

By: Workman

H.B. No. 3454

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the age at which a child may express a preference to the
3 court on issues regarding residence and conservatorship in a suit
4 affecting the parent-child relationship.

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

6 SECTION 1. Sections 153.009(a) and (f), Family Code, is
7 amended to read as follows:

8 Sec. 153.009. INTERVIEW OF CHILD IN CHAMBERS. (a) In a
9 nonjury trial or at a hearing, on the application of a party, the
10 amicus attorney, or the attorney ad litem for the child, the court
11 shall interview in chambers a child 15 [~~12~~] years of age or older
12 and may interview in chambers a child under 15 [~~12~~] years of age to
13 determine the child's wishes as to conservatorship or as to the
14 person who shall have the exclusive right to determine the child's
15 primary residence. The court may also interview a child in chambers
16 on the court's own motion for a purpose specified by this
17 subsection.

18 (f) On the motion of a party, the amicus attorney, or the
19 attorney ad litem for the child, or on the court's own motion, the
20 court shall cause a record of the interview to be made when the
21 child is 15 [~~12~~] years of age or older. A record of the interview
22 shall be part of the record in the case.

23 SECTION 2. This Act takes effect September 1, 2011.