

Amend **HB 1012** by adding a new appropriately numbered SECTIONS to read as follows:

SECTION _____. Section 153.432, Family Code, is amended by adding a new Subsection (c) to read as follows:

(c) In a suit described by Subsection (a), the person filing the suit must execute and attach an affidavit on knowledge or belief that contains, along with supporting facts, the allegation that denial of possession of or access to the child by the petitioner would significantly impair the child's physical health or emotional well-being. The court shall deny the relief sought and dismiss the suit, unless the court determines, on the basis of the affidavit, that the facts stated in the affidavit, if true, would be sufficient to support the relief authorized under Section 153.433.

SECTION _____. Section 153.433, Family Code, is amended to read as follows:

Sec. 153.433. POSSESSION OF OR ACCESS TO GRANDCHILD. (a) The court ~~shall~~ may order reasonable possession of or access to a grandchild by a grandparent if:

(1) at the time the relief is requested, at least one biological or adoptive parent of the child has not had that parent's parental rights terminated;

(2) the grandparent requesting possession of or access to the child overcomes the presumption that a parent acts in the best interest of the parent's child by proving by a preponderance of the evidence that denial of possession of or access to the child would significantly impair the child's physical health or emotional well-being; and

(3) the grandparent requesting possession of or access to the child is a parent of a parent of the child and that parent of the child:

(A) has been incarcerated in jail or prison during the three-month period preceding the filing of the petition;

(B) has been found by a court to be incompetent;

(C) is dead; or

(D) does not have actual or court-ordered possession of or access to the child.

(b) An order granting possession of or access to a child by a

grandparent that is rendered over a parent's objections must state, with specificity:

(1) that at the time the relief was requested, at least one biological or adoptive parent of the child had not had that parent's parental rights terminated;

(2) the evidence that supports the conclusion that the grandparent requesting possession of or access to the child has overcome the presumption that a parent acts in the best interest of the parent's child;

(3) the evidence that supports the conclusion that the denial of possession of or access to the child would significantly impair the child's physical health or emotional well-being; and

(4) that the grandparent requesting possession of or access to the child is a parent of a parent of the child and that parent of the child:

(A) has been incarcerated in jail or prison during the three-month period preceding the filing of the petition;

(B) has been found by a court to be incompetent;

(C) is dead; or

(D) does not have actual or court-ordered possession of or access to the child.