

By: Birdwell

S.B. No. 1178

A BILL TO BE ENTITLED

AN ACT

relating to the rights and duties of parents and the protection of parental rights in suits affecting the parent-child relationship.

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

SECTION 1. Chapter 151, Family Code, is amended by adding Section 151.004 to read as follows:

Sec. 151.004. FUNDAMENTAL RIGHTS OF PARENTS. (a) A parent is presumed to be a fit parent who acts in the best interest of his or her child.

(b) The fundamental right of a parent to raise his or her child includes but is not limited to the right to direct and make decisions for the care, custody, control, education, upbringing, moral and religious training, and medical care of the child.

(c) In a suit between a parent and a non-parent, a parent who has suffered an infringement of his or her fundamental right under subsection (b) by a non-parent may raise subsection (d) as a defense.

(d) A court may not order any relief that conflicts with a parent's fundamental right under Subsection (b) unless the court finds that the requested relief is necessary to prevent a significant impairment of the child's physical health or emotional well-being.

(e) This section may not be construed to limit the rights of the state, including the right to investigate or act on a report of

1 child abuse or neglect allegedly committed by a person responsible
2 for a child's care, custody, or welfare, beyond the limitations
3 required by the United States Constitution.

4 (f) This section does not apply to an action for child
5 support.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2021.