

By: Gámez

H.B. No. 2160

Substitute the following for H.B. No. 2160:

By: Moody

C.S.H.B. No. 2160

A BILL TO BE ENTITLED

AN ACT

relating to the interview of a child in a suit affecting a parent-child relationship.

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

SECTION 1. The heading to Section 153.009, Family Code, is amended to read as follows:

Sec. 153.009. INTERVIEW OF CHILD BY COURT ~~[IN CHAMBERS]~~.

SECTION 2. Sections 153.009(a), (d), and (f), Family Code, are amended to read as follows:

(a) In a nonjury trial or at a hearing, the court:

(1) [7] on the application of a party, the amicus attorney, or the attorney ad litem for the child, [the court] shall interview [in chambers] a child 12 years of age or older in chambers or, at the court's discretion, in another location in the courthouse, and may interview [in chambers] a child under 12 years of age in chambers or, at the court's discretion, in another location in the courthouse, to determine the child's wishes as to:

(A) conservatorship, possession, or access;

(B) [or as to] the person who shall have the exclusive right to determine the child's primary residence; or

(C) any other issue affecting the parent-child relationship; and

(2) on the court's own motion, [The court] may [also] interview a child of any age [in chambers on the court's own motion]

1 for a purpose specified by Subdivision (1) ~~[this subsection]~~.

2 (d) In a jury trial, an ~~[the court may not]~~ interview
3 conducted under this section may not be introduced to the jury ~~[the~~
4 ~~child in chambers regarding an issue on which a party is entitled to~~
5 ~~a jury verdict]~~.

6 (f) If the court interviews a child 12 years of age or older
7 under this section ~~[On the motion of a party, the amicus attorney,~~
8 ~~or the attorney ad litem for the child, or on the court's own~~
9 ~~motion]~~, the court shall:

10 (1) cause a record of the interview to be made; and

11 (2) unless a party has filed a notice of appeal for the
12 suit, order the sealing of the record of the interview ~~[when the~~
13 ~~child is 12 years of age or older. A record of the interview shall~~
14 ~~be part of the record in the case]~~.

15 SECTION 3. Section [156.006](#)(b), Family Code, is amended to
16 read as follows:

17 (b) While a suit for modification is pending, the court may
18 not render a temporary order that has the effect of creating a
19 designation, or changing the designation, of the person who has the
20 exclusive right to designate the primary residence of the child, or
21 the effect of creating a geographic area, or changing or
22 eliminating the geographic area, within which a conservator must
23 maintain the child's primary residence, under the final order
24 unless the temporary order is in the best interest of the child and:

25 (1) the order is necessary because the child's present
26 circumstances would significantly impair the child's physical
27 health or emotional development;

1 (2) the person designated in the final order has
2 voluntarily relinquished the primary care and possession of the
3 child for more than six months; or

4 (3) the child is 12 years of age or older and has
5 expressed to the court in an interview conducted under ~~[in chambers~~
6 ~~as provided by]~~ Section 153.009 the name of the person who is the
7 child's preference to have the exclusive right to designate the
8 primary residence of the child.

9 SECTION 4. Section 156.101(a), Family Code, is amended to
10 read as follows:

11 (a) The court may modify an order that provides for the
12 appointment of a conservator of a child, that provides the terms and
13 conditions of conservatorship, or that provides for the possession
14 of or access to a child if modification would be in the best
15 interest of the child and:

16 (1) the circumstances of the child, a conservator, or
17 other party affected by the order have materially and substantially
18 changed since the earlier of:

19 (A) the date of the rendition of the order; or

20 (B) the date of the signing of a mediated or
21 collaborative law settlement agreement on which the order is based;

22 (2) the child is at least 12 years of age and has
23 expressed to the court in an interview conducted under ~~[in chambers~~
24 ~~as provided by]~~ Section 153.009 the name of the person who is the
25 child's preference to have the exclusive right to designate the
26 primary residence of the child; or

27 (3) the conservator who has the exclusive right to

1 designate the primary residence of the child has voluntarily
2 relinquished the primary care and possession of the child to
3 another person for at least six months.

4 SECTION 5. Section [153.009\(b\)](#), Family Code, is repealed.

5 SECTION 6. The change in law made by this Act applies only
6 to a suit affecting the parent-child relationship pending on the
7 effective date of this Act or filed on or after that date.

8 SECTION 7. This Act takes effect September 1, 2025.