

By: Guillen

H.B. No. 1659

A BILL TO BE ENTITLED

AN ACT

relating to conservatorship of a child in certain suits affecting the parent-child relationship.

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

SECTION 1. Sections 153.004(b), (d), (e), and (f), Family Code, are amended to read as follows:

(b) The court may not appoint joint managing conservators if clear and convincing ~~[credible]~~ evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by one parent directed against the other parent, a spouse, or a child, including a sexual assault in violation of Section 22.011 or 22.021, Penal Code, that results in the other parent becoming pregnant with the child. A history of sexual abuse includes a sexual assault that results in the other parent becoming pregnant with the child, regardless of the prior relationship of the parents. It is a rebuttable presumption that the appointment of a parent as the sole managing conservator of a child or as the conservator who has the exclusive right to determine the primary residence of a child is not in the best interest of the child if clear and convincing ~~[credible]~~ evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by that parent directed against the other parent, a spouse, or a child.

(d) The court may not allow a parent to have access to a

child for whom it is shown by clear and convincing [~~a preponderance of the~~] evidence that:

(1) there is a history or pattern of committing family violence during the two years preceding the date of the filing of the suit or during the pendency of the suit; or

(2) the parent engaged in conduct that constitutes an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code, and that as a direct result of the conduct, the victim of the conduct became pregnant with the parent's child.

(e) It is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation with the child if clear and convincing [~~credible~~] evidence is presented of a history or pattern of past or present child neglect or abuse or family violence by:

(1) that parent; or

(2) any person who resides in that parent's household or who is permitted by that parent to have unsupervised access to the child during that parent's periods of possession of or access to the child.

(f) In determining under this section whether there is clear and convincing [~~credible~~] evidence of a history or pattern of past or present child neglect or abuse or family violence by a parent or other person, as applicable, the court shall consider whether a protective order was rendered under Chapter 85, Title 4, against the parent or other person during the two-year period preceding the filing of the suit or during the pendency of the suit.

SECTION 2. The change in law made by this Act applies only

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1 to a suit affecting the parent-child relationship, including a suit  
2 for modification, pending before a court on or filed on or after the  
3 effective date of this Act.

4 SECTION 3. This Act takes effect September 1, 2019.