

By: Birdwell

S.B. No. 1164

A BILL TO BE ENTITLED

AN ACT

relating to the determination of the best interest of a child in certain suits 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 a suit by a nonparent requesting possession of or access to a child, it is a rebuttable presumption that:

(1) a parent makes decisions in the best interest of the parent's child; and

(2) it is in the best interest of a child to be raised by the child's parents.

SECTION 2. Section 263.307(a), Family Code, is amended to read as follows:

(a) In considering the factors established by this section:

(1) [7] the prompt and permanent placement of the child in a safe environment is presumed to be in the child's best interest; and

(2) the rebuttable presumption described by Section 153.002(b) applies when determining the best interest of a child.

1           SECTION 3. The change in law made by this Act applies to a  
2 suit affecting the parent-child relationship that is pending in a  
3 trial court on the effective date of this Act or filed on or after  
4 that date.

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