

SENATE AMENDMENTS

2nd Printing

By: Sanford, Swanson, Krause

H.B. No. 1849

A BILL TO BE ENTITLED

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. 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 shall 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 2. The change in law made by this Act applies to a

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1 suit for modification that is pending in a trial court on the
2 effective date of this Act or that is filed on or after that date.

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

ADOPTED

MAY 24 2021

Latey Spaw
Secretary of the Senate

By:

Angela Paxton

H.B. No. 1849

Substitute the following for H.B. No. 1849:

By:

Bob Hall

C.S.H.B. No. 1849

A BILL TO BE ENTITLED

AN ACT

1

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

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

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

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

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

16 (b) Before modifying an order under Section 156.101 based on
17 a material and substantial change of circumstances described by
18 Subsection (a), the court must consider any term or condition of the
19 order or portion of a decree that denies possession of the child to
20 a parent or imposes restrictions or limitations on the parent's
21 right to possession of or access to the child. The court may include
22 those restrictions or limitations in a modification of the order if
23 the court finds that the restrictions or limitations continue to be
24 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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 26, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1849 by Sanford (Relating to the modification of an order establishing the conservatorship or possession of or access to a child after a conservator's death.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to allow the death of a person who is a conservator of a child to be classified as a material and substantial change of circumstances sufficient to justify a modification of an existing court order or portion of a decree that provides for the appointment of a conservator. The bill requires the court to consider before modifying an existing court order on a material and substantial change of circumstances any term that imposes a restriction on the parent's right to possession and to include those restrictions in the order if found to be in the child's best interest.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources. In addition, no significant fiscal impact to the state court system is anticipated due to implementation of the provisions of the bill.

The bill would take effect September 1, 2021.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SD, SMAT, DKN, MW, BH, WP, LBO, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 14, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1849 by Sanford (relating to the modification of an order establishing the conservatorship or possession of or access to a child after a conservator's death.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to allow the death of a person who is a conservator of a child to be classified as a material and substantial change of circumstances sufficient to justify a modification of an existing court order or portion of a decree that provides for the appointment of a conservator. The bill requires the court to consider before modifying an existing court order on a material and substantial change of circumstances any term that imposes a restriction on the parent's right to possession and to include those restrictions in the order if found to be in the child's best interest.

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The bill would take effect September 1, 2021.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SMAT, DKN, MW, BH, WP, LBO, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 11, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1849 by Sanford (Relating to the modification of an order establishing the conservatorship or possession of or access to a child after a conservator's death.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to allow the death of a person who is a conservator of a child to be classified as a material and substantial change of circumstances sufficient to justify a modification of an existing court order or portion of a decree that provides for the appointment of a conservator. The bill requires the court to consider before modifying an existing court order on a material and substantial change of circumstances any term that imposes a restriction on the parent's right to possession and to include those restrictions in the order if found to be in the child's best interest.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources. In addition, no significant fiscal impact to the state court system is anticipated due to implementation of the provisions of the bill.

The bill would take effect September 1, 2021.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SMAT, DKN, MW, BH, WP, LBO, DA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 20, 2021

TO: Honorable Victoria Neave, Chair, House Committee on Juvenile Justice & Family Issues

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1849 by Sanford (Relating to the modification of an order establishing the conservatorship or possession of or access to a child after a conservator's death.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to allow the death of a person who is a conservator of a child to be classified as a material and substantial change of circumstances sufficient to justify a modification of an existing court order or portion of a decree that provides for the appointment of a conservator. The bill requires the court to consider before modifying an existing court order on a material and substantial change of circumstances any term that imposes a restriction on the parent's right to possession and to include those restrictions in the order if found to be in the child's best interest.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources. In addition, no significant fiscal impact to the state court system is anticipated due to implementation of the provisions of the bill.

The bill would take effect September 1, 2021.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, DKN, MW, BH, WP, LBO, DA