

AN ACT

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

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

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

(e) It is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation with the child if credible evidence is presented of a history or pattern of past or present child neglect or ~~physical or sexual~~ abuse or family violence by:

(1) that parent; or

(2) any person who resides in that parent's household or who is permitted by that parent to have unsupervised access to the child during that parent's periods of possession of or access to the child ~~[directed against the other parent, a spouse, or a child]~~.

(f) In determining under this section whether there is credible evidence of a history or pattern of past or present child neglect or ~~physical or sexual~~ abuse or family violence by a parent or other person, as applicable ~~[directed against the other parent, a spouse, or a child]~~, the court shall consider whether a protective order was rendered under Chapter 85, Title 4, against the parent or

1 other person during the two-year period preceding the filing of the
2 suit or during the pendency of the suit.

3 (g) In this section:

4 (1) "Abuse" and "neglect" have the meanings assigned
5 by Section 261.001.

6 (2) "Family violence" has the meaning assigned by
7 Section 71.004.

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

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

13 (1) that:

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

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

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

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

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

1 interest.

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 495 passed the Senate on March 22, 2017, by the following vote: Yeas 29, Nays 0; and that the Senate concurred in House amendment on May 16, 2017, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 495 passed the House, with amendment, on May 9, 2017, by the following vote: Yeas 145, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor