

By: Thompson of Harris

H.B. No. 1495

A BILL TO BE ENTITLED

AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 156.006(b), Family Code, is amended to read as follows:

(b) While a suit for modification is pending, the court may not render 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 must maintain the child's primary residence, under the final order unless the temporary order is in the best interest of the child and:

(1) the order is necessary because the child's present circumstances would significantly impair the child's physical health or emotional development;

(2) the person designated in the final order has voluntarily relinquished the primary care and possession of the child for more than six months; or

(3) the child is 12 years of age or older and has expressed to the court in chambers as provided by Section 153.009

1 the name of the person who is the child's preference to have the
2 exclusive right to designate the primary residence of the child.

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

6 SECTION 3. This Act takes effect September 1, 2017.