

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.

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

4 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