

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.