

## **BILL ANALYSIS**

Senate Research Center  
76R5519 KLA-D

S.B. 1711  
By: Ellis  
Jurisprudence  
4/22/1999  
As Filed

### **DIGEST**

In 1995, the Texas Legislature established the presumption that the appointment of parents of a child as joint managing conservators is in the best interest of the child. The provision was amended in 1997 to eliminate the presumption that parents should be named joint managing conservators if violence is in their family history. When joint managing conservators are appointed, one party is ordinarily given the right to designate the primary physical residence of the child, and the other party is generally ordered to pay child support and is given a standard possession order. S.B. 1711 would establish provisions regarding a suit for modification of an order that designates a sole or joint managing conservator of a child.

### **PURPOSE**

As proposed, S.B. 1711 establishes provisions regarding a suit for modification of an order that designates a sole or joint managing conservator of a child.

### **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 Chapter 156A, Family Code, by adding Section 156.007, as follows:

Sec. 156.007. PRESUMPTION OF JOINT MANAGING CONSERVATORSHIP. Requires the court, in a suit for modification under Subchapter B or C, to consider that it is a rebuttable presumption that the appointment of the parents of a child as joint managing conservators is in the best interest of the child. Provides that a finding of a history of family violence involving the parents of a child removes the presumption under this section.

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

SECTION 3. Emergency clause.