

1-1 By: Uresti S.B. No. 495
1-2 (In the Senate - Filed January 17, 2017; February 6, 2017,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 6, 2017, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 6, 2017, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Huffman	X		
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Estes	X		
1-13	Lucio	X		
1-14	Nelson	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to certain procedural measures in a suit affecting a
1-20 parent-child relationship to protect a child against child neglect
1-21 or physical or sexual abuse.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 153.004, Family Code, is amended by
1-24 amending Subsections (e) and (f) and adding Subsection (g) to read
1-25 as follows:

1-26 (e) It is a rebuttable presumption that it is not in the best
1-27 interest of a child for a parent to have unsupervised visitation
1-28 with the child if credible evidence is presented of a history or
1-29 pattern of past or present child neglect or physical or sexual abuse
1-30 by:

1-31 (1) that parent directed against the other parent, a
1-32 spouse, ~~or~~ a child, a current or previous member of that parent's
1-33 household, or a person with whom that parent has or has had a dating
1-34 relationship; or

1-35 (2) any person who resides in that parent's household
1-36 or who by virtue of the person's relationship with that parent is
1-37 otherwise likely to have unsupervised access to the child during
1-38 that parent's periods of possession of or access to the child,
1-39 directed against any person.

1-40 (f) In determining under this section whether there is
1-41 credible evidence of a history or pattern of past or present child
1-42 neglect or physical or sexual abuse by a parent or other person, as
1-43 applicable ~~[directed against the other parent, a spouse, or a~~
1-44 ~~child]~~, the court shall consider whether a protective order was
1-45 rendered under Chapter 85, Title 4, against the parent or other
1-46 person during the two-year period preceding the filing of the suit
1-47 or during the pendency of the suit.

1-48 (g) In this section:

1-49 (1) "Dating relationship" has the meaning assigned by
1-50 Section 71.0021(b).

1-51 (2) "Household" has the meaning assigned by Section
1-52 71.005.

1-53 SECTION 2. Section 153.0071(e-1), Family Code, is amended
1-54 to read as follows:

1-55 (e-1) Notwithstanding Subsections (d) and (e), a court may
1-56 decline to enter a judgment on a mediated settlement agreement if
1-57 the court finds:

1-58 (1) that:

1-59 (A) ~~[(1)]~~ a party to the agreement was a victim
1-60 of family violence, and that circumstance impaired the party's
1-61 ability to make decisions; or

(B) the agreement would permit a person who is subject to registration under Chapter 62, Code of Criminal Procedure, on the basis of an offense committed by the person when the person was 17 years of age or older or who otherwise has a history or pattern of past or present physical or sexual abuse directed against any person to:

(i) reside in the same household as the child; or

(ii) otherwise have unsupervised access to the child; and

(2) that the agreement is not in the child's best interest.

SECTION 3. The changes in law made by this Act apply only to a suit affecting the parent-child relationship pending in a trial court on the effective date of this Act or filed on or after that date. A suit affecting the parent-child relationship in which a final order is rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2017.

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