

By: Smithee

H.B. No. 3949

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the conditions and enforcement of possession orders in
3 suits affecting the parent-child relationship; adding provisions
4 subject to a criminal penalty.

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

6 SECTION 1. This Act shall be known as "Kenyon's Law."

7 SECTION 2. Section 105.002(c), Family Code, is amended to
8 read as follows:

9 (c) In a jury trial:

10 (1) a party is entitled to a verdict by the jury and
11 the court may not contravene a jury verdict on the issues of:

12 (A) the appointment of a sole managing
13 conservator;

14 (B) the appointment of joint managing
15 conservators;

16 (C) the appointment of a possessory conservator;

17 (D) the determination of which joint managing
18 conservator has the exclusive right to designate the primary
19 residence of the child; and

20 (E) the determination of ~~[whether to impose a~~
21 ~~restriction on]~~ the geographic area in which a joint managing
22 conservator must ~~[may]~~ designate the child's primary residence; and

23 ~~[(F) if a restriction described by Paragraph (E)~~
24 ~~is imposed, the determination of the geographic area within which~~

1 ~~the joint managing conservator must designate the child's primary~~
2 ~~residence, and]~~

3 (2) the court may not submit to the jury questions on
4 the issues of:

5 (A) support under Chapter 154 or Chapter 159;

6 (B) a specific term or condition of possession of
7 or access to the child; or

8 (C) any right or duty of a conservator, other
9 than the determination of which joint managing conservator has the
10 exclusive right to designate the primary residence of the child
11 under Subdivision (1)(D).

12 SECTION 3. Section 153.133(a), Family Code, is amended to
13 read as follows:

14 (a) If a written agreed parenting plan is filed with the
15 court, the court shall render an order appointing the parents as
16 joint managing conservators only if the parenting plan:

17 (1) designates the conservator who has the exclusive
18 right to designate the primary residence of the child and:

19 (A) establishes, until modified by further
20 order, the geographic area within which the conservator shall
21 maintain the child's primary residence; and ~~or~~

22 (B) specifies that the conservator may not move
23 ~~designate~~ the child's primary residence outside that ~~without~~
24 ~~regard to~~ geographic area without permission of the other
25 conservator or the court ~~location~~;

26 (2) specifies the rights and duties of each parent
27 regarding the child's physical care, support, and education;

1 (3) includes provisions to minimize disruption of the
2 child's education, daily routine, and association with friends;

3 (4) allocates between the parents, independently,
4 jointly, or exclusively, all of the remaining rights and duties of a
5 parent provided by Chapter 151;

6 (5) is voluntarily and knowingly made by each parent
7 and has not been repudiated by either parent at the time the order
8 is rendered; and

9 (6) is in the best interest of the child.

10 SECTION 4. Section 153.134(b), Family Code, is amended to
11 read as follows:

12 (b) In rendering an order appointing joint managing
13 conservators, the court shall:

14 (1) designate the conservator who has the exclusive
15 right to determine the primary residence of the child and:

16 (A) establish, until modified by further order, a
17 geographic area within which the conservator shall maintain the
18 child's primary residence; and ~~or~~

19 (B) specify that the conservator may not move
20 ~~[determine]~~ the child's primary residence outside that ~~[without~~
21 ~~regard to]~~ geographic area without the permission of the other
22 conservator or the court ~~[location]~~;

23 (2) specify the rights and duties of each parent
24 regarding the child's physical care, support, and education;

25 (3) include provisions to minimize disruption of the
26 child's education, daily routine, and association with friends;

27 (4) allocate between the parents, independently,

1 jointly, or exclusively, all of the remaining rights and duties of a
2 parent as provided by Chapter 151; and

3 (5) if feasible, recommend that the parties use an
4 alternative dispute resolution method before requesting
5 enforcement or modification of the terms and conditions of the
6 joint conservatorship through litigation, except in an emergency.

7 SECTION 5. Subchapter F, Chapter 153, Family Code, is
8 amended by adding Section 153.3165 to read as follows:

9 Sec. 153.3165. GEOGRAPHIC RESTRICTION. The court shall
10 restrict the primary residence of the child to a specific
11 geographic area and prohibit moving the child's primary residence
12 outside that area without the permission of the other conservator
13 or the court.

14 SECTION 6. Subchapter A, Chapter 157, Family Code, is
15 amended by adding Section 157.010 to read as follows:

16 Sec. 157.010. INTERFERENCE WITH CUSTODY; REFERRAL. If a
17 party alleges that the other party has engaged in conduct
18 constituting an offense under Section 25.03, Penal Code, the court
19 shall make a report to the appropriate county or district attorney
20 for investigation.

21 SECTION 7. (a) The changes in law made by this Act relating
22 to the conditions of a court order providing for possession of or
23 access to a child apply only to an order rendered on or after the
24 effective date of this Act. A court order rendered before the
25 effective date of this Act is governed by the law in effect on the
26 date the order was rendered, and the former law is continued in
27 effect for that purpose.

1 (b) Section 157.010, Family Code, as added by this Act,
2 applies only to an allegation received in a petition filed with the
3 court on or after the effective date of this Act. A petition filed
4 before the effective date of this Act is governed by the law in
5 effect on the date the petition was filed, and the former law is
6 continued in effect for that purpose.

7 SECTION 8. This Act takes effect September 1, 2015.