

By: Vasut, Cook

H.B. No. 4656

Substitute the following for H.B. No. 4656:

By: Schofield

C.S.H.B. No. 4656

A BILL TO BE ENTITLED

1 AN ACT

2 relating to suits affecting the parent-child relationship between a  
3 parent and a nonparent.

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

5 SECTION 1. Chapter 102, Family Code, is amended by adding  
6 Section 102.0031 to read as follows:

7 Sec. 102.0031. REQUIRED AFFIDAVIT FOR STANDING OF  
8 NONPARENT. (a) A nonparent who files or intervenes in a suit  
9 affecting the parent-child relationship in which another party to  
10 the suit is a parent of the child shall execute and serve with the  
11 nonparent's initial pleading an affidavit that:

12 (1) attests, based on the nonparent's personal  
13 knowledge or representations made to the nonparent by a person with  
14 personal knowledge of the matter, that denying the relief sought  
15 would significantly impair the child's physical health or emotional  
16 development; and

17 (2) contains facts that support the allegation under  
18 Subdivision (1).

19 (b) The court shall deny the relief sought and dismiss the  
20 suit or strike the intervention, as applicable, unless the court  
21 determines, based on the affidavit, that the affidavit contains  
22 facts adequate to support the allegation under Subsection (a)(1).

23 SECTION 2. Section 153.002, Family Code, is amended to read  
24 as follows:

1           Sec. 153.002. BEST INTEREST OF CHILD; REBUTTABLE  
2 PRESUMPTION IN SUIT BETWEEN PARENT AND NONPARENT. (a) The best  
3 interest of the child shall always be the primary consideration of  
4 the court in determining the issues of conservatorship and  
5 possession of and access to the child.

6           (b) In a suit between a parent and a nonparent, it is a  
7 rebuttable presumption that:

8            (1) a parent acts in the best interest of the parent's  
9 child; and

10           (2) it is in the best interest of a child to be in the  
11 care, custody, and control of a parent.

12           (c) In a suit between a parent and a nonparent, the  
13 nonparent may overcome the presumption under Subsection (b) by  
14 proving by clear and convincing evidence that denial of the relief  
15 requested by the nonparent would significantly impair the child's  
16 physical health or emotional development. If the court renders an  
17 order in the suit granting relief to the nonparent, the court shall  
18 state in the order:

19            (1) the specific facts that support the court's  
20 finding that denying the relief requested by the nonparent would  
21 significantly impair the child's physical health or emotional  
22 development; and

23            (2) that the presumption under Subsection (b) has been  
24 overcome.

25           SECTION 3. Subchapter A, Chapter 156, Family Code, is  
26 amended by adding Section 156.008 to read as follows:

27           Sec. 156.008. ADDITIONAL REQUIREMENTS IN SUIT FOR

C.S.H.B. No. 4656

1    MODIFICATION BETWEEN PARENT AND NONPARENT.    In a suit for

2    modification between a parent and a nonparent, the nonparent:

3            (1) must overcome the presumption under Section

4    153.002(b) by clear and convincing evidence; and

5            (2) may not overcome the presumption under Section

6    153.002(b) on the basis of a prior order granting relief to the

7    nonparent if the parent agreed to the prior order.

8            SECTION 4.    The changes in law made by this Act apply to a  
9    suit affecting the parent-child relationship that is pending in a  
10   trial court on or after the effective date of this Act or filed on or  
11   after that date.

12          SECTION 5.    This Act takes effect September 1, 2025.