

By: Phillips

H.B. No. 554

A BILL TO BE ENTITLED

AN ACT

relating to parenting plans and parenting coordinators in suits affecting the parent-child relationship.

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

SECTION 1. Section 153.007, Family Code, is amended to read as follows:

Sec. 153.007. AGREEMENT CONCERNING CONSERVATORSHIP [~~AGREED PARENTING PLAN~~]. (a) To promote the amicable settlement of disputes between the parties to a suit, the parties may enter into a written agreement [~~agreed parenting plan~~] containing provisions for conservatorship and possession of the child and for modification of the agreement [~~parenting plan~~], including variations from the standard possession order.

(b) If the court finds that the agreement [~~agreed parenting plan~~] is in the child's best interest, the court shall render an order in accordance with the agreement [~~parenting plan~~].

(c) Terms of the agreement [~~agreed parenting plan~~] contained in the order or incorporated by reference regarding conservatorship or support of or access to a child in an order may be enforced by all remedies available for enforcement of a judgment, including contempt, but are not enforceable as a contract.

(d) If the court finds the agreement [~~agreed parenting plan~~] is not in the child's best interest, the court may request the

1 parties to submit a revised agreement [~~parenting plan~~] or the court
2 may render an order for the conservatorship and possession of the
3 child.

4 SECTION 2. Section 153.133, Family Code, is amended to read
5 as follows:

6 Sec. 153.133. AGREEMENT [~~PARENTING PLAN~~] FOR JOINT MANAGING
7 CONSERVATORSHIP. (a) If a written agreement of the parents [~~agreed~~
8 ~~parenting plan~~] is filed with the court, the court shall render an
9 order appointing the parents as joint managing conservators only if
10 the agreement [~~parenting plan~~]:

11 (1) designates the conservator who has the exclusive
12 right to designate the primary residence of the child and:

13 (A) establishes, until modified by further
14 order, the geographic area within which the conservator shall
15 maintain the child's primary residence; or

16 (B) specifies that the conservator may designate
17 the child's primary residence without regard to geographic
18 location;

19 (2) specifies the rights and duties of each parent
20 regarding the child's physical care, support, and education;

21 (3) includes provisions to minimize disruption of the
22 child's education, daily routine, and association with friends;

23 (4) allocates between the parents, independently,
24 jointly, or exclusively, all of the remaining rights and duties of a
25 parent provided by Chapter 151;

26 (5) is voluntarily and knowingly made by each parent
27 and has not been repudiated by either parent at the time the order

1 is rendered; and

2 (6) is in the best interest of the child.

3 (b) The agreement may [~~agreed parenting plan must~~] contain
4 an alternative dispute resolution procedure that the parties agree
5 to use before requesting enforcement or modification of the terms
6 and conditions of the joint conservatorship through litigation,
7 except in an emergency.

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

10 (a) If a written agreement of the parents [~~agreed parenting~~
11 ~~plan~~] is not filed with the court, the court may render an order
12 appointing the parents joint managing conservators only if the
13 appointment is in the best interest of the child, considering the
14 following factors:

15 (1) whether the physical, psychological, or emotional
16 needs and development of the child will benefit from the
17 appointment of joint managing conservators;

18 (2) the ability of the parents to give first priority
19 to the welfare of the child and reach shared decisions in the
20 child's best interest;

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

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

25 (5) the geographical proximity of the parents'
26 residences;

27 (6) if the child is 12 years of age or older, the

1 child's preference, if any, regarding the person to have the
2 exclusive right to designate the primary residence of the child;
3 and

4 (7) any other relevant factor.

5 SECTION 4. Subchapter J, Chapter 153, Family Code, as added
6 by Chapter 482, Acts of the 79th Legislature, Regular Session,
7 2005, is repealed.

8 SECTION 5. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2007.