By:  Thompson of Harris (Senate Sponsor - Zaffirini) H.B. No. 868

(In the Senate - Received from the House April 8, 2021; April 12, 2021, read first time and referred to Committee on State Affairs; May 10, 2021, reported favorably by the following vote: Yeas 7, Nays 0; May 10, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Birdwell        X

Campbell        X

Hall            X

Lucio           X

Nelson                   X

Powell          X

Schwertner      X

Zaffirini                X

A BILL TO BE ENTITLED

AN ACT

relating to the jury charge and jury findings in a suit affecting the parent-child relationship.

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

SECTION 1.  Section 105.002(c), Family Code, is amended to read as follows:

(c)  In a jury trial:

(1)  a party is entitled to a verdict by the jury and the court may not contravene a jury verdict on the issues of:

(A)  the appointment of a sole managing conservator;

(B)  the appointment of joint managing conservators;

(C)  the appointment of a possessory conservator;

(D)  the determination of which joint managing conservator has the exclusive right to designate the primary residence of the child;

(E)  the determination of whether to impose a restriction on the geographic area in which a sole managing conservator or joint managing conservator may designate the child's primary residence; and

(F)  if a restriction described by Paragraph (E) is imposed, the determination of the geographic area within which the sole managing conservator or joint managing conservator must designate the child's primary residence; and

(2)  the court may not submit to the jury questions on the issues of:

(A)  support under Chapter 154 or Chapter 159;

(B)  a specific term or condition of possession of or access to the child; or

(C)  any right or duty of a conservator, other than a [~~the~~] determination [~~of which joint managing conservator has the exclusive right to designate the primary residence of the child~~] under Subdivision (1)(D), (E), or (F).

SECTION 2.  The change in law made by this Act applies only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act 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 3.  This Act takes effect September 1, 2021.

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