

By: Campbell

S.B. No. 816

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the rendition by a court in a suit affecting the
3 parent-child relationship of an order that is contrary to the
4 expressed wishes of the child's parent.

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

6 SECTION 1. Section 153.002, Family Code, is amended to read
7 as follows:

8 Sec. 153.002. BEST INTEREST OF CHILD; DEFERENCE TO PARENT.

9 (a) Except as otherwise provided by this section, the [The] best
10 interest of the child shall always be the primary consideration of
11 the court in determining the issues of conservatorship and
12 possession of and access to the child.

13 (b) The court may not render an order contrary to the
14 expressed wishes of a child's parent unless:

15 (1) the court determines that the parent is not a fit
16 parent;

17 (2) the order conforms with the expressed wishes of
18 the child's other parent, who is a fit parent; or

19 (3) the order is a compromise between the expressed
20 wishes of both parents, who are fit parents.

21 (c) For purposes of this section, a parent:

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

23 (2) may be determined not to be a fit parent only if it
24 is shown by clear and convincing evidence that the parent does not

1 adequately care for the parent's child.

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

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