

BILL ANALYSIS

Senate Research Center
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S.B. 2052
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

An issue of parental rights has been highlighted in Supreme Court of Texas case *In Re C.J.C., Relator*. Traditionally, parents are presumed to be fit in making decisions in the best interest of their child. However, this is not stated in statute for modification proceedings when transferring custody of the parent's child to a third party. The Texas Supreme Court Justices in *In Re C.J.C., Relator* ruled that parents have the "fundamental right to make decisions concerning the care, custody, and control" of that child. Current statute does not conflict with this ruling, however it is not directly stated in statute either.

S.B. 2052 codifies a Supreme Court of Texas ruling, and clarifies that suits by nonparents requesting conservatorship, possession, or access to the child must overcome the presumption that a parent acts in the best interest of the parent's child and it is in the best interest of a child to be in the care, custody, and control of a parent.

As proposed, S.B. 2052 amends current law relating to the determination of the best interest of the child in certain suits affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.002, Family Code, as follows:

Sec. 153.002. BEST INTEREST OF CHILD. (a) Creates this subsection from existing text and makes no further changes.

(b) Provides that, in a suit between a parent and a nonparent, it is a rebuttable presumption that a parent acts in the best interest of the parent's child and it is in the best interest of a child to be in the care, custody, and control of a parent.

(c) Authorizes the nonparent, in a suit between a parent and a nonparent, to overcome the presumption under Subsection (b) by proving by clear and convincing evidence that denial of the relief requested by the nonparent would significantly impair the child's physical health or emotional development.

SECTION 2. Amends Section 156.101, Family Code, by adding Subsection (c), as follows:

(c) Provides that in a suit for modification between a parent and a nonparent, the presumption under Section 153.002(b) applies. Provides that the presumption is rebutted if, in the order subject to modification, the presumption was rebutted with respect to the child who is the subject of the suit.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2026.