

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

1 AN ACT

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

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

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

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

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

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

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

18 (A) conservatorship, possession, or access;

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

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

23 (2) on the court's own motion, [The court] may [also]  
24 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;

C.S.H.B. No. 2160

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

C.S.H.B. No. 2160

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.