

By: Dutton

H.B. No. 2496

A BILL TO BE ENTITLED

AN ACT

relating to required findings for the issuance of a protective order based on the commission of family violence.

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

SECTION 1. Section 81.001, Family Code, is amended to read as follows:

Sec. 81.001. ENTITLEMENT TO PROTECTIVE ORDER. A court shall render a protective order as provided by Section 85.001(b) if the court finds that family violence has occurred during the two-year period preceding the filing of the application for the protective order.

SECTION 2. Section 81.0015, Family Code, is amended to read as follows:

Sec. 81.0015. PRESUMPTION. For purposes of this subtitle, there is a presumption that family violence has occurred during the two-year period preceding the filing of the application for the protective order if:

(1) the respondent has been convicted of or placed on deferred adjudication community supervision for any of the following offenses against the child for whom the petition is filed committed during that period:

(A) an offense under Title 5, Penal Code, for which the court has made an affirmative finding that the offense involved family violence under Article 42.013, Code of Criminal

1 Procedure; or

2 (B) an offense under Title 6, Penal Code; and

3 (2) the respondent's parental rights with respect to  
4 the child have been terminated based on acts occurring during that  
5 period.

6 SECTION 3. Sections 85.001(a) and (b), Family Code, are  
7 amended to read as follows:

8 (a) At the close of a hearing on an application for a  
9 protective order, the court shall find whether family violence has  
10 occurred during the two-year period preceding the filing of the  
11 application for the protective order.

12 (b) If the court finds that family violence has occurred  
13 during the two-year period preceding the filing of the application  
14 for the protective order, the court:

15 (1) shall render a protective order as provided by  
16 Section 85.022 applying only to a person found to have committed  
17 family violence; and

18 (2) may render a protective order as provided by  
19 Section 85.021 applying to both parties that is in the best interest  
20 of the person protected by the order or member of the family or  
21 household of the person protected by the order.

22 SECTION 4. Section 85.025(a-1), Family Code, is amended to  
23 read as follows:

24 (a-1) The court may render a protective order sufficient to  
25 protect the applicant and members of the applicant's family or  
26 household that is effective for a period that exceeds two years if  
27 the court finds that the person who is the subject of the protective

1 order:

2 (1) committed an act constituting a felony offense  
3 involving family violence against the applicant or a member of the  
4 applicant's family or household during the two-year period  
5 preceding the filing of the application for the protective order,  
6 regardless of whether the person has been charged with or convicted  
7 of the offense;

8 (2) caused serious bodily injury to the applicant or a  
9 member of the applicant's family or household; or

10 (3) was the subject of two or more previous protective  
11 orders rendered:

12 (A) to protect the person on whose behalf the  
13 current protective order is sought; and

14 (B) after a finding by the court that the subject  
15 of the protective order has committed family violence during the  
16 two-year period preceding the filing of the application for the  
17 protective order.

18 SECTION 5. The changes in law made by this Act apply only to  
19 an application for a protective order filed on or after the  
20 effective date of this Act. An application for a protective order  
21 filed before the effective date of this Act is governed by the law  
22 in effect on the date the application is filed, and the former law  
23 is continued in effect for that purpose.

24 SECTION 6. This Act takes effect September 1, 2025.