

By: Uresti

S.B. No. 495

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain procedural measures in a suit affecting a
3 parent-child relationship to protect a child against child neglect
4 or physical or sexual abuse.

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

6 SECTION 1. Section 153.004, Family Code, is amended by
7 amending Subsections (e) and (f) and adding Subsection (g) to read
8 as follows:

9 (e) It is a rebuttable presumption that it is not in the best
10 interest of a child for a parent to have unsupervised visitation
11 with the child if credible evidence is presented of a history or
12 pattern of past or present child neglect or physical or sexual abuse
13 by:

14 (1) that parent directed against the other parent, a
15 spouse, ~~or~~ a child, a current or previous member of that parent's
16 household, or a person with whom that parent has or has had a dating
17 relationship; or

18 (2) any person who resides in that parent's household
19 or who by virtue of the person's relationship with that parent is
20 otherwise likely to have unsupervised access to the child during
21 that parent's periods of possession of or access to the child,
22 directed against any person.

23 (f) In determining under this section whether there is
24 credible evidence of a history or pattern of past or present child

1 neglect or physical or sexual abuse by a parent or other person, as
2 applicable [~~directed against the other parent, a spouse, or a~~
3 ~~child~~], the court shall consider whether a protective order was
4 rendered under Chapter 85, Title 4, against the parent or other
5 person during the two-year period preceding the filing of the suit
6 or during the pendency of the suit.

7 (g) In this section:

8 (1) "Dating relationship" has the meaning assigned by
9 Section 71.0021(b).

10 (2) "Household" has the meaning assigned by Section
11 71.005.

12 SECTION 2. Section 153.0071(e-1), Family Code, is amended
13 to read as follows:

14 (e-1) Notwithstanding Subsections (d) and (e), a court may
15 decline to enter a judgment on a mediated settlement agreement if
16 the court finds:

17 (1) that:

18 (A) [~~(1)~~] a party to the agreement was a victim
19 of family violence, and that circumstance impaired the party's
20 ability to make decisions; or

21 (B) the agreement would permit a person who is
22 subject to registration under Chapter 62, Code of Criminal
23 Procedure, on the basis of an offense committed by the person when
24 the person was 17 years of age or older or who otherwise has a
25 history or pattern of past or present physical or sexual abuse
26 directed against any person to:

27 (i) reside in the same household as the

1 child; or

2 (ii) otherwise have unsupervised access to

3 the child; and

4 (2) that the agreement is not in the child's best
5 interest.

6 SECTION 3. The changes in law made by this Act apply only to
7 a suit affecting the parent-child relationship pending in a trial
8 court on the effective date of this Act or filed on or after that
9 date. A suit affecting the parent-child relationship in which a
10 final order is rendered before the effective date of this Act is
11 governed by the law in effect on the date the order was rendered,
12 and the former law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect September 1, 2017.