

BILL ANALYSIS

Senate Research Center
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H.B. 1495
By: Thompson, Senfronia (Rodríguez)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, after a custody order has been put into place, under some circumstances a person may file a suit for modification to change the terms of the order. It is standard practice for courts to issue temporary orders in custody suits to govern some issues until the suit is complete. While a suit for modification is pending the judge is prohibited from issuing temporary orders that change which one parent has the right to designate the child's primary residence in order to maintain stability for the child. Many orders designate the geographic area of the child's residence rather than designating a parent who makes that decision. Current law is silent on whether a court can change the location of the child's residence using temporary orders when the original order designates a geographic area within which the child must live.

H.B. 1495 makes it clear that the geographic area within which the child resides cannot be changed while a suit for modification is pending in order to maintain the stability of the child until a decision is reached.

H.B. 1495 is part of the legislative package of the Family Law Section of the State Bar of Texas.

H.B. 1495 amends current law relating to the rendition of certain temporary orders during the pendency of a suit for modification of an order that provides for the conservatorship, support, or possession of or access to a child.

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(b), Family Code, as follows:

(b) Prohibits the court, while a suit for modification is pending, from rendering a temporary order that has the effect of creating a designation, or changing the designation, of the person who has the exclusive right to designate the primary residence of the child, or the effect of creating a geographic area or changing or eliminating the geographic area, within which a conservator is required to maintain the child's primary residence, rather than a temporary order 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:

(1) through (3) makes no changes to these subdivisions.

SECTION 2. Provides that the change in law made by this Act applies only to a suit for modification pending before a trial court on or filed on or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2017.