

By: Rodríguez

S.B. No. 2198

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of a court order for possession of or access to a child.

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

SECTION 1. Section 157.165, Family Code, is amended to read as follows:

Sec. 157.165. PROBATION OF CONTEMPT ORDER. (a) Except as provided by Subsection (b), the ~~[The]~~ court may place the respondent on community supervision and suspend commitment if the court finds that the respondent is in contempt of court for failure or refusal to obey an order rendered as provided in this title.

(b) The court may not place the respondent on community supervision and suspend commitment if the court finds that the respondent:

(1) is in contempt of court for the failure or refusal to obey an order for possession of or access to a child; and

(2) has previously been found in contempt of court for the failure or refusal to obey an order for possession of or access to a child.

SECTION 2. Section 157.167, Family Code, is amended by amending Subsection (c) and adding Subsection (e) to read as follows:

(c) Except as provided by Subsections ~~[Subsection]~~ (d) and (e), for good cause shown, the court may waive the requirement that

1 the respondent pay attorney's fees and costs if the court states the  
2 reasons supporting that finding.

3 (e) The court may not waive the requirement that the  
4 respondent pay attorney's fees and costs if the court finds that the  
5 respondent has previously been found in contempt of court for the  
6 denial of court-ordered possession or access with respect to the  
7 same child or children.

8 SECTION 3. Section 157.168, Family Code, is amended by  
9 amending Subsection (a) and adding Subsection (c) to read as  
10 follows:

11 (a) A court shall [~~may~~] order additional periods of  
12 possession of or access to a child to compensate for the denial of  
13 court-ordered possession or access. The additional periods of  
14 possession or access:

15 (1) except as provided by Subsection (c), must be of  
16 the same type and duration of the possession or access that was  
17 denied;

18 (2) may include weekend, holiday, and summer  
19 possession or access; and

20 (3) must occur on or before the second anniversary of  
21 the date the court finds that court-ordered possession or access  
22 has been denied.

23 (c) If the court finds that the respondent has previously  
24 been found in contempt of court for the denial of court-ordered  
25 possession or access with respect to the same child or children, the  
26 court shall order that the person denied possession or access  
27 receive two additional periods of possession or access of the same

1 type and duration for each period of possession or access that was  
2 denied.

3           SECTION 4. The change in law made by this Act applies to a  
4 suit affecting the parent-child relationship that is pending in a  
5 trial court on the effective date of this Act or that is filed on or  
6 after the effective date of this Act.

7           SECTION 5. This Act takes effect September 1, 2019.