By: Thompson of Harris

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H.B. No. 1495

A BILL TO BE ENTITLED

AN ACT

2 relating to the rendition of certain temporary orders during the 3 pendency of a suit for modification of an order that provides for 4 the conservatorship, support, or possession of or access to a 5 child.

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

7 SECTION 1. Section 156.006(b), Family Code, is amended to 8 read as follows:

(b) While a suit for modification is pending, the court may 9 not render a temporary order that has the effect of creating a 10 designation, or changing the designation, of the person who has the 11 12 exclusive right to designate the primary residence of the child, or the effect of creating a geographic area, or changing or 13 14 eliminating the geographic area, within which a conservator must maintain the child's primary residence, under the final order 15 unless the temporary order is in the best interest of the child and: 16 (1) the order is necessary because the child's present 17 circumstances would significantly impair the child's physical 18 health or emotional development; 19

20 (2) the person designated in the final order has 21 voluntarily relinquished the primary care and possession of the 22 child for more than six months; or

(3) the child is 12 years of age or older and has
expressed to the court in chambers as provided by Section 153.009

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1 the name of the person who is the child's preference to have the 2 exclusive right to designate the primary residence of the child.

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3 SECTION 2. The change in law made by this Act applies only 4 to a suit for modification pending before a trial court on or filed 5 on or after the effective date of this Act.

6 SECTION 3. This Act takes effect September 1, 2017.

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