

By: Raymond

H.B. No. 1205

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring parties in a suit affecting the parent-child
3 relationship to disclose to the court knowledge of certain
4 registered sex offenders; providing a penalty.

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

6 SECTION 1. Subchapter A, Chapter 153, Family Code, is
7 amended by adding Section 153.015 to read as follows:

8 Sec. 153.015. DISCLOSURE OF REGISTERED SEX OFFENDERS. (a)

9 In this section, "extended family" includes a person related to a
10 person within the third degree of consanguinity or affinity, as
11 determined under Chapter 573, Government Code.

12 (b) Before a court may render an order for the possession of
13 or access to a child, each party who will be entitled to the
14 possession of or access to the child must disclose to the court
15 whether a member of the party's extended family is required to
16 register as a sex offender under Chapter 62, Code of Criminal
17 Procedure.

18 (c) If a registered sex offender in the extended family of a
19 party is disclosed under Subsection (b), the court shall include
20 any terms the court finds necessary to protect the child's health or
21 welfare in the order for the possession of or access to the child.

22 (d) A person who knowingly fails to disclose to the court
23 that a member of the person's extended family is required to
24 register as a sex offender under Chapter 62, Code of Criminal

1 Procedure, may be held in contempt of court and may be punished by
2 confinement in jail for not more than six months or by a fine of not
3 more than \$500, or both.

4 SECTION 2. Subchapter B, Chapter 156, Family Code, is
5 amended by adding Section 156.105 to read as follows:

6 Sec. 156.105. MODIFICATION FOR FAILURE TO DISCLOSE
7 INFORMATION. (a) In this section, "extended family" has the
8 meaning assigned by Section 153.015.

9 (b) It is a material and substantial change of circumstances
10 sufficient to justify a modification of a court order or portion of
11 a decree that provides for the appointment of a conservator or that
12 sets the terms and conditions of conservatorship or for the
13 possession of or access to a child if:

14 (1) a person entitled to the possession of or access to
15 the child failed to disclose to the court under Section 153.015 at
16 the time the order was rendered that a member of the person's
17 extended family is required to register as a sex offender under
18 Chapter 62, Code of Criminal Procedure; or

19 (2) after the date the order is rendered, a member of a
20 party's extended family is required to register as a sex offender
21 under Chapter 62, Code of Criminal Procedure.

22 (c) A person may not bring a suit for modification under
23 Subsection (b)(1) if the person knowingly failed to disclose to the
24 court under Section 153.015 that a member of the person's own
25 extended family is required to register as a sex offender under
26 Chapter 62, Code of Criminal Procedure.

27 (d) If the court finds that a person knowingly failed to

1 disclose to the court under Section 153.015 at the time the order
2 was rendered that a member of the person's extended family is
3 required to register as a sex offender under Chapter 62, Code of
4 Criminal Procedure, the court may order the person to pay the court
5 costs and attorney's fees the other party incurred to bring the
6 modification suit.

7 SECTION 3. (a) In this section, "extended family" includes
8 a person related to a person within the third degree of
9 consanguinity or affinity, as determined under Chapter 573,
10 Government Code.

11 (b) This section applies only to a court order for
12 possession of or access to a child rendered before September 1,
13 2005.

14 (c) It is a material and substantial change of circumstances
15 sufficient to justify a modification of a court order or portion of
16 a decree that provides for the appointment of a conservator or that
17 sets the terms and conditions of conservatorship or for the
18 possession of or access to a child if there was a registered sex
19 offender in the extended family of a person entitled to the
20 possession of or access to a child on the date the court rendered
21 the order.

22 (d) A suit to modify an order for the possession of or access
23 to a child under this section must be filed not later than February
24 1, 2006.

25 (e) This section expires September 1, 2006.

26 SECTION 4. (a) Except as provided by Subsection (b) of this
27 section, Sections 153.015 and 156.105, Family Code, as added by

1 this Act, apply to an order for the possession of or access to a
2 child rendered on or after September 1, 2005. An order for the
3 possession of or access to a child rendered before September 1,
4 2005, is governed by the law in effect on the date the order was
5 rendered, and the former law is continued in effect for that
6 purpose.

7 (b) A person may bring a suit to modify an order for
8 possession of or access to a child rendered before September 1,
9 2005, under Section 156.105(b)(2), Family Code, as added by this
10 Act.

11 SECTION 5. This Act takes effect September 1, 2005.