

By: Thompson of Harris

H.B. No. 868

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

1 designate the child's primary residence; and

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

4 (A) support under Chapter 154 or Chapter 159;

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

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

11 SECTION 2. The change in law made by this Act applies only  
12 to a suit affecting the parent-child relationship filed on or after  
13 the effective date of this Act. A suit affecting the parent-child  
14 relationship filed before the effective date of this Act is  
15 governed by the law in effect on the date the suit was filed, and the  
16 former law is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2021.