

## **BILL ANALYSIS**

Senate Research Center  
84R2016 EES-F

H.B. 1500  
By: Thompson, Senfronia (Rodríguez)  
State Affairs  
5/7/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties note that a person who files to modify conservatorship and requests a temporary order that would change the primary conservatorship or residence of a child is currently entitled to a hearing based solely on the person's statement that the order is necessary because the child's present circumstances would significantly impair the child's physical health or emotional development. Even though many courts by local rule require an affidavit of supporting facts attached to the pleading before scheduling a hearing, the parties assert that this has resulted in inequities and conflicting decisions across the state. H.B. 1500 seeks to create uniformity in Texas courts and prevent unnecessary hearings and expense.

H.B. 1500 amends the Family Code to require a person who files a motion for a temporary order in a suit for modification of the parent-child relationship to execute and attach to the motion an affidavit on the person's personal knowledge or the person's belief based on representations made to the person by a person with personal knowledge that contains facts that support the allegation that the child's present circumstances would significantly impair the child's physical health or emotional development. The bill requires the court to deny the relief sought and decline to schedule a hearing on the motion unless the court determines, on the basis of the affidavit, that facts adequate to support the allegation are stated in the affidavit. The bill requires the court to set a time and place for the hearing if the court determines that the facts stated are adequate to support the allegation.

H.B. 1500 amends current law relating to certain temporary orders in a suit for modification of an order in a suit affecting the parent-child relationship.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 156.006, Family Code, by adding Subsection (b-1), as follows:

(b-1) Requires a person who files a motion for a temporary order authorized by Subsection (b)(1) (prohibiting the court from rendering a temporary order while a suit for modification is pending that has the effect of changing the designation of the person who has the exclusive right to designate the primary residence of the child under the final order unless the temporary order is in the best interest of the child and the order is necessary because the child's present circumstances would significantly impair the child's physical health or emotional development) to execute and attach to the motion an affidavit on the person's personal knowledge or the person's belief based on representations made to the person by a person with personal knowledge that contains facts that support the allegation that the child's present circumstances would significantly impair the child's physical health or emotional development. Requires the court to deny the relief sought and decline to schedule a hearing on the motion unless the court determines, on the basis of the affidavit, that facts adequate to support the allegation are stated in the affidavit. Requires the court, if the court determines that the facts stated are adequate to support the allegation, to set a time and place for the hearing.

SECTION 2. Makes application of this Act prospective in regard to filing a suit for modification.

SECTION 3. Effective date: September 1, 2015.