

By: Callegari

H.B. No. 3187

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to restrictions on the geographic area in which a  
3 conservator must maintain a child's primary residence.

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

5 SECTION 1. Section 153.133, Family Code, is amended by  
6 adding Subsection (c) to read as follows:

7 (c) Notwithstanding Subsection (a)(1), the court may not  
8 render an order establishing a geographic area within which the  
9 conservator with the exclusive right to determine the primary  
10 residence of the child must maintain the child's primary residence  
11 in a proceeding in which that conservator is granted a divorce from  
12 the child's other parent on the grounds of cruelty under Section  
13 6.002.

14 SECTION 2. Section 153.134, Family Code, is amended by  
15 adding Subsection (c) to read as follows:

16 (c) Notwithstanding Subsection (b)(1), the court may not  
17 render an order establishing a geographic area within which the  
18 conservator with the exclusive right to determine the primary  
19 residence of the child must maintain the child's primary residence  
20 in a proceeding in which that conservator is granted a divorce from  
21 the child's other parent on the grounds of cruelty under Section  
22 6.002.

23 SECTION 3. Subchapter B, Chapter 156, is amended by adding  
24 Section 156.1011 to read as follows:

1       Sec. 156.1011. MODIFICATION OF GEOGRAPHIC REGION IN WHICH  
2 CHILD'S PRIMARY RESIDENCE MUST BE MAINTAINED. (a) It is a material  
3 and substantial change of circumstances sufficient to justify a  
4 modification of an existing court order or portion of a decree if a  
5 conservator who has the exclusive right to designate the primary  
6 residence of a child and is subject to a court order requiring the  
7 conservator to maintain the child's primary residence in a  
8 specified geographic area is:

9           (1) unable for a period of at least one year to find  
10 suitable employment within the specified geographic area; or

11           (2) required to relocate outside of the specified  
12 geographic area in connection with the conservator's active  
13 military service.

14       (b) If the court determines that modification is in the best  
15 interests of the child, the court shall modify the order to provide  
16 that the conservator:

17           (1) may determine the child's primary residence  
18 without regard to geographic location; or

19           (2) shall maintain the child's primary residence in a  
20 revised geographic area, as determined on the basis of the  
21 conservator's employment prospects or military service, as  
22 applicable.

23       SECTION 4. The changes in law made by this Act to Sections  
24 153.133 and 153.134, Family Code, apply only to a court order  
25 appointing joint managing conservators rendered on or after the  
26 effective date of this Act. A court order appointing joint managing  
27 conservators rendered before the effective date of this Act is

1 governed by the law in effect on the date the order was rendered,  
2 and the former law is continued in effect for that purpose.

3 SECTION 5. Section 156.1011, Family Code, as added by this  
4 Act, applies only to an action to modify an order in a suit  
5 affecting the parent-child relationship pending on the effective  
6 date of this Act or filed on or after that date.

7 SECTION 6. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2007.