

By: Raymond

H.B. No. 386

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring parties in a suit affecting the parent-child
3 relationship to disclose to the court knowledge of certain
4 registered sex offenders; providing a penalty.

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

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

8 Sec. 153.016. DISCLOSURE OF REGISTERED SEX OFFENDERS. (a)

9 In this section, "extended family" includes a person related to a
10 person within the third degree by consanguinity or affinity, as
11 determined under Chapter 573, Government Code.

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

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

21 (d) A person who knowingly fails to disclose to the court
22 under Subsection (b) that a member of the person's extended family
23 is required to register as a sex offender under Chapter 62, Code of
24 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 (e) It is an affirmative defense to an allegation of
4 contempt of court under Subsection (d) that the person:

5 (1) has not had contact with a member of the person's
6 extended family who is required to register as a sex offender under
7 Chapter 62, Code of Criminal Procedure, for one or more years; or

8 (2) had no knowledge that a member of the person's
9 extended family is required to register as a sex offender under
10 Chapter 62, Code of Criminal Procedure.

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

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

16 (b) It is a material and substantial change of circumstances
17 sufficient to justify a modification of a court order or portion of
18 a decree that provides for the appointment of a conservator or that
19 sets the terms and conditions of conservatorship or for the
20 possession of or access to a child if:

21 (1) a person entitled to the possession of or access to
22 the child failed before the order was rendered 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 (2) on the date the court rendered the order, there was
27 a registered sex offender in the extended family of a person

1 entitled to the possession of or access to a child and there is:

2 (A) a reasonable probability of interaction
3 between the registered sex offender and the child; or

4 (B) a previous pattern of interaction between the
5 registered sex offender and the child; or

6 (3) after the date the order is rendered, a member of a
7 party's extended family is required to register as a sex offender
8 under Chapter 62, Code of Criminal Procedure.

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

14 (d) If the court finds that a person knowingly failed to
15 disclose to the court under Section 153.016 that a member of the
16 person's extended family is required to register as a sex offender
17 under Chapter 62, Code of Criminal Procedure, the court may order
18 the person to pay the court costs and attorney's fees the other
19 party incurred to bring the modification suit.

20 SECTION 3. (a) In this section, "extended family" includes
21 a person related to a person within the third degree by
22 consanguinity or affinity, as determined under Chapter 573,
23 Government Code.

24 (b) This section applies only to a court order for
25 possession of or access to a child rendered before September 1,
26 2015.

27 (c) It is a material and substantial change of circumstances

1 sufficient to justify a modification of a court order or portion of
2 a decree that provides for the appointment of a conservator or that
3 sets the terms and conditions of conservatorship or for the
4 possession of or access to a child if, on the date the court
5 rendered the order, there was a registered sex offender in the
6 extended family of a person entitled to the possession of or access
7 to a child and there is:

8 (1) a reasonable probability of interaction between
9 the registered sex offender and the child; or

10 (2) a previous pattern of interaction between the
11 registered sex offender and the child.

12 (d) A suit to modify an order for the possession of or access
13 to a child brought under this section must be filed not later than
14 February 1, 2016.

15 (e) This section expires September 1, 2016.

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

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

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

1 SECTION 5. This Act takes effect September 1, 2015.