

1-1 By: Staples S.B. No. 1657  
1-2 (In the Senate - Filed March 11, 2005; March 30, 2005, read  
1-3 first time and referred to Committee on Jurisprudence; May 2, 2005,  
1-4 reported adversely, with favorable Committee Substitute by the  
1-5 following vote: Yeas 4, Nays 0; May 2, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 1657 By: Wentworth

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the modification of the conservatorship or possession  
1-10 of or access to a child by certain persons who fail to pay  
1-11 court-ordered child support.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 156.101, Family Code, is amended to read  
1-14 as follows:

1-15 Sec. 156.101. GROUNDS FOR MODIFICATION OF ORDER  
1-16 ESTABLISHING CONSERVATORSHIP OR POSSESSION AND ACCESS. The court  
1-17 may modify an order that provides for the appointment of a  
1-18 conservator of a child, that provides the terms and conditions of  
1-19 conservatorship, or that provides for the possession of or access  
1-20 to a child if modification would be in the best interest of the  
1-21 child and:

1-22 (1) the circumstances of the child, a conservator, or  
1-23 other party affected by the order have materially and substantially  
1-24 changed since the earlier of:

1-25 (A) the date of the rendition of the order; or

1-26 (B) the date of the signing of a mediated or  
1-27 collaborative law settlement agreement on which the order is based;

1-28 (2) the child is at least 12 years of age and has filed  
1-29 with the court, in writing, the name of the person who is the  
1-30 child's preference to have the exclusive right to designate the  
1-31 primary residence of the child; ~~or~~

1-32 (3) the conservator who has the exclusive right to  
1-33 designate the primary residence of the child has voluntarily  
1-34 relinquished the primary care and possession of the child to  
1-35 another person for at least six months; or

1-36 (4) a conservator or other person entitled to  
1-37 possession of or access to the child has failed to pay court-ordered  
1-38 child support for more than 12 consecutive months.

1-39 SECTION 2. This Act takes effect September 1, 2005.

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