

By: Dutton

H.B. No. 5103

A BILL TO BE ENTITLED

AN ACT

relating to the rights and duties of each parent that must be specified in certain agreed parenting plans and orders for the joint managing conservatorship of a child.

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

SECTION 1. Section 153.133(a), Family Code, is amended to read as follows:

(a) If a written agreed parenting plan is filed with the court, the court shall render an order appointing the parents as joint managing conservators only if the parenting plan:

(1) designates the conservator who has the exclusive right to designate the primary residence of the child and:

(A) establishes, until modified by further order, the geographic area within which the conservator shall maintain the child's primary residence; or

(B) specifies that the conservator may designate the child's primary residence without regard to geographic location;

(2) specifies the rights and duties of each parent regarding the child's physical care, support, and education, including educational decisions;

(3) includes provisions to minimize disruption of the child's education, daily routine, and association with friends;

(4) allocates between the parents, independently,

1 jointly, or exclusively, all of the remaining rights and duties of a  
2 parent provided by Chapter 151;

3 (5) is voluntarily and knowingly made by each parent  
4 and has not been repudiated by either parent at the time the order  
5 is rendered; and

6 (6) is in the best interest of the child.

7 SECTION 2. Section 153.134(b), Family Code, is amended to  
8 read as follows:

9 (b) In rendering an order appointing joint managing  
10 conservators, the court shall:

11 (1) designate the conservator who has the exclusive  
12 right to determine the primary residence of the child and:

13 (A) establish, until modified by further order, a  
14 geographic area within which the conservator shall maintain the  
15 child's primary residence; or

16 (B) specify that the conservator may determine  
17 the child's primary residence without regard to geographic  
18 location;

19 (2) specify the rights and duties of each parent  
20 regarding the child's physical care, support, and education,  
21 including educational decisions;

22 (3) include provisions to minimize disruption of the  
23 child's education, daily routine, and association with friends;

24 (4) allocate between the parents, independently,  
25 jointly, or exclusively, all of the remaining rights and duties of a  
26 parent as provided by Chapter 151; and

27 (5) if feasible, recommend that the parties use an

1 alternative dispute resolution method before requesting  
2 enforcement or modification of the terms and conditions of the  
3 joint conservatorship through litigation, except in an emergency.

4       SECTION 3. (a) Section 153.133(a), Family Code, as amended  
5 by this Act, applies only to a written agreed parenting plan filed  
6 with the court on or after the effective date of this Act.

7       (b) Section 153.134(b), Family Code, as amended by this Act,  
8 applies only to an order appointing joint managing conservators  
9 rendered on or after the effective date of this Act.

10       SECTION 4. This Act takes effect September 1, 2023.