

By: Hughes

S.B. No. 2369

A BILL TO BE ENTITLED

AN ACT

relating to consideration of a child's gender identity or expression in suits affecting the parent-child relationship and other proceedings involving children.

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

SECTION 1. Chapter 101, Family Code, is amended by adding Section 101.0137 to read as follows:

Sec. 101.0137. GENDER IDENTITY OR EXPRESSION. "Gender identity or expression" means having or being perceived as having a gender-related identity, appearance, expression, or behavior, regardless of whether that identity, appearance, expression, or behavior is different from that commonly associated with the individual's actual or perceived sex.

SECTION 2. Subchapter A, Chapter 153, Family Code, is amended by adding Section 153.0041 to read as follows:

Sec. 153.0041. ACKNOWLEDGEMENT OF CHILD'S GENDER IDENTITY OR EXPRESSION. In determining whether to appoint a party as a sole or joint managing conservator of a child, the court may not consider evidence regarding whether the party demonstrates a history or pattern of acknowledging or declining to acknowledge the child's gender identity or expression.

SECTION 3. Section 161.001(c), Family Code, is amended to read as follows:

(c) A court may not make a finding under Subsection (b) and

order termination of the parent-child relationship based on evidence that the parent:

(1) homeschooled the child;

(2) is economically disadvantaged;

(3) has been charged with a nonviolent misdemeanor offense other than:

(A) an offense under Title 5, Penal Code;

(B) an offense under Title 6, Penal Code; or

(C) an offense that involves family violence, as defined by Section 71.004 of this code;

(4) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; ~~or~~

(5) declined immunization for the child for reasons of conscience, including a religious belief; or

(6) acknowledges or declines to acknowledge the child's gender identity or expression.

SECTION 4. Section 261.001, Family Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Abuse" does not include a person's willingness or unwillingness to acknowledge a child's gender identity or expression.

SECTION 5. The changes in law made by this Act apply only to a suit affecting the parent-child relationship that is filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before that date is governed by the law in effect on the date the suit was filed, and the former law is

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1 continued in effect for that purpose.

2 SECTION 6. This Act takes effect September 1, 2019.