H.B. No. 1849

AN ACT

relating to the modification of an order establishing the conservatorship or possession of or access to a child after a conservator's death.

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

SECTION 1.  This Act may be cited as Chelsea Maddux's Law.

SECTION 2.  Subchapter B, Chapter 156, Family Code, is amended by adding Section 156.106 to read as follows:

Sec. 156.106.  MODIFICATION OF ORDER BASED ON DEATH OF CONSERVATOR. (a) The death of a person who is a conservator of a child is a material and substantial change of circumstances sufficient to justify a temporary order and modification of an existing court order or portion of a decree that provides for the appointment of a conservator or that sets the terms and conditions of conservatorship or for the possession of or access to the child.

(b)  Before modifying an order under Section 156.101 based on a material and substantial change of circumstances described by Subsection (a), the court must consider any term or condition of the order or portion of a decree that denies possession of the child to a parent or imposes restrictions or limitations on the parent's right to possession of or access to the child. The court may include those restrictions or limitations in a modification of the order if the court finds that the restrictions or limitations continue to be in the best interest of the child.

SECTION 3.  The change in law made by this Act applies to a suit for modification that is pending in a trial court on the effective date of this Act or that is filed on or after that date.

SECTION 4.  This Act takes effect September 1, 2021.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

    President of the Senate Speaker of the House

I certify that H.B. No. 1849 was passed by the House on April 21, 2021, by the following vote:  Yeas 144, Nays 3, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1849 on May 28, 2021, by the following vote:  Yeas 142, Nays 0, 1 present, not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Clerk of the House

I certify that H.B. No. 1849 was passed by the Senate, with amendments, on May 24, 2021, by the following vote:  Yeas 30, Nays 0.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of the Senate

APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                 Date

          \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

               Governor