on  
7-35 or after the effective date of this Act. A motion to transfer a suit  
7-36 affecting the parent-child relationship filed before the effective  
7-37 date of this Act is governed by the law in effect on the date that  
7-38 the motion was filed, and the former law is continued in effect for  
7-39 that purpose.

7-40 SECTION 25. The change in law made by this Act to Section  
7-41 156.006, Family Code, applies only to a suit for modification filed  
7-42 on or after the effective date of this Act. A suit for modification  
7-43 filed before the effective date of this Act is governed by the law  
7-44 in effect on the date that the suit was filed, and the former law is  
7-45 continued in effect for that purpose.

7-46 SECTION 26. The change in law made by this Act to Section  
7-47 156.401, Family Code, applies only to a suit for modification  
7-48 pending before a trial court on or filed on or after the effective  
7-49 date of this Act.

7-50 SECTION 27. The change in law made by this Act to Section  
7-51 157.005, Family Code, relating to the enforcement of a child  
7-52 support order rendered before the effective date of this Act  
7-53 applies only to a proceeding for enforcement that is commenced on or  
7-54 after the effective date of this Act. A proceeding for enforcement  
7-55 that is commenced before the effective date of this Act is governed  
7-56 by the law in effect on the date the proceeding was commenced, and  
7-57 the former law is continued in effect for that purpose.

7-58 SECTION 28. This Act takes effect immediately if it  
7-59 receives a vote of two-thirds of all the members elected to each  
7-60 house, as provided by Section 39, Article III, Texas Constitution.  
7-61 If this Act does not receive the vote necessary for immediate  
7-62 effect, this Act takes effect September 1, 2005.

7-63 \* \* \* \* \*