

By: Rodríguez

S.B. No. 817

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a protective order and the appointment of a managing conservator in certain family law proceedings.

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

SECTION 1. Section 71.0021(a), Family Code, is amended to read as follows:

(a) "Dating violence" means an act, other than a defensive measure to protect oneself, by an actor that:

(1) is committed against a victim or applicant for a protective order:

(A) with whom the actor has or has had a dating relationship; or

(B) because of the victim's or applicant's marriage to or dating relationship with an individual with whom the actor is or has been in a dating relationship or marriage; and

(2) is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the victim or applicant in fear of imminent physical harm, bodily injury, assault, or sexual assault.

SECTION 2. Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result

1 in physical harm, bodily injury, assault, or sexual assault or that
2 is a threat that reasonably places the member in fear of imminent
3 physical harm, bodily injury, assault, or sexual assault, but does
4 not include defensive measures to protect oneself;

5 (2) abuse, as that term is defined by Sections
6 261.001(1)(C), (E), ~~[and]~~ (G), (H), (I), (J), and (K), by a member
7 of a family or household toward a child of the family or household;
8 or

9 (3) dating violence, as that term is defined by
10 Section 71.0021.

11 SECTION 3. Section 153.005, Family Code, is amended by
12 amending Subsection (a) and adding Subsection (c) to read as
13 follows:

14 (a) In a suit, except as provided by Section 153.004, the
15 court:

16 (1) may appoint a sole managing conservator or may
17 appoint joint managing conservators; and

18 (2) if ~~[. If]~~ the parents are or will be separated,
19 ~~[the court]~~ shall appoint at least one managing conservator.

20 (c) In making an appointment authorized by this section, the
21 court shall consider whether, preceding the filing of the suit or
22 during the pendency of the suit:

23 (1) a party engaged in a history or pattern of family
24 violence, as defined by Section 71.004;

25 (2) a party engaged in a history or pattern of child
26 abuse or child neglect; or

27 (3) a final protective order was rendered against a

1 party.

2 SECTION 4. The changes in law made by this Act to Sections
3 71.0021 and 71.004, Family Code, apply only to a request for a
4 protective order that is filed on or after the effective date of
5 this Act. A request for a protective order filed before the
6 effective date of this Act is governed by the law in effect on the
7 date the request is filed, and the former law is continued in effect
8 for that purpose.

9 SECTION 5. Section 153.005, Family Code, as amended by this
10 Act, applies only to a suit affecting the parent-child relationship
11 filed on or after the effective date of this Act. A suit affecting
12 the parent-child relationship filed before the effective date of
13 this Act is governed by the law in effect on the date the suit is
14 filed, and the former law is continued in effect for that purpose.

15 SECTION 6. This Act takes effect September 1, 2015.