88R4552 AMF-F

By:  Cook H.B. No. 1197

A BILL TO BE ENTITLED

AN ACT

relating to factors the court must consider when determining the best interest of a child in a suit affecting the parent-child relationship.

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

SECTION 1.  Section 153.002, Family Code, is amended to read as follows:

Sec. 153.002.  BEST INTEREST OF CHILD. (a) The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.

(b)  In determining the best interest of the child, in addition to any other factors the court is required to consider under this chapter or other law, the court shall consider the following factors:

(1)  the child's wishes as to conservatorship, possession, or access;

(2)  the child's current and future emotional and physical needs;

(3)  any current or future emotional or physical danger to the child;

(4)  the parenting abilities of the party seeking conservatorship or possession of or access to the child;

(5)  the programs available to assist the party seeking conservatorship or possession of or access to the child;

(6)  the plans for the child of any person seeking conservatorship or possession of or access to the child;

(7)  the stability of any proposed placement;

(8)  any act or omission by a parent seeking conservatorship or possession of or access to the child that may indicate the parent does not act in the best interest of the child;

(9)  any explanation for the parent's act or omission described by Subdivision (8); and

(10)  any other factor the court considers relevant to the determination.

SECTION 2.  The change in law made by this Act applies to a suit affecting the parent-child relationship that is pending in a trial court on the effective date of this Act or filed on or after that date. A suit affecting the parent-child relationship in which a final order is rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.