

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

1 shall consider all relevant factors, including:

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

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

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

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

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

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

21 (b) The handbook must include:

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

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

26 (B) alternative dispute resolution options; and

27 (2) various models of potential parenting plans that

1 could be used or adapted for use.

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

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

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

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

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

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

27 SECTION 5. The attorney general shall develop and make

1 available the parenting plan handbook required by Section 153.008,  
2 Family Code, as added by this Act, not later than December 1, 2019.

3 SECTION 6. (a) A court is not required to comply with  
4 Section 102.015, Family Code, as added by this Act, before January  
5 1, 2020.

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

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