

By: Raymond

H.B. No. 322

A BILL TO BE ENTITLED

AN ACT

relating to requiring parties in a suit affecting the parent-child relationship to disclose to the court knowledge of certain registered sex offenders; providing a penalty.

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

SECTION 1. Subchapter A, Chapter 153, Family Code, is amended by adding Section 153.016 to read as follows:

Sec. 153.016. DISCLOSURE OF REGISTERED SEX OFFENDERS. (a) In this section, "extended family" includes a person related to a person within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code.

(b) Before a court may render an order for the possession of or access to a child, each party who will be entitled to possession of or access to the child must disclose to the court whether a member of the party's extended family is required to register as a sex offender under Chapter 62, Code of Criminal Procedure.

(c) If a registered sex offender in the extended family of a party is disclosed under Subsection (b), the court shall include in the order for the possession of or access to the child any terms the court finds necessary to protect the child's health or welfare.

(d) A person who knowingly fails to disclose to the court under Subsection (b) that a member of the person's extended family is required to register as a sex offender under Chapter 62, Code of Criminal Procedure, may be held in contempt of court and may be

1 punished by confinement in jail for not more than six months or by a
2 fine of not more than \$500, or both.

3 SECTION 2. Subchapter B, Chapter 156, Family Code, is
4 amended by adding Section 156.106 to read as follows:

5 Sec. 156.106. MODIFICATION BASED ON SEX OFFENDER
6 REGISTRATION INFORMATION OR STATUS. (a) In this section,
7 "extended family" has the meaning assigned by Section 153.016.

8 (b) It is a material and substantial change of circumstances
9 sufficient to justify a modification of a court order or portion of
10 a decree that provides for the appointment of a conservator or that
11 sets the terms and conditions of conservatorship or for the
12 possession of or access to a child if:

13 (1) a person entitled to the possession of or access to
14 the child failed before the order was rendered to disclose to the
15 court under Section 153.016 that a member of the person's extended
16 family is required to register as a sex offender under Chapter 62,
17 Code of Criminal Procedure; or

18 (2) after the date the order is rendered, a member of a
19 party's extended family is required to register as a sex offender
20 under Chapter 62, Code of Criminal Procedure.

21 (c) A person may not bring a suit for modification under
22 Subsection (b)(1) if the person knowingly failed to disclose to the
23 court under Section 153.016 that a member of the person's extended
24 family is required to register as a sex offender under Chapter 62,
25 Code of Criminal Procedure.

26 (d) If the court finds that a person knowingly failed to
27 disclose to the court under Section 153.016 that a member of the

1 person's extended family is required to register as a sex offender
2 under Chapter 62, Code of Criminal Procedure, the court may order
3 the person to pay the court costs and attorney's fees the other
4 party incurred to bring the modification suit.

5 SECTION 3. (a) In this section, "extended family" includes
6 a person related to a person within the third degree of
7 consanguinity or affinity, as determined under Chapter 573,
8 Government Code.

9 (b) This section applies only to a court order for
10 possession of or access to a child rendered before September 1,
11 2009.

12 (c) It is a material and substantial change of circumstances
13 sufficient to justify a modification of a court order or portion of
14 a decree that provides for the appointment of a conservator or that
15 sets the terms and conditions of conservatorship or for the
16 possession of or access to a child if, on the date the court
17 rendered the order, there was a registered sex offender in the
18 extended family of a person entitled to the possession of or access
19 to a child.

20 (d) A suit to modify an order for the possession of or access
21 to a child brought under this section must be filed not later than
22 February 1, 2010.

23 (e) This section expires September 1, 2010.

24 SECTION 4. (a) Section 153.016, Family Code, as added by
25 this Act, applies to a suit affecting the parent-child relationship
26 that is pending in a trial court on the effective date of this Act or
27 filed on or after that date.

1 (b) A person may bring a suit to modify an order for the
2 possession of or access to a child under Section 156.106(b)(1),
3 Family Code, as added by this Act, only if the order was rendered on
4 or after the effective date of this Act.

5 (c) A person may bring a suit under Section 156.106(b)(2),
6 Family Code, as added by this Act, to modify an order for possession
7 of or access to a child regardless of whether the order was rendered
8 before, on, or after the effective date of this Act.

9 SECTION 5. This Act takes effect September 1, 2009.