86R2148 JSC-D

By:  White H.B. No. 3309

A BILL TO BE ENTITLED

AN ACT

relating to the conservatorship and possession of, and support for, a child in certain suits affecting the parent-child relationship.

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

SECTION 1.  Chapter 102, Family Code, is amended by adding Section 102.015 to read as follows:

Sec. 102.015.  PROVISION OF PARENTING PLAN HANDBOOK. On the filing of a petition involving the conservatorship or possession of or access to a child, the court shall provide to each party to the proceeding the parenting plan handbook developed under Section 153.008.

SECTION 2.  Sections 153.007(a) and (b), Family Code, are amended to read as follows:

(a)  To promote the amicable settlement of disputes between the parties to a suit, the parties may enter into a written agreed parenting plan containing provisions for conservatorship and possession of the child and for modification of the parenting plan, including model provisions prescribed in the parenting plan handbook developed under Section 153.008, variations from those model provisions, or variations from the standard possession order.

(b)  If the court finds that the agreed parenting plan is in the child's best interest, the court shall render an order in accordance with the parenting plan. In determining whether the agreed parenting plan is in the child's best interest, the court shall consider all relevant factors, including:

(1)  the child's needs for frequent, continuing, and meaningful contact with both parents and whether both parents agree to facilitate that contact;

(2)  the interaction and interrelationship of the child with the child's parents, siblings, and any other member of the child's household who may significantly affect the child's best interests;

(3)  the child's adjustment to the child's home, school, and community; and

(4)  the mental and physical health of the child and all individuals involved in the parenting plan, including an examination of any history of family violence, sexual assault or abuse, child neglect or abuse, or other harmful behavior.

SECTION 3.  Subchapter A, Chapter 153, Family Code, is amended by adding Section 153.008 to read as follows:

Sec. 153.008.  PARENTING PLAN HANDBOOK. (a) The attorney general shall develop a parenting plan handbook to assist parties to a suit in arriving at an agreement for conservatorship and possession of a child.

(b)  The handbook must include:

(1)  guidelines for creating and implementing a parenting plan, including:

(A)  the requirements for a joint managing conservatorship parenting plan under Section 153.133; and

(B)  alternative dispute resolution options; and

(2)  various models of potential parenting plans that could be used or adapted for use.

(c)  To the greatest extent possible, the guidelines and models developed under Subsection (b) must maximize each conservator's period of possession of the child consistent with the child's best interest.

(d)  In developing the guidelines and models required by Subsection (b), the attorney general may consult with any relevant agency or other entity.

(e)  The attorney general shall make the handbook available online and provide paper copies on request to members of the public.

SECTION 4.  Section 154.122, Family Code, is amended to read as follows:

Sec. 154.122.  APPLICATION OF GUIDELINES REBUTTABLY PRESUMED TO BE IN BEST INTEREST OF CHILD. (a) Subject to Subsection (b), the [~~The~~] amount of a periodic child support payment established by the child support guidelines in effect in this state at the time of the hearing is presumed to be reasonable, and an order of support conforming to the guidelines is presumed to be in the best interest of the child.

(b)  Before entering an order of support conforming to the guidelines, a [~~A~~] court must [~~may~~] determine whether [~~that~~] the application of the guidelines would be unjust or inappropriate under the circumstances. In making the determination, a court shall consider the financial resources available to each parent of the child and each other relevant factor, including the factors specified by Section 154.123(b).

SECTION 5.  The attorney general shall develop and make available the parenting plan handbook required by Section 153.008, Family Code, as added by this Act, not later than December 1, 2019.

SECTION 6.  (a) A court is not required to comply with Section 102.015, Family Code, as added by this Act, before January 1, 2020.

(b)  Sections 153.007 and 154.122, Family Code, as amended by this Act, apply only to an original suit affecting the parent-child relationship commenced on or after January 1, 2020. A suit filed before that date is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 7.  This Act takes effect September 1, 2019.