

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

AN ACT

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

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

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

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

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

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

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

SECTION 2. Section 153.002, Family Code, is amended to read 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

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.