

By: Hughes

H.B. No. 3333

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of a parent as a child's managing conservator.

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

SECTION 1. Subchapter A, Chapter 153, Family Code, is amended by adding Section 153.0041 to read as follows:

Sec. 153.0041. PRESUMPTION BASED ON GROUNDS FOR DIVORCE.

It is presumed that it is not in the best interest of a child to appoint a parent of the child as managing conservator if the court finds that the child's parents were divorced and the divorce was granted in favor of the child's other parent under:

(1) Section 6.002 or 6.003 or a comparable statute of another state; or

(2) Section 6.004 or a comparable statute of another state, if the felony for which the parent was convicted involved family violence.

SECTION 2. Section 153.131(b), Family Code, is amended to read as follows:

(b) It is a rebuttable presumption that the appointment of the parents of a child as joint managing conservators is in the best interest of the child. A finding of a history of family violence involving the parents of a child or a finding under Section 153.0041 removes the presumption under this subsection.

SECTION 3. The changes in law made by this Act apply only to

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1 a suit affecting the parent-child relationship pending in a trial
2 court on or filed on or after the effective date of this Act.

3 SECTION 4. This Act takes effect September 1, 2013.