

By: Rodríguez

S.B. No. 1235

A BILL TO BE ENTITLED

1 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.

6 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:

9 (b) While a suit for modification is pending, the court may
10 not render a temporary order that has the effect of creating a
11 designation, or changing the designation, of the person who has the
12 exclusive right to designate the primary residence of the child, or
13 the effect of creating a geographic area, or changing or
14 eliminating the geographic area, within which a conservator must
15 maintain the child's primary residence, under the final order
16 unless the temporary order is in the best interest of the child and:

17 (1) the order is necessary because the child's present
18 circumstances would significantly impair the child's physical
19 health or emotional development;

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

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

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.

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.