

1-1 By: Uresti S.B. No. 495  
 1-2 (In the Senate - Filed January 17, 2017; February 6, 2017,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 6, 2017, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; March 6, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to certain procedural measures in a suit affecting a  
 1-20 parent-child relationship to protect a child against child neglect  
 1-21 or physical or sexual abuse.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 153.004, Family Code, is amended by  
 1-24 amending Subsections (e) and (f) and adding Subsection (g) to read  
 1-25 as follows:

1-26 (e) It is a rebuttable presumption that it is not in the best  
 1-27 interest of a child for a parent to have unsupervised visitation  
 1-28 with the child if credible evidence is presented of a history or  
 1-29 pattern of past or present child neglect or physical or sexual abuse  
 1-30 by:

1-31 (1) that parent directed against the other parent, a  
 1-32 spouse, ~~or~~ a child, a current or previous member of that parent's  
 1-33 household, or a person with whom that parent has or has had a dating  
 1-34 relationship; or

1-35 (2) any person who resides in that parent's household  
 1-36 or who by virtue of the person's relationship with that parent is  
 1-37 otherwise likely to have unsupervised access to the child during  
 1-38 that parent's periods of possession of or access to the child,  
 1-39 directed against any person.

1-40 (f) In determining under this section whether there is  
 1-41 credible evidence of a history or pattern of past or present child  
 1-42 neglect or physical or sexual abuse by a parent or other person, as  
 1-43 applicable ~~[directed against the other parent, a spouse, or a~~  
 1-44 ~~child]~~, the court shall consider whether a protective order was  
 1-45 rendered under Chapter 85, Title 4, against the parent or other  
 1-46 person during the two-year period preceding the filing of the suit  
 1-47 or during the pendency of the suit.

1-48 (g) In this section:

1-49 (1) "Dating relationship" has the meaning assigned by  
 1-50 Section 71.0021(b).

1-51 (2) "Household" has the meaning assigned by Section  
 1-52 71.005.

1-53 SECTION 2. Section 153.0071(e-1), Family Code, is amended  
 1-54 to read as follows:

1-55 (e-1) Notwithstanding Subsections (d) and (e), a court may  
 1-56 decline to enter a judgment on a mediated settlement agreement if  
 1-57 the court finds:

1-58 (1) that:

1-59 (A) ~~[(1)]~~ a party to the agreement was a victim  
 1-60 of family violence, and that circumstance impaired the party's  
 1-61 ability to make decisions; or

2-1 (B) the agreement would permit a person who is  
2-2 subject to registration under Chapter 62, Code of Criminal  
2-3 Procedure, on the basis of an offense committed by the person when  
2-4 the person was 17 years of age or older or who otherwise has a  
2-5 history or pattern of past or present physical or sexual abuse  
2-6 directed against any person to:

2-7 (i) reside in the same household as the  
2-8 child; or

2-9 (ii) otherwise have unsupervised access to  
2-10 the child; and

2-11 (2) that the agreement is not in the child's best  
2-12 interest.

2-13 SECTION 3. The changes in law made by this Act apply only to  
2-14 a suit affecting the parent-child relationship pending in a trial  
2-15 court on the effective date of this Act or filed on or after that  
2-16 date. A suit affecting the parent-child relationship in which a  
2-17 final order is rendered before the effective date of this Act is  
2-18 governed by the law in effect on the date the order was rendered,  
2-19 and the former law is continued in effect for that purpose.

2-20 SECTION 4. This Act takes effect September 1, 2017.

2-21 \* \* \* \* \*