

**SENATE AMENDMENTS**  
**2<sup>nd</sup> Printing**

By: Dutton, Rodríguez Ramos

H.B. No. 2495

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain rights of the sole managing conservator of a  
3 child in relation to the child's enrollment in school.

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

5 SECTION 1. Section 153.132, Family Code, is amended to read  
6 as follows:

7 Sec. 153.132. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE  
8 MANAGING CONSERVATOR. Unless limited by court order, a parent  
9 appointed as sole managing conservator of a child has the rights and  
10 duties provided by Subchapter B and the following exclusive rights:

11 (1) the right to designate the primary residence of  
12 the child;

13 (2) the right to consent to medical, dental, and  
14 surgical treatment involving invasive procedures;

15 (3) the right to consent to psychiatric and  
16 psychological treatment;

17 (4) the right to receive and give receipt for periodic  
18 payments for the support of the child and to hold or disburse these  
19 funds for the benefit of the child;

20 (5) the right to represent the child in legal action  
21 and to make other decisions of substantial legal significance  
22 concerning the child;

23 (6) the right to consent to marriage and to enlistment  
24 in the armed forces of the United States;

(7) the right to make decisions concerning the child's education;

(8) the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirements;

(9) the right to the services and earnings of the child;

(10) [~~(9)~~] except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government; and

(11) [~~(10)~~] the right to:

(A) apply for a passport for the child;

(B) renew the child's passport; and

(C) maintain possession of the child's passport.

SECTION 2. Section 153.371, Family Code, is amended to read as follows:

Sec. 153.371. RIGHTS AND DUTIES OF NONPARENT APPOINTED AS SOLE MANAGING CONSERVATOR. Unless limited by court order or other provisions of this chapter, a nonparent, a licensed child-placing agency, or the Department of Family and Protective Services appointed as a managing conservator of the child has the following rights and duties:

(1) the right to have physical possession and to direct the moral and religious training of the child;

(2) the duty of care, control, protection, and

1 reasonable discipline of the child;

2 (3) the duty to provide the child with clothing, food,  
3 shelter, education, and medical, psychological, and dental care;

4 (4) the right to consent for the child to medical,  
5 psychiatric, psychological, dental, and surgical treatment and to  
6 have access to the child's medical records;

7 (5) the right to receive and give receipt for payments  
8 for the support of the child and to hold or disburse funds for the  
9 benefit of the child;

10 (6) the right to the services and earnings of the  
11 child;

12 (7) the right to consent to marriage and to enlistment  
13 in the armed forces of the United States;

14 (8) the right to represent the child in legal action  
15 and to make other decisions of substantial legal significance  
16 concerning the child;

17 (9) except when a guardian of the child's estate or a  
18 guardian or attorney ad litem has been appointed for the child, the  
19 right to act as an agent of the child in relation to the child's  
20 estate if the child's action is required by a state, the United  
21 States, or a foreign government;

22 (10) the right to designate the primary residence of  
23 the child and to make decisions regarding the child's education;

24 (11) the right to designate the school the child will  
25 attend and to enroll the child in the school, subject to any  
26 eligibility or admissions requirements;

27 (12) if the parent-child relationship has been

1 terminated with respect to the parents, or only living parent, or if  
2 there is no living parent, the right to consent to the adoption of  
3 the child and to make any other decision concerning the child that a  
4 parent could make; and

5 (13) [~~(12)~~] the right to:

6 (A) apply for a passport for the child;

7 (B) renew the child's passport; and

8 (C) maintain possession of the child's passport.

9 SECTION 3. The changes in law made by this Act to Sections  
10 153.132 and 153.371, Family Code, apply only to a suit affecting the  
11 parent-child relationship that is pending in a trial court on or  
12 filed on or after the effective date of this Act.

13 SECTION 4. This Act takes effect September 1, 2025.

ADOPTED

MAY 22 2015

*John Chubb*  
Secretary of the Senate

*Zaffarini*

By: \_\_\_\_\_

H.B. No. 2495

Substitute the following for H.B. No. 2495:

By: *Michael D. ...*

C.S.H.B. No. 2495

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain rights of a child or a parent or the sole  
3 managing conservator of a child in relation to the child's  
4 enrollment in school.

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

6 SECTION 1. Section 26.002, Education Code, is amended to  
7 read as follows:

8 Sec. 26.002. DEFINITION. In this chapter, "parent"  
9 includes a person standing in parental relation. The term does not  
10 include a person as to whom the parent-child relationship has been  
11 terminated or a person not entitled to possession of or access to a  
12 child under a court order. Except as provided by federal law, all  
13 rights of a parent under Title 2 of this code and all educational  
14 rights under Sections [~~Section~~] 151.001(a)(10) and (11), Family  
15 Code, shall be exercised by a student who is 18 years of age or older  
16 or whose disabilities of minority have been removed for general  
17 purposes under Chapter 31, Family Code, unless the student has been  
18 determined to be incompetent or the student's rights have been  
19 otherwise restricted by a court order.

20 SECTION 2. Section 31.006, Family Code, is amended to read  
21 as follows:

22 Sec. 31.006. EFFECT OF GENERAL REMOVAL. Except for  
23 specific constitutional and statutory age requirements, a minor  
24 whose disabilities are removed for general purposes has the

1 capacity of an adult, including the capacity to contract. Except as  
2 provided by federal law, all educational rights accorded to the  
3 parent of a student, including the right to make education  
4 decisions under Sections [~~Section~~] 151.001(a)(10) and (11),  
5 transfer to the minor whose disabilities are removed for general  
6 purposes.

7 SECTION 3. Section 151.001(a), Family Code, is amended to  
8 read as follows:

9 (a) A parent of a child has the following rights and duties:

10 (1) the right to have physical possession, to direct  
11 the moral and religious training, and to designate the residence of  
12 the child;

13 (2) the duty of care, control, protection, and  
14 reasonable discipline of the child;

15 (3) the duty to support the child, including providing  
16 the child with clothing, food, shelter, medical and dental care,  
17 and education;

18 (4) the duty, except when a guardian of the child's  
19 estate has been appointed, to manage the estate of the child,  
20 including the right as an agent of the child to act in relation to  
21 the child's estate if the child's action is required by a state, the  
22 United States, or a foreign government;

23 (5) except as provided by Section 264.0111, the right  
24 to the services and earnings of the child;

25 (6) the right to consent to the child's marriage,  
26 enlistment in the armed forces of the United States, medical and  
27 dental care, and psychiatric, psychological, and surgical

1 treatment;

2 (7) the right to represent the child in legal action  
3 and to make other decisions of substantial legal significance  
4 concerning the child;

5 (8) the right to receive and give receipt for payments  
6 for the support of the child and to hold or disburse funds for the  
7 benefit of the child;

8 (9) the right to inherit from and through the child;

9 (10) the right to make decisions concerning the  
10 child's education; ~~and~~

11 (11) the right to designate the school the child will  
12 attend and to enroll the child in the school, subject to any  
13 eligibility or admissions requirements; and

14 (12) any other right or duty existing between a parent  
15 and child by virtue of law.

16 SECTION 4. Section 153.132, Family Code, is amended to read  
17 as follows:

18 Sec. 153.132. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE  
19 MANAGING CONSERVATOR. Unless limited by court order, a parent  
20 appointed as sole managing conservator of a child has the rights and  
21 duties provided by Subchapter B and the following exclusive rights:

22 (1) the right to designate the primary residence of  
23 the child;

24 (2) the right to consent to medical, dental, and  
25 surgical treatment involving invasive procedures;

26 (3) the right to consent to psychiatric and  
27 psychological treatment;

1           (4) the right to receive and give receipt for periodic  
2 payments for the support of the child and to hold or disburse these  
3 funds for the benefit of the child;

4           (5) the right to represent the child in legal action  
5 and to make other decisions of substantial legal significance  
6 concerning the child;

7           (6) the right to consent to marriage and to enlistment  
8 in the armed forces of the United States;

9           (7) the right to make decisions concerning the child's  
10 education;

11           (8) the right to designate the school the child will  
12 attend and to enroll the child in the school, subject to any  
13 eligibility or admissions requirements;

14           (9) the right to the services and earnings of the  
15 child;

16           (10) [~~9~~] except when a guardian of the child's  
17 estate or a guardian or attorney ad litem has been appointed for the  
18 child, the right to act as an agent of the child in relation to the  
19 child's estate if the child's action is required by a state, the  
20 United States, or a foreign government; and

21           (11) [~~10~~] the right to:

22                   (A) apply for a passport for the child;

23                   (B) renew the child's passport; and

24                   (C) maintain possession of the child's passport.

25           SECTION 5. Section 153.371, Family Code, is amended to read  
26 as follows:

27           Sec. 153.371. RIGHTS AND DUTIES OF NONPARENT APPOINTED AS



1 SOLE MANAGING CONSERVATOR. Unless limited by court order or other  
2 provisions of this chapter, a nonparent, a licensed child-placing  
3 agency, or the Department of Family and Protective Services  
4 appointed as a managing conservator of the child has the following  
5 rights and duties:

6 (1) the right to have physical possession and to  
7 direct the moral and religious training of the child;

8 (2) the duty of care, control, protection, and  
9 reasonable discipline of the child;

10 (3) the duty to provide the child with clothing, food,  
11 shelter, education, and medical, psychological, and dental care;

12 (4) the right to consent for the child to medical,  
13 psychiatric, psychological, dental, and surgical treatment and to  
14 have access to the child's medical records;

15 (5) the right to receive and give receipt for payments  
16 for the support of the child and to hold or disburse funds for the  
17 benefit of the child;

18 (6) the right to the services and earnings of the  
19 child;

20 (7) the right to consent to marriage and to enlistment  
21 in the armed forces of the United States;

22 (8) the right to represent the child in legal action  
23 and to make other decisions of substantial legal significance  
24 concerning the child;

25 (9) except when a guardian of the child's estate or a  
26 guardian or attorney ad litem has been appointed for the child, the  
27 right to act as an agent of the child in relation to the child's

1 estate if the child's action is required by a state, the United  
2 States, or a foreign government;

3 (10) the right to designate the primary residence of  
4 the child and to make decisions regarding the child's education;

5 (11) the right to designate the school the child will  
6 attend and to enroll the child in the school, subject to any  
7 eligibility or admissions requirements;

8 (12) if the parent-child relationship has been  
9 terminated with respect to the parents, or only living parent, or if  
10 there is no living parent, the right to consent to the adoption of  
11 the child and to make any other decision concerning the child that a  
12 parent could make; and

13 (13) [~~(12)~~] the right to:

14 (A) apply for a passport for the child;

15 (B) renew the child's passport; and

16 (C) maintain possession of the child's passport.

17 SECTION 6. The changes in law made by this Act to Sections  
18 153.132 and 153.371, Family Code, apply only to a suit affecting the  
19 parent-child relationship that is pending in a trial court on or  
20 filed on or after the effective date of this Act.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 22, 2025**

**TO:** Honorable Dustin Burrows, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2495** by Dutton (Relating to certain rights of a child or a parent or the sole managing conservator of a child in relation to the child's enrollment in school.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would allow a parent, a non-parent, a licensed child placing agency, or the Department of Family and Protective Services appointed as sole managing conservator of the child, the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirement.

It is assumed any costs to the Department of Family and Protective Services, the Office of Court Administration, and the Texas Education Agency could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

**LBB Staff:** JMc, SD, KDw, AN, ER

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 15, 2025**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2495** by Dutton (relating to certain rights of a child or a parent or the sole managing conservator of a child in relation to the child's enrollment in school.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would allow a parent, a non-parent, a licensed child placing agency, or the Department of Family and Protective Services appointed as sole managing conservator of the child, the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirement.

It is assumed any costs to the Department of Family and Protective Services, the Office of Court Administration, and the Texas Education Agency could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

**LBB Staff:** JMc, KDw, AN, ER

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**May 13, 2025**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2495** by Dutton (Relating to certain rights of the sole managing conservator of a child in relation to the child's enrollment in school.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would allow a parent, a non-parent, a licensed child placing agency, or the Department of Family and Protective Services appointed as sole managing conservator of the child, the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirement.

It is assumed any costs to the Department of Family and Protective Services and the Office of Court Administration could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

**LBB Staff:** JMc, KDw, AN, ER

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION**

**March 27, 2025**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2495** by Dutton (Relating to certain rights of the sole managing conservator of a child in relation to the child's enrollment in school.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would allow a parent, a non-parent, a licensed child placing agency, or the Department of Family and Protective Services appointed as sole managing conservator of the child, the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirement.

It is assumed any costs to the Department of Family and Protective Services and the Office of Court Administration could be absorbed within existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

**LBB Staff:** JMc, KDw, ER, AN