

By: Cook

H.B. No. 1197

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to factors the court must consider when determining the  
3 best interest of a child in a suit affecting the parent-child  
4 relationship.

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

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

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

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

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

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

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

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

24 (5) the programs available to assist the party seeking

- 1 conservatorship or possession of or access to the child;  
2 (6) the plans for the child of any person seeking  
3 conservatorship or possession of or access to the child;  
4 (7) the stability of any proposed placement;  
5 (8) any act or omission by a parent seeking  
6 conservatorship or possession of or access to the child that may  
7 indicate the parent does not act in the best interest of the child;  
8 (9) any explanation for the parent's act or omission  
9 described by Subdivision (8); and  
10 (10) any other factor the court considers relevant to  
11 the determination.

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

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