

By: Dutton

H.B. No. 3181

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of a court order for possession of or access to a child and related order modifications.

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

SECTION 1. Subchapter B, Chapter 156, Family Code, is amended by adding Section 156.107 to read as follows:

Sec. 156.107. MODIFICATION OF ORDER ON FINDING OF CONTEMPT FOR DENIAL OF POSSESSION AND ACCESS. A finding by the court that a conservator is in contempt of court for the denial of court-ordered possession of or access to a child and has previously been found in contempt of court for failure to comply with the terms of an order providing for possession of or access to the child constitutes a material and substantial change of circumstances sufficient to justify a temporary order and modification of an existing court order or portion of a decree that provides for the appointment of a conservator or that sets the terms and conditions of conservatorship or for the possession of or access to the child.

SECTION 2. Section 157.165, Family Code, is amended to read as follows:

Sec. 157.165. PROBATION OF CONTEMPT ORDER. (a) Except as provided by Subsection (b), the ~~The~~ court may place the respondent on community supervision and suspend commitment if the court finds that the respondent is in contempt of court for failure or refusal to obey an order rendered as provided in this title.

1 (b) The court may not place the respondent on community
2 supervision and suspend commitment if the court finds that the
3 respondent:

4 (1) is in contempt of court for the failure or refusal
5 to obey an order for possession of or access to a child; and

6 (2) has previously been found in contempt of court for
7 the failure or refusal to obey an order for possession of or access
8 to a child.

9 SECTION 3. Section 157.167, Family Code, is amended by
10 amending Subsection (c) and adding Subsection (e) to read as
11 follows:

12 (c) Except as provided by Subsections [~~Subsection~~] (d) and
13 (e), for good cause shown, the court may waive the requirement that
14 the respondent pay attorney's fees and costs if the court states the
15 reasons supporting that finding.

16 (e) The court may not waive the requirement that the
17 respondent pay attorney's fees and costs if the court finds that the
18 respondent has previously been found in contempt of court for the
19 denial of court-ordered possession of or access to the child who is
20 the subject of the proceeding.

21 SECTION 4. Section 157.168, Family Code, is amended by
22 amending Subsections (a) and (a-2) and adding Subsection (d) to
23 read as follows:

24 (a) Unless a party shows good cause why the order should not
25 be rendered [~~Except as provided in Subsection (a-1)~~], a court shall
26 [~~may~~] order additional periods of possession of or access to a child
27 to compensate for the denial of court-ordered possession or access.

1 (a-2) The additional periods of possession or access:

2 (1) except as provided by Subsection (d), must be of
3 the same type and duration of the possession or access that was
4 denied;

5 (2) may include weekend, holiday, and summer
6 possession or access; and

7 (3) must occur on or before the second anniversary of
8 the date the court finds that court-ordered possession or access
9 has been denied.

10 (d) If the court finds that the person denying possession or
11 access has previously been found in contempt of court for the denial
12 of court-ordered possession or access with respect to the child who
13 is the subject of the proceeding, the additional periods of
14 possession of or access to the child ordered by the court under this
15 section must be, in total, twice the duration of the periods of
16 possession and access that were denied.

17 SECTION 5. Sections 157.168(a-1) and (c), Family Code, are
18 repealed.

19 SECTION 6. (a) Section 156.107, Family Code, as added by
20 this Act, applies to a suit for modification that is pending in a
21 trial court on the effective date of this Act or that is filed on or
22 after that date.

23 (b) The changes in law made by this Act to Sections 157.165
24 and 157.168, Family Code, apply to a suit affecting the
25 parent-child relationship that is pending in a trial court on the
26 effective date of this Act or that is filed on or after the
27 effective date of this Act.

1 (c) The change in law made by this Act to Section [157.167](#),
2 Family Code, applies only to an enforcement order rendered on or
3 after the effective date of this Act. An enforcement order rendered
4 before the effective date of this Act is governed by the law in
5 effect on the date the order was rendered, and the former law is
6 continued in effect for that purpose.

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