

Chapter 99

S.B. No. 495

AN ACT

1
2 relating to certain procedural measures in a suit affecting a
3 parent-child relationship to protect a child against child neglect
4 or physical or sexual abuse.

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

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

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

14 (1) that parent; or

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

19 (f) In determining under this section whether there is
20 credible evidence of a history or pattern of past or present child
21 neglect or [~~physical or sexual~~] abuse or family violence by a parent
22 or other person, as applicable [~~directed against the other parent,~~
23 ~~a spouse, or a child~~], the court shall consider whether a protective
24 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

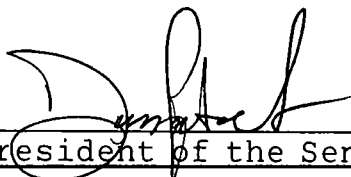
27 (2) that the agreement is not in the child's best

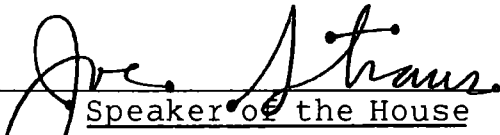
S.B. No. 495

1 interest.

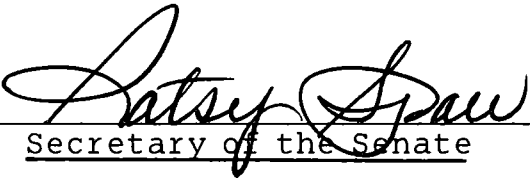
2 SECTION 3. The changes in law made by this Act apply only to
3 a suit affecting the parent-child relationship pending in a trial
4 court on the effective date of this Act or filed on or after that
5 date. A suit affecting the parent-child relationship in which a
6 final order is rendered before the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

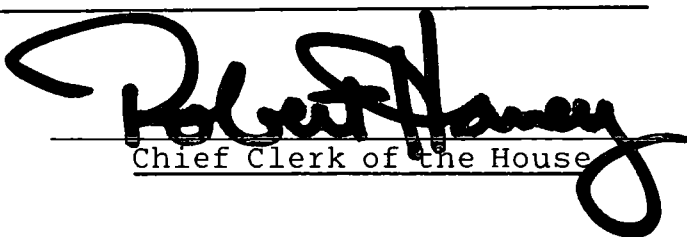

President of the Senate


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:

5-23-2017
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:20 O'CLOCK


Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Dan Patrick, Lieutenant Governor, Senate

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB495 by Uresti (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.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code relating to certain measures in a custody dispute affecting a parent-child relationship to extend the rebuttable presumption to include other people with a history or pattern of child neglect, abuse, or family violence that are likely to have unsupervised access to the child in addition to an abusive parent with a history of child neglect, abuse, or family violence. The bill would allow a court to decline judgment on a mediated settlement agreement if the agreement would allow a person registered as sex offender or that has a history or pattern of abuse or family violence, to live with the child or to have unsupervised access to the child. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, FR, AG, MW, GDz

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 3, 2017

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Juvenile Justice & Family Issues

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB495 by Uresti (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.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code relating to certain measures in a custody dispute affecting a parent-child relationship to extend the rebuttable presumption to include other people with a history or pattern of physical or sexual abuse that are likely to have unsupervised access to the child in addition to an abusive parent with a history of child neglect or physical or sexual abuse. The bill would allow a court to decline judgment on a mediated settlement agreement if the agreement would allow a person registered as sex offender or that has a history or pattern of physical or sexual abuse, to live with the child or to have unsupervised access to the child. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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LBB Staff: UP, FR, AG, MW, GDz

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

February 26, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB495 by Uresti (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.), As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code relating to certain measures in a custody dispute affecting a parent-child relationship to extend the rebuttable presumption to include other people with a history or pattern of physical or sexual abuse that are likely to have unsupervised access to the child in addition to an abusive parent with a history of child neglect or physical or sexual abuse. The bill would allow a court to decline judgment on a mediated settlement agreement if the agreement would allow a person registered as sex offender or that has a history or pattern of physical or sexual abuse, to live with the child or to have unsupervised access to the child. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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