

By: Staples

S.B. No. 1657

A BILL TO BE ENTITLED

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AN ACT

relating to the modification of the conservatorship or possession of or access to a child by certain persons who fail to pay court-ordered child support.

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

SECTION 1. Section 156.101, Family Code, is amended to read as follows:

Sec. 156.101. GROUNDS FOR MODIFICATION OF ORDER ESTABLISHING CONSERVATORSHIP OR POSSESSION AND ACCESS. The court may modify an order that provides for the appointment of a conservator of a 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:

(1) the circumstances of the child, a conservator, or other party affected by the order have materially and substantially changed since the earlier of:

(A) the date of the rendition of the order; or

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

(2) the child is at least 12 years of age and has filed with the court, in writing, the name of the person who is the child's preference to have the exclusive right to designate the primary residence of the child; [~~or~~]

1 (3) the conservator who has the exclusive right to
2 designate the primary residence of the child has voluntarily
3 relinquished the primary care and possession of the child to
4 another person for at least six months; or

5 (4) a conservator or other person entitled to
6 possession of or access to the child has failed to pay court-ordered
7 child support for more than 12 consecutive months.

8 SECTION 2. This Act takes effect September 1, 2005.