

BILL ANALYSIS

Senate Research Center
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S.B. 147
By: Harris
Jurisprudence
2/9/1999
Committee Report (Amended)

DIGEST

Currently, Texas law requires a court to consider several factors regarding the best interest of a child, including the primary physical residence, when joint conservatorship is decided. There are no specific factors regarding whether each parent can encourage a positive relationship between each other and the child. This bill would require the court to consider, when determining the primary physical residence of a child, which parent is more likely to encourage or allow frequent and continued contact with the other parent.

PURPOSE

As proposed, S.B. 147 establishes provisions regarding the designation of the primary physical address of a child in a suit affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.136, Family Code, to require the court to consider as one factor favoring designation of a parent's residence as the primary residence whether the parent is more likely to facilitate and encourage contact and a relationship with the other parent, in designating a child's primary physical residence. Prohibits the court from designating a child's primary physical residence as the residence of a parent if credible evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by a parent against the other parent, a spouse, or a child.

SECTION 2. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 153.136, Family Code, by adding Subsection (c) to prohibit the court from designating a child's primary physical residence as the parent's residence if certain conditions exist.