

By: Sanford

H.B. No. 2643

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the rendition by the court in a suit affecting the
3 parent-child relationship of a temporary order over the objection
4 of the child's parent.

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

6 SECTION 1. Section 105.001, Family Code, is amended by
7 amending Subsection (a) and adding Subsections (a-1) and (a-2) to
8 read as follows:

9 (a) In a suit, except as otherwise provided by Subsection
10 (a-1), the court may make a temporary order, including the
11 modification of a prior temporary order, for the safety and welfare
12 of the child, including an order:

- 13 (1) for the temporary conservatorship of the child;
14 (2) for the temporary support of the child;
15 (3) restraining a party from disturbing the peace of
16 the child or another party;
17 (4) prohibiting a person from removing the child
18 beyond a geographical area identified by the court; or
19 (5) for payment of reasonable attorney's fees and
20 expenses.

21 (a-1) The court may not render a temporary order under this
22 section over the objection of the child's parent unless:

- 23 (1) the court determines that the objecting parent is
24 not a fit parent and states on the record the court's basis for that

1 determination;

2 (2) the court determines that failing to render the
3 temporary order will cause significant impairment to the child's
4 physical health or emotional well-being; or

5 (3) the court is rendering the temporary order over
6 the objection of a fit parent at the request of the child's other
7 parent, who is a fit parent.

8 (a-2) For purposes of Subsection (a-1), a parent:

9 (1) is presumed to be a fit parent; and

10 (2) may be determined not to be a fit parent only if
11 the court determines that the parent does not adequately care for
12 the parent's child.

13 SECTION 2. The change in law made by this Act applies only
14 to a suit affecting the parent-child relationship pending before a
15 trial court or filed on or after the effective date of this Act.

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