

**SUBJECT:** Lower age of consent to choose name or managing conservator

**COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended

**VOTE:** 7 ayes — Goodman, Pickett, Isett, P. King, Morrison, Naishtat, A. Reyna  
1 nay — E. Reyna  
1 absent — Truitt

**WITNESSES:** For —Jan McKenna  
Against —None

**BACKGROUND:** Under current law, a child must be at least 12-years-old to consent to a change in name or to the child's managing conservator, that is, the custodial parent or guardian.

**DIGEST:** CSHB 753 would amend the Family Code by lowering from 12 years to 10 years the age for a child to give written consent to the choice of a managing conservator or a name change.  
  
CSHB 753 would take effect September 1, 1999. The bill would apply to petitions for name change or changes to the managing conservatorship made after that date.

**SUPPORTERS SAY:** Many developmental psychology experts believe that children reach a sufficient level of maturity to make certain important decisions by seven or eight years of age. A 10-year-old child whose parents are divorcing generally is mature enough to choose the child's custodial parent. Similarly, a 10-year-old understands the nature of a name change and what it entails.  
  
The courts would remain final arbiters in these cases, making the choice consistent with the best interests of the child. However, the child's choice should be one of the factors among several that a court would consider in reaching a decision. This bill would allow a child of sufficient maturity to have added involvement in the direction of the child's future life.

OPPONENTS  
SAY:

A 10-year-old child is not sufficiently mature to be required to make such decisions. Children of that age are easily manipulated and may be making choices based on parental or family influence. Rather than making informed choices, these children could be influenced to make choices they could regret. This change could put too much pressure on children caught in the midst of a divorce.