

SECTION REPORT FAMILY LAW

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LEGISLATIVE REPORT

2017

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SUMMARY OF FAMILY LAW LEGISLATIVE ACTION
(as of June 5, 2017)

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TITLE 1. THE MARRIAGE RELATIONSHIP
SUBTITLE A. MARRIAGE
CHAPTER 2. THE MARRIAGE RELATIONSHIP
SUBCHAPTER B. UNDERAGE APPLICANTS

§ 2.101. General Age Requirement—AMENDED

A [Except as otherwise provided by this subchapter or on a showing that a prior marriage has been dissolved, a] county clerk may not issue a marriage license if either applicant is under 18 years of age, unless each underage applicant shows that the applicant has been granted by this state or another state a court order removing the disabilities of minority of the applicant for general purposes.

Source: SB 1705

Eff. Date: 9/1/17 - applies only to an application for a marriage license filed on or after the effective date of this Act

SUBCHAPTER C. CEREMONY AND RETURN OF LICENSE

§ 2.003(a)(b). Application for License by Minor—AMENDED/ADDED

(a) A person under 18 years of age may not marry unless the person has been granted by this state or another state a court order removing the disabilities of minority of the person for general purposes.

(b) In addition to the other requirements provided by this chapter, a person under 18 years of age applying for a license must provide to the county clerk:

(1) [documents establishing, as provided by Section 2.102, parental consent for the person to the marriage;

[(2) documents establishing that a prior marriage of the person has been dissolved; or

[(3) a court order granted by this state under Chapter 31 removing the disabilities of minority of the person for general purposes; or

(2) if the person is a nonresident minor, a certified copy of an order removing the disabilities of minority of the person for general purposes filed with this state under Section 31.007 [Section 2.103 authorizing the marriage of the person]

Source: SB 1705

Eff. Date: 9/1/17 - applies only to an application for a marriage license filed on or after the effective date of this Act

§ 2.006(a) and (b). Absent Applicant—AMENDED

(a) If an applicant who is 18 years of age or older is unable to appear personally before the county clerk to apply for a marriage license, any adult person or the other applicant may apply on behalf of the absent applicant.

(b) The person applying on behalf of an absent applicant shall provide to the clerk:

(1) notwithstanding Section 132.001, Civil Practice and Remedies Code, the notarized affidavit of the absent applicant as provided by this subchapter; and

(2) proof of the identity and age of the absent applicant under Section 2.005(b); and

[(3) if required because the absent applicant is a person under 18 years of age, documents establishing that a prior marriage has been dissolved, a court order authorizing the marriage of the absent, underage applicant, or documents establishing consent by a parent or a person who has legal authority to consent to the marriage, including:

- ~~[(A) proof of identity of the parent or person with legal authority to consent to the marriage under Section 2.005(b); and
 [(B) proof that the parent or person has the legal authority to consent to the marriage for the applicant under rules adopted under Section 2.102(j)].~~

Source: SB 1705

Eff. Date: 9/1/17 - applies only to an application for a marriage license filed on or after the effective date of this Act

§ 2.009(a). Issuance of License—AMENDED

- (a) Except as provided by Subsections (b) and (d), the county clerk may not issue a license if either applicant:
- (1) fails to provide the information required by this subchapter;
 - (2) fails to submit proof of age and identity;
 - (3) ~~[is under 16 years of age and has not been granted a court order as provided by Section 2.103;~~
 - ~~[(4)]~~ is ~~[16 years of age or older but]~~ under 18 years of age and has not presented ~~[at least one of the following]:~~
 - (A) ~~[parental consent as provided by Section 2.102;~~
 - ~~[(B) documents establishing that a prior marriage of the applicant has been dissolved; or~~
 - ~~[(C)]~~ a court order granted by this state under Chapter 31 removing the disabilities of minority of the applicant for general purposes; or
 - (B) if the applicant is a nonresident minor, a certified copy of an order removing the disabilities of minority of the applicant for general purposes filed with this state under Section 31.007 [as provided by Section 2.103];
 - ~~(4)]~~ ~~(5)]~~ checks "false" in response to a statement in the application, except as provided by Subsection (b) or (d), or fails to make a required declaration in an affidavit required of an absent applicant; or
 - (5) [(6)] indicates that the applicant has been divorced within the last 30 days, unless:
 - (A) the applicants were divorced from each other; or
 - (B) the prohibition against remarriage is waived as provided by Section 6.802.

Source: SB 1705

Eff. Date: 9/1/17 - applies only to an application for a marriage license filed on or after the effective date of this Act

§§ 2.102 and 2.103. REPEALED.

Source: SB 1705

Eff. Date: 9/1/17

SUBTITLE C. DISSOLUTION OF MARRIAGE
CHAPTER 6. SUIT FOR DISSOLUTION OF MARRIAGE
SUBCHAPTER C. DECLARING A MARRIAGE VOID

§ 6.205. Marriage to Minor—AMENDED.

A marriage is void if either party to the marriage is younger than 18 [46] years of age, unless a court order removing the disabilities of minority of the party for general purposes has been obtained in this state or in another state [under Section 2.103].

Source: SB 1705

Eff. Date: 9/1/17 – applies only to a marriage entered into on or after the effective date of this Act

SUBCHAPTER F. TEMPORARY ORDERS

§ 6.405. Protective Order and Related Orders—AMENDED.

(a) The petition in a suit for dissolution of a marriage must state whether, in regard to a party to the suit or a child of a party to the suit:

(1) there is in effect:

(A) a protective order under Title 4;

(B) a protective order under Chapter 7A, Code of Criminal Procedure; or

(C) an order for emergency protection under Article 17.292, Code of Criminal Procedure; [is in effect] or

(2) [if] an application for an [a protective] order described by Subdivision (1) is pending [with regard to the parties to the suit].

(b) The petitioner shall attach to the petition a copy of each [protective] order described by Subsection (a)(1) [issued under Title 4] in which a party [one of the parties] to the suit or the child of a party to the suit was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the [protective] order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

Source: HB 3052

Eff. Date: 9/1/17 -applies to petitions filed on or after 9/1/17

§ 6.502. Temporary Injunction and Other Temporary Orders—ADDED

(c) Not later than the seventh day after the date a receiver is appointed under Subsection (a)(5), the court shall issue written findings of fact and conclusions of law in support of the receiver's appointment. If the court dispenses with the issuance of a bond between the spouses as provided by Section 6.503(b) in connection with the receiver's appointment, the court shall include in the court's findings an explanation of the reasons the court dispensed with the issuance of a bond.

Source: HB 2703

Eff. Date: 9/1/17

SUBCHAPTER H. TRIAL AND APPEAL

§ 6.709. Temporary Orders During Appeal—AMENDED/ADDED.

- (a) In a suit for dissolution of a marriage [Not later than the 30th day after the date an appeal is perfected], on the motion of a party or on the court's own motion, after notice and hearing, the trial court may render a temporary order as considered equitable and necessary for the preservation of the property and for the protection of the parties during an [the] appeal, including an order directed toward one or both parties [to]:
- (1) requiring [require] the support of either spouse;
 - (2) requiring [require] the payment of reasonable and necessary attorney's fees and expenses;
 - (3) appointing [appoint] a receiver for the preservation and protection of the property of the parties; [or]
 - (4) awarding [award] one spouse exclusive occupancy of the parties' residence pending the appeal;
 - (5) enjoining a party from dissipating or transferring the property awarded to the other party in the trial court's property division; or
 - (6) suspending the operation of all or part of the property division that is being appealed.
- (b) A temporary order under this section enjoining a party from dissipating or transferring the property awarded to the other party in the trial court's property division:
- (1) may be rendered without:
 - (A) the issuance of a bond between the spouses; or
 - (B) an affidavit or a verified pleading stating specific facts showing that immediate and irreparable injury, loss, or damage will result;
 - (2) is not required to:
 - (A) define the injury or state why the injury is irreparable; or
 - (B) include an order setting the suit for trial on the merits with respect to the ultimate relief sought; and
 - (3) may not prohibit a party's use, transfer, conveyance, or dissipation of the property awarded to the other party in the trial court's property division if the use, transfer, conveyance, or dissipation of the property is for the purpose of suspending the enforcement of the property division that is the subject of the appeal.
- (c) A temporary order under this section that suspends the operation of all or part of the property division that is the subject of the appeal may not be rendered unless the trial court takes reasonable steps to ensure that the party awarded property in the trial court's property division is protected from the other party's dissipation or transfer of that property.
- (d) In considering a party's request to suspend the enforcement of the property division, the trial court shall consider whether:
- (1) any relief granted under Subsection (a) is adequate to protect the party's interest in the property awarded to the party; or
 - (2) the party who was not awarded the property should also be required to provide security for the appeal in addition to any relief granted under Subsection (a).
- (e) If the trial court determines that the party awarded the property can be adequately protected from the other party's dissipation of assets during the appeal only if the other party provides security for the appeal, the trial court shall set the appropriate amount of security, taking into consideration any relief granted under Subsection (a) and the amount of security that the other party would otherwise have to provide by law if relief under Subsection (a) was not granted.
- (f) In rendering a temporary order under this section that suspends enforcement of all or part of the property division, the trial court may grant any relief under Subsection (a), in addition to requiring the party who was not awarded the property to post security for that part of the property division to

be suspended. The trial court may require that the party who was not awarded the property post all or only part of the security that would otherwise be required by law.

- (g) This section does not prevent a party who was not awarded the property from exercising that party's right to suspend the enforcement of the property division as provided by law.
- (h) A motion seeking an original temporary order under this section:
- (1) may be filed before trial; and
 - (2) may not be filed by a party after the date by which that party is required to file the party's notice of appeal under the Texas Rules of Appellate Procedure.
- (i) The trial court retains jurisdiction to conduct a hearing and sign an original temporary order under this section until the 60th day after the date any eligible party has filed a notice of appeal from final judgment under the Texas Rules of Appellate Procedure.
- (j) The trial court retains jurisdiction to modify and enforce a temporary order under this section unless the appellate court, on a proper showing, supersedes the trial court's order.
- (k) On the motion of a party or on the court's own motion, after notice and hearing, the trial court may modify a previous temporary order rendered under this section if:
- (1) the circumstances of a party have materially and substantially changed since the rendition of the previous order; and
 - (2) modification is equitable and necessary for the preservation of the property or for the protection of the parties during the appeal.
- (l) A party may seek review of the trial court's temporary order under this section by:
- (1) motion filed in the court of appeals with jurisdiction or potential jurisdiction over the appeal from the judgment in the case;
 - (2) proper assignment in the party's brief; or
 - (3) petition for writ of mandamus.
- (m) A temporary order rendered under this section is not subject to interlocutory appeal.
- (n) The remedies provided in this section are cumulative of all other remedies allowed by law.

Source: SB1237

Eff. Date: 9/1/17- if any eligible parties have filed a notice of appeal from a final judgment under the Texas Rules of Appellate Procedure before September 1, 2017, any party to the appeal may file a motion in the trial court for an original temporary order under Section 6.709, Family Code, as it existed immediately before the effective date of this Act, and the trial court has jurisdiction to conduct a hearing and sign an original temporary order under that section until October 30, 2017.

§ 6.711. Findings of Fact and Conclusions of Law—AMENDED/ADDED

- (a) In a suit for dissolution of a marriage in which the court has rendered a judgment dividing the estate of the parties, on request by a party, the court shall state in writing its findings of fact and conclusions of law, including ~~concerning:~~
- ~~[(1)] the characterization and value of all [each party's] assets, liabilities, claims, and offsets on which disputed evidence has been presented;~~ and
 - ~~[(2) the value or amount of the community estate's assets, liabilities, claims, and offsets on which disputed evidence has been presented].~~
- (c) The findings of fact and conclusions of law required by this section are in addition to any other findings or conclusions required or authorized by law.

Source: SB 1237

Eff. Date: 9/1/17- applies only to an order that is rendered on or after the effective date of this Act. An order rendered before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

CHAPTER 9. POST-DECREE PROCEEDINGS
SUBCHAPTER A. SUIT TO ENFORCE DECREE

§ 9.007(c). Limitation on Power of Court to Enforce—AMENDED

(c) The trial court may not ~~[power of the court to]~~ render an order ~~[further orders]~~ to assist in the implementation of or to clarify the property division made or approved in the decree before the 30th day after the date the final judgment is signed. If a timely motion for new trial or to vacate, modify, correct, or reform the decree is filed, the trial court may not render an order to assist in the implementation of or to clarify the property division made or approved in the decree before the 30th day after the date the order overruling the motion is signed or the motion is overruled by operation of law ~~[is abated while an appellate proceeding is pending].~~

Source: SB 1237

Eff. Date: 9/1/17- applies only to an order that is rendered on or after the effective date of this Act. An order rendered before the effective date of this Act is governed by the law in effect immediately before that date, and the former law is continued in effect for that purpose.

TITLE 2. CHILD IN RELATION TO FAMILY
SUBTITLE A. LIMITATIONS OF MINORITY
CHAPTER 33. NOTICE OF AND CONSENT TO ABORTION

§ 33.001(1). Definitions—AMENDED

(1) "Abortion" has the meaning assigned by Section 245.002, Health and Safety Code ~~[means the use of any means to terminate the pregnancy of a female known by the attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus].~~ This definition, as applied in this chapter, ~~[applies only to an unemancipated minor known by the attending physician to be pregnant and]~~ may not be construed to limit a minor's access to contraceptives.

Source: SB 8

Eff. Date: 9/1/17

CHAPTER 34—AUTHORIZATION AGREEMENT FOR NONPARENT ADULT CAREGIVER
[RELATIVE]

§ 34.001. Applicability—REPEALED

Source: HB 871

Eff. Date: 9/1/17

§ 34.0015 (1)(A)(B). Definitions [Definition]—AMENDED.

In this chapter:

- (1) "Adult caregiver" means an adult person whom a parent has authorized to provide temporary care for a child under this chapter.
- (2) "Parent" [, "parent"] has the meaning assigned by Section 101.024.

Source: HB 871

Eff. Date: 9/1/17

§ 34.002(a)(c). Authorization Agreement—AMENDED

- (a) A parent or both parents of a child may enter into an authorization agreement with a relative of the child listed in Section 34.001 to authorize the relative to perform the following acts in regard to the child:
- (1) to authorize medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;
 - (2) to obtain and maintain health insurance coverage for the child and automobile insurance coverage for the child, if appropriate;
 - (3) to enroll the child in a day-care program or preschool or in a public or private elementary or secondary school;
 - (4) to authorize the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities;
 - (5) to authorize the child to obtain a learner's permit, driver's license, or state-issued identification card;
 - (6) to authorize employment of the child; ~~[and]~~
 - (7) to apply for and receive public benefits on behalf of the child; and
 - (8) to obtain:
 - (A) copies or originals of state-issued personal identification documents for the child, including the child's birth certificate; and
 - (B) to the extent authorized under federal law, copies or originals of federally issued personal identification documents for the child, including the child's social security card.
- (b) *unchanged*
- (c) An authorization agreement under this chapter does not confer on an adult caregiver ~~[a relative of the child listed in Section 34.001 or a relative or other person with whom the child is placed under a child safety placement agreement]~~ the right to authorize the performance of an abortion on the child or the administration of emergency contraception to the child

Source: HB 871

Eff. Date: 9/1/17

§ 34.0022. Inapplicability of Certain Laws—ADDED

- (a) An authorization agreement executed under this chapter between a child's parent and an adult caregiver does not subject the adult caregiver to any law or rule governing the licensing or regulation of a residential child-care facility under Chapter 42, Human Resources Code.
- (b) A child who is the subject of an authorization agreement executed under this chapter is not considered to be placed in foster care and the parties to the authorization agreement are not subject to any law or rule governing foster care providers.

Source: HB 871
Eff. Date: 9/1/17

§ 34.003. Contents of Authorization Agreement—AMENDED

- (a) The authorization agreement must contain:
- (1) the following information from the adult caregiver ~~[relative of the child to whom the parent is giving authorization]~~:
 - (A) the name and signature of the adult caregiver ~~[relative]~~;
 - (B) the adult caregiver's ~~[relative's]~~ relationship to the child; and
 - (C) the adult caregiver's ~~[relative's]~~ current physical address and telephone number or the best way to contact the adult caregiver ~~[relative]~~;
 - (2) the following information from the parent:
 - (A) the name and signature of the parent; and
 - (B) the parent's current address and telephone number or the best way to contact the parent;
 - (3) the information in Subdivision (2) with respect to the other parent, if applicable;
 - (4) a statement that the adult caregiver ~~[relative]~~ has been given authorization to perform the functions listed in Section 34.002(a) as a result of a voluntary action of the parent and that the adult caregiver ~~[relative]~~ has voluntarily assumed the responsibility of performing those functions;
 - (5) statements that neither the parent nor the adult caregiver ~~[relative]~~ has knowledge that a parent, guardian, custodian, licensed child-placing agency, or other authorized agency asserts any claim or authority inconsistent with the authorization agreement under this chapter with regard to actual physical possession or care, custody, or control of the child;
 - (6) statements that:
 - (A) to the best of the parent's and adult caregiver's ~~[relative's]~~ knowledge:
 - (i) there is no court order or pending suit affecting the parent-child relationship concerning the child;
 - (ii) there is no pending litigation in any court concerning:
 - (a) custody, possession, or placement of the child; or
 - (b) access to or visitation with the child; and
 - (iii) the court does not have continuing jurisdiction concerning the child; or
 - (B) the court with continuing jurisdiction concerning the child has given written approval for the execution of the authorization agreement accompanied by the following information:
 - (i) the county in which the court is located;
 - (ii) the number of the court; and
 - (iii) the cause number in which the order was issued or the litigation is pending;
 - (7) a statement that to the best of the parent's and adult caregiver's ~~[relative's]~~ knowledge there is no current, valid authorization agreement regarding the child;
 - (8) a statement that the authorization is made in conformance with this chapter;
 - (9) a statement that the parent and the adult caregiver ~~[relative]~~ understand that each party to the authorization agreement is required by law to immediately provide to each other party information regarding any change in the party's address or contact information;
 - (10) a statement by the parent that:
 - (A) indicates the authorization agreement is for a term of:
 - (i) six months from the date the parties enter into the agreement, which renews automatically for six-month terms unless the agreement is terminated as provided by Section 34.008; or
 - (ii) the time provided in the agreement with a specific expiration date earlier than six months after the date the parties enter into the agreement; and

(B) identifies [establishes] the circumstances under which the authorization agreement may be:

(i) terminated as provided by Section 34.008 before the term of the agreement expires;

or

(ii) continued beyond the term of the agreement by a court as provided by Section 34.008(b) [expires, including that the authorization agreement:

[(A) is valid until revoked;

[(B) continues in effect after the death or during any incapacity of the parent; or

[(C) expires on a date stated in the authorization agreement]; and

(11) space for the signature and seal of a notary public.

(b) The authorization agreement must contain the following warnings and disclosures:

(1) that the authorization agreement is an important legal document;

(2) that the parent and the adult caregiver [relative] must read all of the warnings and disclosures before signing the authorization agreement;

(3) that the persons signing the authorization agreement are not required to consult an attorney but are advised to do so;

(4) that the parent's rights as a parent may be adversely affected by placing or leaving the parent's child with another person;

(5) that the authorization agreement does not confer on the adult caregiver [relative] the rights of a managing or possessory conservator or legal guardian;

(6) that a parent who is a party to the authorization agreement may terminate the authorization agreement and resume custody, possession, care, and control of the child on demand and that at any time the parent may request the return of the child;

(7) that failure by the adult caregiver [relative] to return the child to the parent immediately on request may have criminal and civil consequences;

(8) that, under other applicable law, the adult caregiver [relative] may be liable for certain expenses relating to the child in the adult caregiver's [relative's] care but that the parent still retains the parental obligation to support the child;

(9) that, in certain circumstances, the authorization agreement may not be entered into without written permission of the court;

(10) that the authorization agreement may be terminated by certain court orders affecting the child;

(11) that the authorization agreement does not supersede, invalidate, or terminate any prior authorization agreement regarding the child;

(12) that the authorization agreement is void if a prior authorization agreement regarding the child is in effect and has not expired or been terminated;

(13) that, except as provided by Section 34.005(a-2) [34.005(a-4)], the authorization agreement is void unless not later than the 10th day after the date the authorization agreement is signed, ~~[(A)]~~ the parties mail [a copy of the authorization agreement by certified mail, return receipt requested, or international registered mail, return receipt requested, as applicable,] to a parent who was not a party to the authorization agreement at the parent's last known address, if the parent is living and the parent's parental rights have not been terminated;

(A) one copy of the authorization agreement by certified mail, return receipt requested, or international registered mail, return receipt requested, as applicable [, not later than the 10th day after the date the authorization agreement is signed]; and

(B) one [if the parties do not receive a response from the parent who is not a party to the authorization agreement before the 20th day after the date the copy of the authorization agreement is mailed under Paragraph (A), the parties mail a second] copy of the authorization agreement by first class mail or international first class mail, as applicable[, to the parent not later than the 45th day after the date the authorization agreement is signed]; and

- (14) that the authorization agreement does not confer on a relative of the child the right to authorize the performance of an abortion on the child or the administration of emergency contraception to the child..

Source: HB 3052

Eff. Date: 9/1/17 – applies only to authorizations executed after effective date of Act.

§ 34.004(a). Execution of Authorization Agreement by Parent In Child Protective Services Case—AMENDED

- (a) The authorization agreement must be signed and sworn to before a notary public by the parent and the adult caregiver [~~relative~~].

Source: HB 871

Eff. Date: 9/1/17

- (b) A parent may not execute an authorization agreement without a written order by the appropriate court if:
- (1) there is a court order or pending suit affecting the parent-child relationship concerning the child;
 - (2) there is pending litigation in any court concerning:
 - (A) custody, possession, or placement of the child; or
 - (B) access to or visitation with the child; or
 - (3) a [~~the~~] court has continuing, exclusive jurisdiction over the child.
- (c) *unchanged*

Source: HB 3052

Eff. Date: 9/1/17

§ 34.005(a)A(a-1)(a-2). Duties of Parties to Authorization Agreement—AMENDED

- (a) If both parents did not sign the authorization agreement, not later than the 10th day after the date the authorization agreement is executed the parties shall mail [~~a copy of the executed authorization agreement by certified mail, return receipt requested, or international registered mail, return receipt requested, as applicable,~~] to the parent who was not a party to the authorization agreement at the parent's last known address, [~~not later than the 10th day after the date the authorization agreement is executed~~] if that parent is living and that parent's parental rights have not been terminated:
- (1) one copy of the executed authorization agreement by certified mail, return receipt requested, or international registered mail, return receipt requested, as applicable; and
 - (2) one [~~If the parties do not receive a response from the parent who is not a party to the authorization agreement before the 20th day after the date the copy of the authorization agreement is mailed, the parties shall mail a second~~] copy of the executed authorization agreement by first class mail or international first class mail, as applicable[~~, to the parent at the same address not later than the 45th day after the date the authorization agreement is executed~~].
- (a-1)Except as otherwise provided by Subsection (a-2), an [An] authorization agreement is void if the parties fail to comply with Subsection (a) [~~this subsection~~].
- (a-2)[(a-4)]Subsection (a) does not apply to an authorization agreement if the parent who was not a party to the authorization agreement:
- (1) does not have court-ordered possession of or access to the child who is the subject of the authorization agreement; and

- (2) has previously committed an act of family violence, as defined by Section 71.004, or assault against the parent who is a party to the authorization agreement, the child who is the subject of the authorization agreement, or another child of the parent who is a party to the authorization agreement, as documented by one or more of the following:
- (A) the issuance of a protective order against the parent who was not a party to the authorization agreement as provided under Chapter 85 or under a similar law of another state; or
 - (B) the conviction of the parent who was not a party to the authorization agreement of an offense under Title 5, Penal Code, or of another criminal offense in this state or in another state an element of which involves a violent act or prohibited sexual conduct.

(b) *unchanged*

Source: HB 3052

Eff. Date: 9/1/17- applies only to authorization agreement executed on or after effective date of Act

§ 34.007(b). Effect of Authorization Agreement—AMENDED

- (b) The authorization agreement does not affect the rights of the child's parent or legal guardian regarding the care, custody, and control of the child, and does not mean that the adult caregiver [~~relative~~] has legal custody of the child.

Source: HB 871

Eff. Date: 9/1/17

§ 34.0075. Term Of Authorization Agreement—ADDED

An authorization agreement executed under this chapter is for a term of six months from the date the parties enter into the agreement and renews automatically for six-month terms unless:

- (1) an earlier expiration date is stated in the authorization agreement;
- (2) the authorization agreement is terminated as provided by Section 34.008; or
- (3) a court authorizes the continuation of the agreement as provided by Section 34.008(b).

Source: HB 871

Eff. Date: 9/1/17

§ 34.008. Termination of Authorization Agreement—AMENDED

- (a) Except as provided by Subsection (b), an authorization agreement under this chapter terminates if, after the execution of the authorization agreement, a court enters an order:
- (1) affecting the parent-child relationship;
 - (2) concerning custody, possession, or placement of the child;
 - (3) concerning access to or visitation with the child; or
 - (4) regarding the appointment of a guardian for the child under Subchapter B, Chapter 1104, Estates [~~Section 676, Texas Probate~~] Code.

Source: SB 1488

Eff. Date: 9/1/17

- (c) An authorization agreement under this chapter terminates on written revocation by a party to the authorization agreement if the party:
- (1) gives each party written notice of the revocation;
 - (2) files the written revocation with the clerk of the county in which:
 - (A) the child resides;
 - (B) the child resided at the time the authorization agreement was executed; or
 - (C) the adult caregiver [~~relative~~] resides; and
 - (3) files the written revocation with the clerk of each court:
 - (A) that has continuing, exclusive jurisdiction over the child;
 - (B) in which there is a court order or pending suit affecting the parent-child relationship concerning the child;
 - (C) in which there is pending litigation concerning:
 - (i) custody, possession, or placement of the child; or
 - (ii) access to or visitation with the child; or
 - (D) that has entered an order regarding the appointment of a guardian for the child under Subchapter B, Chapter 1104, Estates [~~Section 676, Texas Probate~~] Code.
- (d) *Repealed*

Source: HB 871& SB 1488

Eff. Date: 9/1/17

CHAPTER 35. TEMPORARY AUTHORIZATION FOR CARE OF MINOR CHILD-ADDED

§ 35.001. Applicability

This chapter applies to a person whose relationship to a child would make the person eligible to consent to treatment under Section 32.001 or eligible to enter an authorization agreement under Section 34.001.

§ 35.002. Temporary Authorization

A person described by Section 35.001 may seek a court order for temporary authorization for care of a child by filing a petition in the district court in the county in which the person resides if:

- (1) the child has resided with the person for at least the 30 days preceding the date the petition was filed; and
- (2) the person does not have an authorization agreement under Chapter 34 or other signed, written documentation from a parent, conservator, or guardian that enables the person to provide necessary care for the child.

§ 35.003. Petition for Temporary Authorization For Care of Child

(a) A petition for temporary authorization for care of a child must:

- (1) be styled "ex parte" and be in the name of the child;
- (2) be verified by the petitioner;
- (3) state:
 - (A) the name, date of birth, and current physical address of the child;
 - (B) the name, date of birth, and current physical address of the petitioner; and
 - (C) the name and, if known, the current physical and mailing addresses of the child's parents, conservators, or guardians;
- (4) describe the status and location of any court proceeding in this or another state with respect to the child;
- (5) describe the petitioner's relationship to the child;

- (6) provide the dates during the preceding 12 months that the child has resided with the petitioner;
- (7) describe any service or action that the petitioner is unable to obtain or undertake on behalf of the child without authorization from the court;
- (8) state any reason that the petitioner is unable to obtain signed, written documentation from a parent, conservator, or guardian of the child;
- (9) contain a statement of the period for which the petitioner is requesting temporary authorization; and
- (10) contain a statement of any reason supporting the request for the temporary authorization.
- (b) If the petition identifies a court proceeding with respect to the child under Subsection (a)(4), the petitioner shall submit a copy of any court order that designates a conservator or guardian of the child.

§ 35.004. Notice; Hearing

- (a) On receipt of the petition, the court shall set a hearing.
- (b) A copy of the petition and notice of the hearing shall be delivered to the parent, conservator, or guardian of the child by personal service or by certified mail, return receipt requested, at the last known address of the parent, conservator, or guardian.
- (c) Proof of service under Subsection (b) must be filed with the court at least three days before the date of the hearing.

§ 35.005. Order For Temporary Authorization

- (a) At the hearing on the petition, the court may hear evidence relating to the child's need for care by the petitioner, any other matter raised in the petition, and any objection or other testimony of the child's parent, conservator, or guardian.
- (b) The court shall award temporary authorization for care of the child to the petitioner if the court finds it is necessary to the child's welfare and no objection is made by the child's parent, conservator, or guardian. If an objection is made, the court shall dismiss the petition without prejudice.
- (c) The court shall grant the petition for temporary authorization only if the court finds by a preponderance of the evidence that the child does not have a parent, conservator, guardian, or other legal representative available to give the necessary consent.
- (d) The order granting temporary authorization under this chapter expires on the first anniversary of the date of issuance or at an earlier date determined by the court. The order may authorize the petitioner to:
 - (1) consent to medical, dental, psychological, and surgical treatment and immunization of the child;
 - (2) execute any consent or authorization for the release of information as required by law relating to the treatment or immunization under Subdivision (1);
 - (3) obtain and maintain any public benefit for the child;
 - (4) enroll the child in a day-care program, preschool, or public or private primary or secondary school;
 - (5) authorize the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities; and
 - (6) authorize or consent to any other care for the child essential to the child's welfare.
- (e) An order granting temporary authorization under this chapter must state:
 - (1) the name and date of birth of the person with temporary authorization to care for the child;
 - (2) the specific areas of authorization granted to the person;
 - (3) that the order does not supersede any rights of a parent, conservator, or guardian as provided by court order; and
 - (4) the expiration date of the temporary authorization order.
- (f) A copy of an order for temporary authorization must:

- (1) be filed under the cause number in any court that has rendered a conservatorship or guardian order regarding the child; and
- (2) be sent to the last known address of the child's parent, conservator, or guardian.

§ 35.006. Renewal or Termination of Temporary Authorization

- (a) A temporary authorization order may be renewed by court order for a period of not more than one year on a showing by the petitioner of a continuing need for the order.
- (b) At any time, the petitioner or the child's parent, conservator, or guardian may request the court to terminate the order. The court shall terminate the order on finding that there is no longer a need for the order.

§ 35.007. Effect Of Temporary Authorization

- (a) A person who relies in good faith on a temporary authorization order under this chapter is not subject to:
 - (1) civil or criminal liability to any person; or
 - (2) professional disciplinary action.
- (b) A temporary authorization order does not affect the rights of the child's parent, conservator, or guardian regarding the care, custody, and control of the child, and does not establish legal custody of the child.
- (c) A temporary authorization order does not confer or affect standing or a right of intervention in any proceeding under Title 5.
- (d) An order under this chapter is not a child custody determination and does not create a court of continuing, exclusive jurisdiction under Title 5.

Source: HB 1043

Eff. Date: 9/1/17-. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017

TITLE 4. PROTECTIVE ORDERS AND FAMILY VIOLENCE

SUBTITLE A. GENERAL PROVISIONS

CHAPTER 71. DEFINITIONS

§ 71.004. Family Violence—AMENDED

"Family violence" means:

- (1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;
- (2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), ~~and~~ (K), and (M), by a member of a family or household toward a child of the family or household; or
- (3) dating violence, as that term is defined by Section 71.0021

Source: HB 249 & SB 11

Eff. Date: 9/1/17

SUBTITLE B. PROTECTIVE ORDERS
CHAPTER 82. APPLYING FOR PROTECTIVE ORDER
Subchapter A. Application For Protective Order

§ 82.011. Confidentiality Of Certain Information—ADDED

On request by an applicant, the court may protect the applicant's mailing address by rendering an order:

- (1) requiring the applicant to:
 - (A) disclose the applicant's mailing address to the court;
 - (B) designate a person to receive on behalf of the applicant any notice or documents filed with the court related to the application; and
 - (C) disclose the designated person's mailing address to the court;
- (2) requiring the court clerk to:
 - (A) strike the applicant's mailing address from the public records of the court, if applicable; and
 - (B) maintain a confidential record of the applicant's mailing address for use only by the court; and
- (3) prohibiting the release of the information to the respondent.

Source: SB1242

Eff. Date: applies only to an application for a protective order that is filed on or after the effective date of this Act

§ 82.041(a). Contents of Notice of Application—AMENDED

(a) A notice of an application for a protective order must:

...

(10) show:

- (A) the name and address of the attorney for the applicant; or
- (B) ~~[the mailing address of the applicant,]~~ if the applicant is not represented by an attorney;

 - (i) the mailing address of the applicant; or
 - (ii) if applicable, the name and mailing address of the person designated under Section 82.011; and

(11) contain the address of the clerk of the court.

Source: SB1242

Eff. Date: 9/1/17

CHAPTER 85—ISSUANCE OF PROTECTIVE ORDERS
SUBCHAPTER A. FINDINGS AND ORDERS

§ 85.007(b). Confidentiality of Certain Information—AMENDED

(b) On granting a request for confidentiality under this section, the court shall order the clerk to:

- (1) strike the information described by Subsection (a) from the public records of the court; and
- (2) maintain a confidential record of the information for use only by:
 - (A) the court; or
 - (B) a law enforcement agency for purposes of entering the information required by Section 411.042(b)(6), Government Code, into the statewide law enforcement information system maintained by the Department of Public Safety.

Source: SB1242

Eff. Date: 9/1/17-applies to a protective order issued on or after the effective date of this Act, regardless of whether the conduct on which the order is based occurred before, on, or after that date.

§ 85.025(a-1). Duration of Protective Order—AMENDED

(a-1)The court may render a protective order sufficient to protect the applicant and members of the applicant's family or household that is effective for a period that exceeds two years if the court finds that the person who is the subject of the protective order:

(1) committed an act constituting a felony offense involving family violence against the applicant or a member of the applicant's family or household, regardless of whether the person has been charged with or convicted of the offense;

(2) caused serious bodily injury to the applicant or a member of the applicant's family or household; or

(3)~~(2)~~was the subject of two or more previous protective orders rendered:

(A) to protect the person on whose behalf the current protective order is sought; and

(B) after a finding by the court that the subject of the protective order:

(i) has committed family violence; and

(ii) is likely to commit family violence in the future.

Source: SB 712

Eff. Date: 9/1/17 - applies only to an application for a protective order that is filed on or after the effective date of this Act

§ 85.025(b1-3). Duration of Protective Order—AMENDED/ADDED

(b) A person who is the subject of a protective order may file a motion not earlier than the first anniversary of the date on which the order was rendered requesting that the court review the protective order and determine whether there is a continuing need for the order.

(b-1)Following the filing of a motion under Subsection (b), a [A] person who is the subject of a protective order issued under Subsection (a-1) that is effective for a period that exceeds two years may file not more than one [a] subsequent motion requesting that the court review the protective order and determine whether there is a continuing need for the order. The subsequent motion may not be filed earlier than the first anniversary of the date on which the court rendered an order on the [a] previous motion by the person [under this subsection].

(b-2)After a hearing on a [the] motion under Subsection (b) or (b-1), if the court does not make a finding that there is no continuing need for the protective order, the protective order remains in effect until the date the order expires under this section. Evidence of the movant's compliance with the protective order does not by itself support a finding by the court that there is no continuing need for the protective order. If the court finds there is no continuing need for the protective order, the court shall order that the protective order expires on a date set by the court.

(b-3)Subsection (b) does not apply to a protective order issued under Chapter 7A, Code of Criminal Procedure.

Source: SB 257

Eff. Date: 9/1/17 - applies only to a protective order issued on or after the effective date of this Act

SUBTITLE C. [REPORTING] FAMILY VIOLENCE REPORTING AND SERVICES
Chapter 93. Confidential And Privileged Communications—ADDED

§ 93.001. Definitions

- (1) "Advocate" means a person who has at least 20 hours of training in assisting victims of family violence and is an employee or volunteer of a family violence center.
- (2) "Family violence center" means a public or private nonprofit organization that provides, as its primary purpose, services to victims of family violence, including the services described by Section 51.005(b)(3), Human Resources Code.
- (3) "Victim" has the meaning assigned to "victim of family violence" by Section 51.002, Human Resources Code.

§ 93.002. Confidential Communications

A written or oral communication between an advocate and a victim made in the course of advising, advocating for, counseling, or assisting the victim is confidential and may not be disclosed.

§ 93.003. Privileged Communications

- (a) A victim has a privilege to refuse to disclose and to prevent another from disclosing a confidential communication described by Section 93.002.
- (b) The privilege may be claimed by:
 - (1) a victim or a victim's attorney on a victim's behalf;
 - (2) a parent, guardian, or conservator of a victim under 18 years of age; or
 - (3) an advocate or a family violence center on a victim's behalf.

§ 93.004. Exceptions

- (a) A communication that is confidential under this chapter may be disclosed only:
 - (1) to another individual employed by or volunteering for a family violence center for the purpose of furthering the advocacy process;
 - (2) for the purpose of seeking evidence that is admissible under Article 38.49, Code of Criminal Procedure, following an in camera review and a determination that the communication is admissible under that article;
 - (3) to other persons in the context of a support group or group counseling in which a victim is a participant; or
 - (4) for the purposes of making a report under Chapter 261 of this code or Section 48.051, Human Resources Code.
- (b) Notwithstanding Subsection (a), the Texas Rules of Evidence govern the disclosure of a communication that is confidential under this chapter in a criminal or civil proceeding by an expert witness who relies on facts or data from the communication to form the basis of the expert's opinion.
- (c) If the family violence center, at the request of the victim, discloses a communication privileged under this chapter for the purpose of a criminal or civil proceeding, the family violence center shall disclose the communication to all parties to that criminal or civil proceeding.

Source: HB 3649

Eff. Date: 9/1/17 – applies to the entire new chapter 93

TITLE 5 –THE PC RELATIONSHIP & SAPCR
SUBTITLE A – GENERAL PROVISIONS
CHAPTER 101. DEFINITIONS

§ 101.0133. Foster Care—AMENDED

"Foster care" means the placement of a child who is in the conservatorship of the Department of Family and Protective Services and in care outside the child's home in a residential child-care facility, including an [agency foster group home,] agency foster home, specialized child-care [foster group] home, cottage [foster] home operation, general residential operation, or another facility licensed or certified under Chapter 42, Human Resources Code, in which care is provided for 24 hours a day.

Source: SB 7

Eff. Date: 9/1/17

§ 101.017. Licensed Child Placing Agency—AMENDED

"Licensed child placing agency" means a person, including an organization or corporation, licensed or certified under Chapter 42, Human Resources Code, by the Department of Family and Protective Services to place a child in an adoptive home or a residential child-care facility, including a child-care facility, agency foster home, cottage home operation, or general residential operation [~~agency foster group home, or adoptive home~~]

Source: SB 7

Eff. Date: 9/1/17

§ 101.034. Title IV D Cases—AMENDED

"Title IV-D case" means an action in which services are provided by the Title IV-D agency under Part D, Title IV, of the federal Social Security Act (42 U.S.C. Section 651 et seq.), relating to the location of an absent parent, determination of parentage, or establishment, modification, or enforcement of a child support or medical support obligation, including a suit for modification filed by the Title IV-D agency under Section 231.101(d) and any other action relating to the services that the Title IV-D agency is required or authorized to provide under Section 231.101.

Source: SB1329

Eff. Date: AFTER 9/1/18

CHAPTER 102. FILING SUIT
SUBCHAPTER C. FILING SUIT

§ 102.004(b)(b-1). Standing for Grandparent or Other Person—AMENDED/ADDED

(b) An original suit requesting possessory conservatorship may not be filed by a grandparent or other person. However, the court may grant a grandparent or other person, subject to the requirements of Subsection (b-1) if applicable, deemed by the court to have had substantial past contact with the child leave to intervene in a pending suit filed by a person authorized to do so under this chapter [subchapter] if there is satisfactory proof to the court that appointment of a parent as a sole managing conservator or both parents as joint managing conservators would significantly impair the child's physical health or emotional development.

(b-1)A foster parent may only be granted leave to intervene under Subsection (b) if the foster parent would have standing to file an original suit as provided by Section 102.003(a)(12)

Source: HB 1410

Eff. Date: 9/1/17 - apply only to an original suit affecting the parent-child relationship filed on or after the effective date of this Act

§ 102.008(b)(c)(d). Contents of Petition—AMENDED/ADDED

(b) The petition must include:

...

(10) a statement describing what action the court is requested to take concerning the child and the statutory grounds on which the request is made; ~~and~~

(11) a statement as to whether, in regard to a party to the suit or a child of a party to the suit:

(A) there is in effect:

(i) a protective order under Title 4;

(ii) a protective order under Chapter 7A, Code of Criminal Procedure; or

(iii) an order for emergency protection under Article 17.292, Code of Criminal Procedure; or

(B) an application for an order described by Paragraph (A) is pending; and

(12) any other information required by this title.

(c) The petitioner shall attach a copy of each order described by Subsection (b)(11)(A) in which a party to the suit or a child of a party to the suit was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.

(d) Notwithstanding any other provision of this section, if the Title IV-D agency files a petition in a suit affecting the parent-child relationship, the agency is not required to:

(1) include in the petition the statement described by Subsection (b)(11); or

(2) attach copies of the documentation described by Subsection (c).

Source: HB 3052

Date: applies only to a petition filed on or after September 1, 2017. A petition filed before September 1, 2017, is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose

CHAPTER 105. SETTINGS, HEARINGS, AND ORDERS

§ 105.002(d). Jury—ADDED

(d) The Department of Family and Protective Services in collaboration with interested parties, including the Permanent Judicial Commission for Children, Youth and Families, shall review the form of jury submissions in this state and make recommendations to the legislature not later than December 31, 2017, regarding whether broad-form or specific jury questions should be required in suits affecting the parent-child relationship filed by the department. This subsection expires September 1, 2019

Source: HB 7

Eff. Date: 9/1/17

CHAPTER 107. SPECIAL APPOINTMENTS, CHILD CUSTODY EVALUATIONS, AND ADOPTION EVALUATIONS

SUBCHAPTER B. APPOINTMENTS IN CERTAIN SUITS

Part 1. Appointments In Suits By Governmental Entity

§ 107.009(a). Additional Duties of Attorney ad Litem for a Child— AMENDED

- (a) A guardian ad litem, an attorney ad litem, a child custody evaluator, or an amicus attorney appointed under this chapter is not liable for civil damages arising from an action taken, a recommendation made, or an opinion given in the capacity of guardian ad litem, attorney ad litem, child custody evaluator, or amicus attorney.

Source: HB 1501

Eff. Date: 9/1/17 -applies to suits filed on or after effective date

§ 107.031(c). Volunteer Advocates—AMENDED

- (c) A court-certified volunteer advocate appointed under this section may be assigned to act as a surrogate parent for the child, as provided by 20 U.S.C. Section 1415(b), if:
- (1) the child is in the conservatorship of the Department of Family and Protective Services;
 - (2) the volunteer advocate is serving as guardian ad litem for the child; ~~and~~
 - (3) a foster parent of the child is not acting as the child's parent under Section 29.015, Education Code; and
 - (4) the volunteer advocate completes a training program for surrogate parents that complies with minimum standards established by rule by the Texas Education Agency within the time specified by Section 29.015(b), Education Code

Source: HB 1556

Eff. Date: 9/1/17

SUBCHAPTER D. CHILD CUSTODY EVALUATION

§ 107.103(a)(c). Order for Child Custody Evaluation—AMENDED

- (a) The court, after notice and hearing or on agreement of the parties, may order the preparation of a child custody evaluation regarding:
- (1) the circumstances and condition of:
 - (A) a child who is the subject of a suit;
 - (B) a party to a suit; and
 - (C) if appropriate, the residence of any person requesting conservatorship of, possession of, or access to a child who is the subject of the suit; and
 - (2) any issue or question relating to the suit at the request of the court before or during the evaluation process.
- (b) unchanged
- (c) Except for an order appointing a child custody evaluator who is qualified under Section 107.104(b)(3), an ~~An~~ order for a child custody evaluation must include:
- (1) the name of each person who will conduct the evaluation;
 - (2) the purpose of the evaluation; ~~and~~
 - (3) a list of the basic elements of an evaluation required by Section 107.109(c);
 - (4) a list of any additional elements of an evaluation required by the court to be completed, including any additional elements specified in Section 107.109(d); and

- (5) the specific issues or questions to be addressed in the evaluation.
 (d) unchanged.

Source: HB 1501

Eff. Date: 9/1/17- applies only to a suit affecting the parent-child relationship filed on or after the effective date of this Act.

§ 107.109(a)(c)(d). Elements of Child Custody Evaluation—AMENDED

- (a) A child custody evaluator may not offer an opinion regarding conservatorship of a child who is the subject of a suit or possession of or access to the child unless each basic element of a child custody evaluation as specified in [described by] this section and each additional element ordered by the court, if any, has been completed, unless the failure to complete an element is satisfactorily explained as provided by Subsection (b).
- (b) unchanged.
- (c) The basic elements of a child custody evaluation under this subchapter consist of:
- (1) a personal interview of each party to the suit seeking conservatorship of, possession of, or access to the child;
 - (2) interviews, conducted in a developmentally appropriate manner, of each child who is the subject of the suit who is at least four years of age~~[, regardless of the age of the child,]~~ during a period of possession of each party to the suit but outside the presence of the party;
 - (3) observation of each child who is the subject of the suit, regardless of the age of the child, in the presence of each party to the suit, including, as appropriate, during supervised visitation, unless contact between a party and a child is prohibited by court order or the person conducting the evaluation has good cause for not conducting the observation and states the good cause in writing provided to the parties to the suit before the completion of the evaluation;
 - (4) an observation and, if the child is at least four years of age ~~[old]~~, an interview of any child who is not a subject of the suit who lives on a full-time basis in a residence that is the subject of the evaluation, including with other children or parties who are subjects of the evaluation, where appropriate;
 - (5) the obtaining of information from relevant collateral sources, including the review of:
 - (A) relevant school records;
 - (B) relevant physical and mental health records of each party to the suit and each child who is the subject of the suit;
 - (C) relevant records of the department obtained under Section 107.111;
 - (D) criminal history information relating to each child who is the subject of the suit, each party to the suit, and each person who lives with a party to the suit; and
 - (E) notwithstanding other law, records or information from any other collateral source that may have relevant information;
 - (6) ~~[evaluation of the home environment of each party seeking conservatorship of a child who is the subject of the suit or possession of or access to the child, unless the condition of the home environment is identified as not being in dispute in the court order requiring the child custody evaluation;~~
 - ~~[(7)]~~ for each individual residing in a residence subject to the child custody evaluation, consideration of any criminal history information and any contact with the department or a law enforcement agency regarding abuse or neglect; and
 - (7)[(8)] assessment of the relationship between each child who is the subject of the suit and each party seeking possession of or access to the child.
- (d) The court may order additional elements of a child custody evaluation under this subchapter, including the following ~~[consist of]:~~

- (1) balanced interviews and observations of each child who is the subject of the suit so that a child who is interviewed or observed while in the care of one party to the suit is also interviewed or observed while in the care of each other party to the suit;
- (2) an interview of each individual, including a child who is at least four years of age, residing on a full-time or part-time basis in a residence subject to the child custody evaluation;
- (3) evaluation of the residence [~~home environment~~] of each party seeking conservatorship of a child who is the subject of the suit or possession of or access to the child [~~, regardless of whether the home environment is in dispute~~];
- (4) observation of a child who is the subject of the suit with each adult who lives in a residence that is the subject of the evaluation;
- (5) an interview, if the child is at least four years of age, and observation of a child who is not the subject of the suit but who lives on a full-time or part-time basis in a residence that is the subject of the evaluation;
- (6) psychometric testing, if necessary, consistent with Section 107.110; and
- (7) the performance of other tasks requested of the evaluator by the court, including:
 - (A) a joint interview of the parties to the suit; or
 - (B) the review of any other information that the court determines is relevant.

Source: HB 1501

Eff. Date: 9/1/17-applies to suits filed on or after effective date of this Act

§ 107.110(d). Psychometric Testing—AMENDED

- (d) If a child custody evaluator considers psychometric testing necessary but lacks specialized training or expertise to use the specific tests under this section, the evaluator may designate a licensed psychologist to conduct the testing and may request additional orders from the court.

Source: HB 1501

Eff. Date: 9/1/17-applies to suits filed on or after effective date of this Act

§ 107.1101(b). Effect of Potentially Undiagnosed Serious Mental Illness—AMENDED

- (b) If a child custody evaluator identifies the presence of a potentially undiagnosed serious mental illness experienced by an individual who is a subject of the child custody evaluation and the evaluator is not qualified by the evaluator's licensure, experience, and training to assess a serious mental illness, the evaluator shall make one or more appropriate referrals for a mental examination of the individual and may request additional orders from the court.

Source: HB 1501

Eff. Date: 9/1/17-applies to suits filed on or after effective date of this Act

§ 107.1111. Child Custody Evaluator Access to Other Records-ADDED

- (a) Notwithstanding any other state law regarding confidentiality, a child custody evaluator appointed by a court is entitled to obtain records that relate to any person residing in a residence subject to a child custody evaluation from:
- (1) a local law enforcement authority;
 - (2) a criminal justice agency;
 - (3) a juvenile justice agency;
 - (4) a community supervision and corrections department created under Chapter 76, Government Code; or

- (5) any other governmental entity.
- (b) Except as provided by this section, records obtained by a child custody evaluator under this section are confidential and not subject to disclosure under Chapter 552, Government Code, or to disclosure in response to a subpoena or a discovery request.
- (c) A child custody evaluator may disclose information obtained under Subsection (a) in the child custody evaluation report prepared under Section 107.113 only to the extent the evaluator determines that the information is relevant to the child custody evaluation or a recommendation made under this subchapter.
- (d) A person commits an offense if the person recklessly discloses confidential information obtained under Subsection (a) in violation of this section. An offense under this subsection is a Class A misdemeanor.

Source: HB 1501

Eff. Date: 9/1/17-applies to suits filed on or after effective date of this Act

§ 107.113(a)(b). Child Custody Evaluation Report Required—ADDED/AMENDED

- (a) A child custody evaluator who conducts a child custody evaluation shall prepare ~~[and file]~~ a report containing the evaluator's findings, opinions, recommendations, and answers to specific questions asked by the court relating to the evaluation.
- (b) The person conducting a child custody evaluation shall file with the court on a date set by the court notice that the report under this section is complete. On the earlier of the date the notice is filed or the date required under Section 107.114, the person shall provide a copy of the report to:
- (1) each party's attorney;
 - (2) each party who is not represented by an attorney; and
 - (3) each attorney ad litem, guardian ad litem, and amicus attorney appointed in the suit [a report containing the person's findings and conclusions. The report shall be made a part of the record of the suit].

Source: HB 1501

Eff. Date: 9/1/17-applies to suits filed on or after effective date

§ 107.114(a). Introduction and Provision of Child Custody Evaluation Report—AMENDED

- (a) Disclosure to the court or the jury of the contents of a child custody evaluation report prepared under Section 107.113 is subject to the rules of evidence.

Source: HB 1501

Eff. Date: 9/1/17-applies to suits filed on or after effective date

§ 107.152(c). Applicability—AMENDED

- (c) The pre-placement and post-placement parts of an adoption evaluation conducted by a licensed child-placing agency or the department are governed by rules adopted by the ~~[executive] commissioner of the department [Health and Human Services Commission]~~

Source: HB 5

Eff. Date: 9/1/17

CHAPTER 109. APPEALS

§ 109.001(a)(b)(b-1)(b-2)(b-3)(b-4)(b-5)(e) Appeals—AMENDED/ADDED

- (a) In a suit affecting the parent-child relationship [Not later than the 30th day after the date an appeal is perfected], on the motion of any party or on the court's own motion and after notice and hearing, the court may make any order necessary to preserve and protect the safety and welfare of the child during the pendency of an [the] appeal as the court may deem necessary and equitable. In addition to other matters, an order may:
- (1) appoint temporary conservators for the child and provide for possession of the child;
 - (2) require the temporary support of the child by a party;
 - (3) enjoin [restrain] a party from molesting or disturbing the peace of the child or another party;
 - (4) prohibit a person from removing the child beyond a geographical area identified by the court;
 - (5) require payment of reasonable and necessary attorney's fees and expenses; or
 - (6) suspend the operation of the order or judgment that is being appealed.
- (b) A temporary order under this section enjoining a party from molesting or disturbing the peace of the child or another party:
- (1) may be rendered without:
 - (A) the issuance of a bond between the spouses; or
 - (B) an affidavit or a verified pleading stating specific facts showing that immediate and irreparable injury, loss, or damage will result; and
 - (2) is not required to:
 - (A) define the injury or state why the injury is irreparable; or
 - (B) include an order setting the suit for trial on the merits with respect to the ultimate relief sought.
- (b-1) A motion seeking an original temporary order under this section:
- (1) may be filed before trial; and
 - (2) may not be filed by a party after the date by which that party is required to file the party's notice of appeal under the Texas Rules of Appellate Procedure.
- (b-2) The trial court retains jurisdiction to conduct a hearing and sign a temporary order under this section until the 60th day after the date any eligible party has filed a notice of appeal from final judgment under the Texas Rules of Appellate Procedure.
- (b-3) The trial court retains jurisdiction to modify and enforce a temporary order [its orders rendered] under this section unless the appellate court, on a proper showing, supersedes the court's order.
- (b-4) On the motion of a party or on the court's own motion, after notice and hearing, the trial court may modify a previous temporary order rendered under this section if:
- (1) the circumstances of a party have materially and substantially changed since the rendition of the previous order; and
 - (2) modification is equitable and necessary for the safety and welfare of the child.
- (b-5) A party may seek review of the trial court's temporary order under this section by:
- (1) petition for writ of mandamus; or
 - (2) proper assignment in the party's brief.
- (e) The remedies provided in this section are cumulative of all other remedies allowed by law

Source: SB 1237

Eff. Date: 9/1/17- applies apply only to an order that is rendered on or after the effective date of this Act only to an order that is rendered on or after the effective date of this Act

§ 109.002(a)(a-1). Appellate Review—AMENDED/ADDED

(a) An appeal from a final order rendered in a suit, when allowed under this section or under other provisions of law, shall be as in civil cases generally under the Texas Rules of Appellate Procedure, except that an appeal from a final order rendered under Subchapter D, Chapter 152, must comply with Section 152.314.

~~(a-1)~~ An appeal in a suit in which termination of the parent-child relationship is ordered ~~[in issue]~~ shall be given precedence over other civil cases by the appellate courts, ~~[and]~~ shall be accelerated, and shall follow ~~[by]~~ the ~~[appellate courts. The]~~ procedures for an accelerated appeal under the Texas Rules of Appellate Procedure ~~[apply to an appeal in which the termination of the parent-child relationship is in issue].~~

Source: SB 1237

Eff. Date: 9/1/17- applies apply only to an order that is rendered on or after the effective date of this Act only to an order that is rendered on or after the effective date of this Act

§ 109.003(a)(b). Payment for Court Reporter's Record ~~[Statement Of Facts]~~—AMENDED

(a) If the party requesting a court reporter's record ~~[statement of facts]~~ in an appeal of a suit has filed an affidavit stating the party's inability to pay costs as provided by Rule 20, Texas Rules of Appellate Procedure, and the affidavit is approved by the trial court, the trial court may order the county in which the trial was held to pay the costs of preparing the court reporter's record ~~[statement of facts]~~.

(b) Nothing in this section shall be construed to permit an official court reporter to be paid more than once for the preparation of the court reporter's record ~~[statement of facts]~~.

Source: SB 1237

Eff. Date: 9/1/17- applies apply only to an order that is rendered on or after the effective date of this Act only to an order that is rendered on or after the effective date of this Act

**SUBTITLE B. SUITS AFFECTING THE PARENT-CHILD RELATIONSHIP
CHAPTER 152. UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT
SUBCHAPTER D. ENFORCEMENT**

§ 152.314. Accelerated Appeals—AMENDED

An appeal may be taken from a final order in a proceeding under this subchapter in accordance with accelerated ~~[expedited]~~ appellate procedures in other civil cases. Unless the court enters a temporary emergency order under Section 152.204, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

Source: SB 1237

Eff. Date: 9/1/17- applies apply only to an order that is rendered on or after the effective date of this Act

CHAPTER 153 – CONSERVATORSHIP, POSSESSION, AND ACCESS
SUBCHAPTER A. GENERAL PROVISIONS

§ 153.004(e)(f)(g). History of Domestic Violence or Sexual Abuse—AMENDED/ADDED

- (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 other person during the two-year period preceding the filing of the suit or during the pendency of the suit.
- (g) In this section:
- (1) "Abuse" and "neglect" have the meanings assigned by Section 261.001.
(2) "Family violence" has the meaning assigned by Section 71.004

Source: SB 495

Eff. Date: 9/1/17 - 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

§ 153.0071(e-1). Alternate Dispute Resolution Procedures—AMENDED/ADDED

- (e-1) Notwithstanding Subsections (d) and (e), a court may decline to enter a judgment on a mediated settlement agreement if the court finds:
- (1) that:
- (A) [~~(1)~~] a party to the agreement was a victim of family violence, and that circumstance impaired the party's 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.

Source: SB 495

Eff. Date: 9/1/17 - applies 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

SUBCHAPTER F. STANDARD POSSESSION ORDER

§ 153.258. Request for Findings When Order Varies from Standard Order—AMENDED

- (a) In [Without regard to Rules 296 through 299, Texas Rules of Civil Procedure, in] all cases in which possession of a child by a parent is contested and the possession of the child varies from the standard possession order, including a possession order for a child under three years of age, on [written] request by a party [made or filed with the court not later than 10 days after the date of the hearing or on oral request made in open court during the hearing], the court shall state in writing [the order] the specific reasons for the variance from the standard order.
- (b) A request for findings of fact under this section must conform to the Texas Rules of Civil Procedure

Source: SB 1237

Eff. Date: 9/1/17 - applies 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

§ 153.254(b)(c)—REPEALED

Source: SB 1237

Eff. Date: 9/1/17 - apply only to an order that is rendered on or after the effective date of this Act.

CHAPTER 154. CHILD SUPPORT

SUBCHAPTER A. COURT ORDERD CHILD SUPPORT

§ 154.001(a-1). Support of a Child—AMENDED

(a-1)The court may order each person who is financially able and whose parental rights have been terminated with respect to ~~[either]~~ a child in substitute care for whom the department has been appointed managing conservator, a child for a reason described by Section 161.001(b)(1)(T)(iv) or (b)(1)(U), or a child who was conceived as a direct result of conduct that constitutes an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code, to support the child in the manner specified by the order:

- (1) until the earliest of:
 - (A) the child's adoption;
 - (B) the child's 18th birthday or graduation from high school, whichever occurs later;
 - (C) removal of the child's disabilities of minority by court order, marriage, or other operation of law; or
 - (D) the child's death; or
- (2) if the child is disabled as defined in this chapter, for an indefinite period.

Source: SB 77

Eff. Date: 9/1/17- applies only to a suit affecting the parent-child relationship filed on or after the effective date of this Act

§ 154.130(a)(c). Findings in Child Support Order—AMENDED/ADDED

- (a) Without regard to Rules 296 through 299, Texas Rules of Civil Procedure, in rendering an order of child support, the court shall make the findings required by Subsection (b) if:
- (1) a party files a written request with the court before the final order is signed, but not later than 20 [40] days after the date of rendition of the order [the hearing];
 - (2) a party makes an oral request in open court during the hearing; or
 - (3) the amount of child support ordered by the court varies from the amount computed by applying the percentage guidelines under Section 154.125 or 154.129, as applicable.
- (c) Findings under Subsection (b)(2) are required only if evidence of the monthly net resources of the obligee has been offered

Source: SB 1237

Eff. Date: 9/1/17- apply only to an order that is rendered on or after the effective date of this Act. An order rendered before the effective date of this Act

§ 154.130(a-1).—REPEALED

Source: SB 1237

Eff. Date: 9/1/17- apply only to an order that is rendered on or after the effective date of this Act.

CHAPTER 155. CONTINUING, EXCLUSIVE JURISDICTION; TRANSFER
SUBCHAPTER C. TRANSFER OF CONTINUING, EXCLUSIVE JURISDICTION

§ 155.201(d). Mandatory Transfer—ADDED

- (d) On receiving notice that a court exercising jurisdiction under Chapter 262 has ordered the transfer of a suit under Section 262.203(a)(2), the court of continuing, exclusive jurisdiction shall, in accordance with the requirements of Section 155.204(i), transfer the proceedings to the court in which the suit under Chapter 262 is pending within the time required by Section 155.207(a).

Source: SB 738, HB 7 & SB 999

Eff. Date: 9/1/17 - apply to a suit affecting the parent-child relationship filed on or after the effective date of this Act

§ 155.204(i). Procedure for Transfer—AMENDED

- (i) If a transfer order has been signed by a court exercising jurisdiction under Chapter 262, the Department of Family and Protective Services shall [a party may] file the transfer order with the clerk of the court of continuing, exclusive jurisdiction. On receipt and without a hearing or further order from the court of continuing, exclusive jurisdiction, the clerk of the court of continuing, exclusive jurisdiction shall transfer the files as provided by this subchapter within the time required by Section 155.207(a).

Source: SB 738

Eff. Date: 9/1/17 - apply to a suit affecting the parent-child relationship filed on or after the effective date of this Act

CHAPTER 156. MODIFICATION
SUBCHAPTER A. GENERAL PROVISIONS

§ 156.005. Frivolous Filing of Suit for Modification—AMENDED

Notwithstanding Rules 296 through 299, Texas Rules of Civil Procedure, if [If] the court finds that a suit for modification is filed frivolously or is designed to harass a party, the court shall state that finding in the order and assess [tax] attorney's fees as costs against the offending party.

Source: HB 1237

Eff. Date: 9/1/17- applies only to suit filed on or after the effective date of this Act.

§ 156.006(b). Temporary Orders—ADDED

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

Source: HB 1495

Eff. Date: 9/1/17- applies only to suit filed on or after the effective date of this Act.

CHAPTER 157. ENFORCEMENT
SUBCHAPTER B. PROCEDURE

§ 157.105(a-1). Release Hearing—ADDED

(a-1)The court may conduct the release hearing under Subsection (a) through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that the method of appearance will facilitate the hearing

Source: SB 1965

Eff. Date: 9/1/17

§ 157.163(d-1). Appointment of an Attorney—ADDED

(d-1)The court may conduct a hearing on the issue of indigency through the use of teleconferencing, videoconferencing, or other remote electronic means if the court determines that conducting the hearing in that manner will facilitate the hearing.

Source: SB 1965

Eff. Date: 9/1/17

SUBCHAPTER G. CHILD SUPPORT LIEN

§ 157.317(a). Property to Which Lien Attaches—AMENDED

- (a) A child support lien attaches to all real and personal property not exempt under the Texas Constitution or other law, including:
- (1) an account in a financial institution;
 - (2) a retirement plan, including an individual retirement account;
 - (3) the proceeds of an insurance policy, including the proceeds from a life insurance policy or annuity contract and the proceeds from the sale or assignment of life insurance or annuity benefits, a claim for compensation, or a settlement or award for the claim for compensation, due to or owned by the obligor; ~~and~~
 - (4) property seized and subject to forfeiture under Chapter 59, Code of Criminal Procedure; and
 - (5) the proceeds derived from the sale of oil or gas production from an oil or gas well located in this state

Source: SB 1965

Eff. Date: 9/1/17 - applies only to a child support lien notice issued on or after the effective date of this Act

CHAPTER 160-UNIFORM PARENTAGE ACT

SUBCHAPTER G. PROCEEDING TO ADJUDICATE PARENTAGE

§160.6035. Contents of Petition; Statement Relating to Certain Protective Orders Required—ADDED

- (a) The petition in a proceeding to adjudicate parentage must include a statement as to whether, in regard to a party to the proceeding or a child of a party to the proceeding:
- (1) there is in effect:
 - (A) a protective order under Title 4;
 - (B) a protective order under Chapter 7A, Code of Criminal Procedure; or
 - (C) an order for emergency protection under Article 17.292, Code of Criminal Procedure; or
 - (2) an application for an order described by Subdivision (1) is pending.
- (b) The petitioner shall attach a copy of each order described by Subsection (a)(1) in which a party to the proceeding or a child of a party to the proceeding was the applicant or victim of the conduct alleged in the application or order and the other party was the respondent or defendant of an action regarding the conduct alleged in the application or order without regard to the date of the order. If a copy of the order is not available at the time of filing, the petition must state that a copy of the order will be filed with the court before any hearing.
- (c) Notwithstanding any other provision of this section, if the Title IV-D agency files a petition in a proceeding to adjudicate parentage, the agency is not required to:
- (1) include in the petition the statement described by Subsection (a); or
 - (2) attach copies of the documentation described by Subsection (b).

Source: HB 3052

Eff. Date: applies only to a petition filed on or after September 1, 2017. A petition filed before September 1, 2017, is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose

CHAPTER 161. TERMINATION OF THE PARENT-CHILD RELATIONSHIP
SUBCHAPTER A. GROUNDS

§161.001(b)(c)(d)(e). Termination of the Parent-Child Relationship—AMENDED/ADDED

- (b) The court may order termination of the parent-child relationship if the court finds by clear and convincing evidence:

...

(S) voluntarily delivered the child to a designated emergency infant care provider under Section 262.302 without expressing an intent to return for the child; [øf]

(T) been convicted of:

(i) the murder of the other parent of the child under Section 19.02 or 19.03, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 19.02 or 19.03, Penal Code;

(ii) criminal attempt under Section 15.01, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.01, Penal Code, to commit the offense described by Subparagraph (i); [øf]

(iii) criminal solicitation under Section 15.03, Penal Code, or under a law of another state, federal law, the law of a foreign country, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 15.03, Penal Code, of the offense described by Subparagraph (i); or

(iv) the sexual assault of the other parent of the child under Section 22.011 or 22.021, Penal Code, or under a law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 22.011 or 22.021, Penal Code; or

(U) been placed on community supervision, including deferred adjudication community supervision, or another functionally equivalent form of community supervision or probation, for being criminally responsible for the sexual assault of the other parent of the child under Section 22.011 or 22.021, Penal Code, or under a law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of an offense under Section 22.011 or 22.021, Penal Code; and

(2) that termination is in the best interest of the child.

(c) A court may not make a finding under Subsection (b) and order termination of the parent-child relationship based on evidence that the parent:

(1) homeschooled the child;

(2) is economically disadvantaged;

(3) has been charged with a nonviolent misdemeanor offense other than:

(A) an offense under Title 5, Penal Code;

(B) an offense under Title 6, Penal Code; or

(C) an offense that involves family violence, as defined by Section 71.004 of this code;

(4) provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; or

(5) declined immunization for the child for reasons of conscience, including a religious belief.

(d) A court may not order termination under Subsection (b)(1)(O) based on the failure by the parent to comply with a specific provision of a court order if a parent proves by a preponderance of evidence that:

- (1) the parent was unable to comply with specific provisions of the court order; and
(2) the parent made a good faith effort to comply with the order and the failure to comply with the order is not attributable to any fault of the parent.
(e) This section does not prohibit the Department of Family and Protective Services from offering evidence described by Subsection (c) as part of an action to terminate the parent-child relationship under this subchapter.

Source: SB 77 & HB 7

Eff. Date: 9/1/17 - applies only to a suit affecting the parent-child relationship filed on or after the effective date of this Act

CHAPTER 162. ADOPTION
SUBCHAPTER A. ADOPTION OF A CHILD

§ 162.005(c). Preparation of Health, Social, Educational, and Genetic History Report—ADDED

- (c) The department shall ensure that each licensed child-placing agency, single source continuum contractor, or other person placing a child for adoption receives a copy of any portion of the report prepared by the department

Source: SB 11

Eff. Date: 9/1/17

§ 162.0062(a-1)(c)-1. Access to Information—ADDED

- (a-1) If a child is placed with a prospective adoptive parent prior to adoption, the prospective adoptive parent is entitled to examine any record or other information relating to the child's health history, including the portion of the report prepared under Section 162.005 for the child that relates to the child's health. The department, licensed child-placing agency, single source continuum contractor, or other person placing a child for adoption shall inform the prospective adoptive parent of the prospective adoptive parent's right to examine the records and other information relating to the child's health history. The department, licensed child-placing agency, single source continuum contractor, or other person placing the child for adoption shall edit the records and information to protect the identity of the biological parents and any other person whose identity is confidential.
(c-1) If the prospective adoptive parents of a child indicate they want to proceed with the adoption under Subsection (c), the department, licensed child-placing agency, or single source continuum contractor shall provide the prospective adoptive parents with access to research regarding underlying health issues and other conditions of trauma that could impact child development and permanency

Source: SB 11

Eff. Date: 9/1/17

**§ 162.007(a)(g). Contents of Health, Social, Educational, and Genetic History Report—
AMENDED/ADDED**

- (a) The health history of the child must include information about:
- (1) the child's health status at the time of placement;
 - (2) the child's birth, neonatal, and other medical, psychological, psychiatric, and dental history information, including to the extent known by the department:
 - (A) whether the child's birth mother consumed alcohol during pregnancy; and
 - (B) whether the child has been diagnosed with fetal alcohol spectrum disorder;
 - (3) a record of immunizations for the child; and
 - (4) the available results of medical, psychological, psychiatric, and dental examinations of the child.
- (g) In this section, "fetal alcohol spectrum disorder" means any of a group of conditions that can occur in a person whose mother consumed alcohol during pregnancy

Source: SB 11

Eff. Date: 9/1/17

§ 162.0086(a)(b). Information Regarding Sibling Access—ADDED

- (a) The Department of Family and Protective Services shall provide information to each person seeking to adopt a child placed for adoption by the department regarding the right of a child's sibling to file a suit for access to the child under Sections 102.0045 and 153.551.
- (b) The department may provide the information required under Subsection (a) on any form or application provided to prospective adoptive parents

Source: SB 948 & HB 5

Eff. Date: 9/1/17

§162.026. Regulated Custody Transfer of Adopted Child—ADDED

A parent, managing conservator, or guardian of an adopted child may not transfer permanent physical custody of the child to any person who is not a relative or stepparent of the child or an adult who has a significant and long-standing relationship with the child unless:

- (1) the parent, managing conservator, or guardian files a petition with a court of competent jurisdiction requesting a transfer of custody; and
- (2) the court approves the petition.

Source: HB 834

Eff. Date: 9/1/17

SUBCHAPTER G. MISCELLANEOUS PROVISION

§ 162.603. Post-Adoption Support Information Provided By Licensed Child-Placing Agencies—ADDED

A licensed child-placing agency shall provide prospective adoptive parents with information regarding:
(1) the community services and other resources available to support a parent who adopts a child; and
(2) the options available to the adoptive parent if the parent is unable to care for the adopted child.

Source: HB 834

Eff. Date: 9/1/17

SUBCHAPTER H. EMBRYO DONATION INFORMATION—ADDED

§ 162.701. Definitions

In this subchapter:

- (1) "Department" means the Department of Family and Protective Services.
- (2) "Embryo donation" has the meaning assigned by Section 159.011, Occupations Code.

§ 162.702. Information Regarding Embryo Donation

The department shall post information regarding embryo donation on the department's Internet website.
The information must include contact information for nonprofit organizations that facilitate embryo donation

Source: HB 785

Eff. Date: 9/1/17

SUBTITLE C. JUDICIAL RESOURCES AND SERVICES

CHAPTER 201. ASSOCIATE JUDGE

SUBCHAPTER A. ASSOCIATE JUDGE

§ 201.007(a)(c)(e). Powers of Associate Judge—AMENDED/ADDED

(a) Except as limited by an order of referral, an associate judge may:

.....

- (13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 201.013;
- (14) without prejudice to the right to a de novo hearing before the referring court [of appeal] under Section 201.015 and subject to Subsection (c), render and sign:
 - (A) a final order agreed to in writing as to both form and substance by all parties;
 - (B) a final default order;
 - (C) a temporary order; or
 - (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;
- (15) take action as necessary and proper for the efficient performance of the associate judge's duties; and
- (16) render and sign a final order if the parties waive [that includes a waiver of] the right to a de novo hearing before the referring court under [of appeal pursuant to] Section 201.015 in writing before the start of a hearing conducted by the associate judge.

- (c) A final order described by Subsection (a)(14) becomes final after the expiration of the period described by Section 201.015(a) if a party does not request a de novo hearing in accordance with that section. An order described by Subsection (a)(14) or (16) that is rendered and signed by an associate judge constitutes an order of the referring court.
- (e) An order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed.

Source: SB 1329 & HB 2927

Eff. Date: 9/1/17-applies only to a final order signed by an associate judge on or after the effective date of this Act. (b) Notwithstanding Subsection (a) of this section, Section 201.007(e), Family Code, as added by this Act, applies to an order signed by an associate judge under Section 201.007(a)(16), Family Code, before May 1, 2017.

§ 201.013(b). Order of Court—AMENDED

- (b) Except as provided by Section 201.007(c), if a request for a de novo hearing before the referring court is not timely filed [~~or the right to a de novo hearing before the referring court is waived~~], the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

Source: SB 1329 & HB 2927

Date: 9/1/17

§ 201.014(a). Judicial Action on Associate Judge's Proposed Order or Judgment—AMENDED

- (a) Except as otherwise provided in this subchapter, unless [~~Unless~~] a party files a written request for a de novo hearing before the referring court, the referring court may:
- (1) adopt, modify, or reject the associate judge's proposed order or judgment;
 - (2) hear further evidence; or
 - (3) recommit the matter to the associate judge for further proceedings

Source: SB 1329 & HB 2927

Eff. Date: 9/1/17

§ 201.016(c). Appellate Review—AMENDED

- (c) The date an agreed order, [~~or~~] a default order, or a final order described by Section 201.007(a)(16) is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

Source: SB 1329 & HB 2927

Eff. Date: 9/1/17

SUBCHAPTER B. ASSOCIATE JUDGE FOR TITLE IV-D CASES

§ 201.104(e). Powers of Associate Judge—AMENDED

- (e) Notwithstanding Subsection (d) and subject to Section 201.1042(g), an associate judge may hear and render an order on any matter necessary to be decided in connection with a Title IV-D service, including:
- (1) a suit to modify or clarify an existing child support order;
 - (2) a motion to enforce a child support order or revoke a respondent's community supervision and suspension of commitment;
 - (3) a respondent's compliance with the conditions provided in the associate judge's report for suspension of the respondent's commitment; [ø]
 - (4) a motion for postjudgment relief, including a motion for a new trial or to vacate, correct, or reform a judgment, if neither party has requested a de novo hearing before the referring court;
 - (5) a suit affecting the parent-child relationship; and
 - (6) a suit for modification under Chapter 156.

Source: SB 1329 & HB 2927

Eff. Date: 9/1/17- applies only to a suit on or after the effective date of this Act.

SUBCHAPTER C. ASSOCIATE JUDGE FOR CHILD PROTECTION CASES

§ 201.204(d). General Power of Associate Judge—AMENDED/ADDED

- (d) An associate judge may hear and render an order in a suit for the adoption of a child for whom the Texas Department of Family and Protective Services has been named managing conservator.

Source: SB 1329 & HB 2927

Eff. Date: 9/1/17

SUBTITLE D. ADMINISTRATIVE SERVICES

CHAPTER 231 TITLE IVD SERVICES

SUBCHAPTER B. SERVICES PROVIDED BY TITLE IV-D PROGRAM

§ 231.118(d). Service of Citation—AMENDED

- (d) Notwithstanding Subsection (c), a return of the process made under this section in a suit may not include the address served if:
- (1) a pleading filed in the suit requests a finding under Section 105.006(c); or
 - (2) the court has previously made a finding and ordered nondisclosure under Section 105.006(c) relating to the parties and the order has not been superseded.

Source: HB 2048

Eff. Date: 9/1/17- applies only to a suit on or after the effective date of this Act

OTHER LEGISLATION AFFECTING THE FAMILY CODE

CIVIL PRACTICE AND REMEDIES CODE
TITLE 2. TRIAL, JUDGMENT, AND APPEAL
SUBTITLE C. JUDGMENTS
CHAPTER 31. JUDGMENT

§ 31.002(a). Collection of Judgment Through Court Proceeding—AMENDED

- (a) A judgment creditor is entitled to aid from a court of appropriate jurisdiction through injunction or other means in order to reach property to obtain satisfaction on the judgment if the judgment debtor owns property, including present or future rights to property, that: ~~that~~ [(1) cannot readily be attached or levied on by ordinary legal process; and [(2)] is not exempt from attachment, execution, or seizure for the satisfaction of liabilities.

Source: HB 1066
Eff. Date: 9/1/17

TITLE 7. ALTERNATIVE METHODS OF DISPUTE RESOLUTION
CHAPTER 154. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES
SUBCHAPTER C. IMPARTIAL THIRD PARTIES

§ 154.052(b). Qualifications of Impartial Third Party—AMENDED

- (b) To qualify for an appointment as an impartial third party under this subchapter in a dispute relating to the parent-child relationship, a person must complete the training required by Subsection (a) and an additional 24 hours of training in the fields of family dynamics, child development, and family law, including a minimum of four hours of family violence dynamics training developed in consultation with a statewide family violence advocacy organization

Source: SB 539

Eff. Date: 9/1/17- a person who satisfies the qualifications to be an impartial third party in effect immediately before the effective date of this Act is not required to comply with the requirements imposed by that section, as amended by this Act, until January 1, 2018, to be qualified to serve as an impartial third party under Subchapter C, Chapter 154, Civil Practice and Remedies Code, and the former law is continued in effect for that purpose.

CODE OF CRIMINAL PROCEDURE
CHAPTER 56. RIGHTS OF CRIME VICTIMS
SUBCHAPTER C. ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF FAMILY VIOLENCE, SEXUAL ASSAULT OR ABUSE, ~~[OR]~~ STALKING, OR TRAFFICKING OF PERSONS

Art. 56.81(3-a)(6-a)(6-b)(6-c). Definitions—ADDED

- (3-a) "Household" has the meaning assigned by Section 71.005, Family Code.
(6-a) "Sexual abuse" means any conduct that constitutes an offense under Section 21.02, 21.11, or 25.02, Penal Code.
(6-b) "Sexual assault" means any conduct that constitutes an offense under Section 22.011 or 22.021, Penal Code.
(6-c) "Stalking" means any conduct that constitutes an offense under Section 42.072, Penal Code.

- (7) "Trafficking of persons" means any conduct that constitutes an offense [~~that may be prosecuted~~] under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code, and that results in a person:
- (A) engaging in forced labor or services; or
 - (B) otherwise becoming a victim of the offense.

Source: SB 256

Eff. Date: Immediately

Art. 56.82(a). Address Confidentiality Program—AMENDED

- (a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons [~~or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code,~~] in maintaining a confidential address.

Source: SB 256

Eff. Date: Immediately

Art. 56.83. Eligibility to Participate in Program—AMENDED

- (a) To be eligible to participate in the program, an applicant must:
- (1) either:
 - (A) meet with a victim's assistance counselor from a state or local agency or other entity, whether for-profit or nonprofit, that is identified by the attorney general as an entity that provides [counseling and] shelter or civil legal services or counseling to victims of family violence, sexual assault or abuse, stalking, or trafficking of persons [~~or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code~~];
 - (B) be protected under, or be filing an application on behalf of a victim who is the applicant's child or another person in the applicant's household and who is protected under:
 - (i) a temporary injunction issued under Subchapter F, Chapter 6, Family Code;
 - (ii) a temporary ex parte order issued under Chapter 83, Family Code;
 - (iii) an order issued under Chapter 7A or Article 6.09 of this code or Chapter 85, Family Code; or
 - (iv) a magistrate's order for emergency protection issued under Article 17.292; or
 - (C) possess documentation of family violence, as identified by the rules adopted under this section, or of sexual assault or abuse or stalking, as described by Section 92.0161, Property Code;
 - (2) file an application for participation with the attorney general or a state or local agency or other entity identified by the attorney general under Subdivision (1);
 - (3) file an affirmation that the applicant has discussed safety planning with a victim's assistance counselor described by Subdivision (1)(A);
 - (4) designate the attorney general as agent to receive service of process and mail on behalf of the applicant; and
 - (5) [(4)] live at a residential address, or relocate to a residential address, that is unknown to the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or trafficking of persons [~~or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code~~].
- (b) An application under Subsection (a)(2) must contain:
- (1) a signed, sworn statement by the applicant stating that the applicant fears for the safety of the applicant, the applicant's child, or another person in the applicant's household because of a

threat of immediate or future harm caused by the person who committed or is alleged to have committed the family violence, sexual assault or abuse, stalking, or [the] trafficking of persons[-~~or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code~~];

- (2) the applicant's true residential address and, if applicable, the applicant's business and school addresses; and
- (3) a statement by the applicant of whether there is an existing court order or a pending court case for child support or child custody or visitation that involves the applicant, the applicant's child, or another person in the applicant's household and, if so, the name and address of:
 - (A) the legal counsel of record; and
 - (B) each parent involved in the court order or pending case.

(e) The attorney general by rule may establish additional eligibility requirements for participation in the program that are consistent with the purpose of the program as stated in Article 56.82(a).

(e-1) The attorney general may establish procedures for requiring an applicant, in appropriate circumstances, to submit with the application under Subsection (a)(2) independent documentary evidence of family violence, sexual assault or abuse, stalking, or trafficking of persons[-~~or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code,~~] in the form of:

- (1) an active or recently issued [~~protective~~] order described by Subsection (a)(1)(B);
- (2) an incident report or other record maintained by a law enforcement agency or official;
- (3) a statement of a physician or other health care provider regarding the [~~applicant's~~] medical condition of the applicant, applicant's child, or other person in the applicant's household as a result of the family violence, sexual assault or abuse, stalking, or trafficking of persons[-~~or offense~~]; [~~or~~]
- (4) a statement of a mental health professional, a member of the clergy, an attorney or other legal advocate, a trained staff member of a family violence center, or another professional who has assisted the applicant, applicant's child, or other person in the applicant's household in addressing the effects of the family violence, sexual assault or abuse, stalking, or trafficking of persons; or
- (5) any other independent documentary evidence necessary to show the applicant's eligibility to participate in the program[-~~or offense~~]

Source: SB 256

Eff. Date: Immediately

Art. 56.90. Exceptions—AMENDED

- (a) The attorney general:
- (1) shall disclose a participant's true residential, business, or school address if:
 - (A) requested by:
 - (i) a law enforcement agency for the purpose of conducting an investigation;
 - (ii) the Department of Family and Protective Services for the purpose of conducting a child protective services investigation under Chapter 261, Family Code; or
 - (iii) the Department of State Health Services or a local health authority for the purpose of making a notification described by Article 21.31 of this code, Section 54.033, Family Code, or Section 81.051, Health and Safety Code; or
 - (B) required by court order; and
 - (2) may disclose a participant's true residential, business, or school address if:
 - (A) the participant consents to the disclosure; and
 - (B) the disclosure is necessary to administer the program.

Source: SB 256
 Eff. Date: Immediately

ESTATES CODE

TITLE 2. ESTATES OF DECEDENTS; DURABLE POWERS OF ATTORNEY

SUBTITLE P. DURABLE POWERS OF ATTORNEY

CHAPTER 751. GENERAL PROVISIONS REGARDING DURABLE POWERS OF ATTORNEY

§ 751.132. Termination of Agent's Authority—ADDED

- (a) An agent's authority under a durable power of attorney terminates when:
- (1) the principal revokes the authority;
 - (2) the agent dies, becomes incapacitated, is no longer qualified, or resigns;
 - (3) the agent's marriage to the principal is dissolved by court decree of divorce or annulment or is declared void by a court, unless the power of attorney otherwise provides; or
 - (4) the power of attorney terminates.
- (b) Unless the durable power of attorney otherwise provides, an agent's authority may be exercised until the agent's authority terminates under Subsection (a), notwithstanding a lapse of time since the execution of the power of attorney.

Source: SB 926
 Eff. Date: 9/1/17

§ 751.203. Agent's Certification—ADDED

- (a) Before accepting a durable power of attorney under Section 751.201, the person to whom the power of attorney is presented may request that the agent presenting the power of attorney provide to the person an agent's certification, under penalty of perjury, of any factual matter concerning the principal, agent, or power of attorney.

- (b) A certification described by Subsection (a) may be in the following form:

CERTIFICATION OF DURABLE POWER OF ATTORNEY BY AGENT

I, _____ (agent), certify under penalty of perjury that:

1. I am the agent named in the power of attorney validly executed by _____ (principal) ("principal") on _____ (date), and the power of attorney is now in full force and effect.
2. The principal is not deceased and is presently domiciled in _____ (city and state/territory or foreign country).
3. To the best of my knowledge after diligent search and inquiry:
 - a. The power of attorney has not been revoked by the principal or suspended or terminated by the occurrence of any event, whether or not referenced in the power of attorney;
 - b. A permanent guardian of the estate of the principal has not qualified to serve in that capacity;
 - c. My powers under the power of attorney have not been suspended by a court in a temporary guardianship or other proceeding;
 - d. If I am (or was) the principal's spouse, my marriage to the principal has not been dissolved by court decree of divorce or annulment or declared void by a court, or the power of attorney provides specifically that my appointment as the agent for the principal does not terminate if my marriage to the principal has been dissolved by court decree of divorce or annulment or declared void by a court;
 - e. No proceeding has been commenced for a temporary or permanent guardianship of the person or estate, or both, of the principal; and

- f. The exercise of my authority is not prohibited by another agreement or instrument.
4. If under its terms the power of attorney becomes effective on the disability or incapacity of the principal or at a future time or on the occurrence of a contingency, the principal now has a disability or is incapacitated or the specified future time or contingency has occurred.
5. I am acting within the scope of my authority under the power of attorney, and my authority has not been altered or terminated.
6. If applicable, I am the successor to _____ (predecessor agent), who has resigned, died, or become incapacitated, is not qualified to serve or has declined to serve as agent, or is otherwise unable to act. There are no unsatisfied conditions remaining under the power of attorney that preclude my acting as successor agent.
7. I agree not to:
- a. Exercise any powers granted by the power of attorney if I attain knowledge that the power of attorney has been revoked, suspended, or terminated; or
- b. Exercise any specific powers that have been revoked, suspended, or terminated.
8. A true and correct copy of the power of attorney is attached to this document.
9. If used in connection with an extension of credit under Section 50(a)(6), Article XVI, Texas Constitution, the power of attorney was executed in the office of the lender, the office of a title company, or the law office of _____.
- Date: _____, 20____.

(signature of agent)

- (c) A certification made in compliance with this section is conclusive proof of the factual matter that is the subject of the certification.

Source: SB 926

Eff. Date: 9/1/17

GOVERNMENT CODE

TITLE 2. JUDICIAL BRANCH

SUBTITLE A. COURTS

CHAPTER 22. APPELLATE COURTS

SUBCHAPTER A. SUPREME COURT

§ 22.001(a)(b)(c). Jurisdiction—AMENDED

- (a) ~~The supreme court has appellate jurisdiction, except in criminal law matters, of an [e]xtensive with the limits of the state and extending to all questions of law arising in the following cases when they have been brought to the courts of appeals from] appealable order or judgment of the trial courts if the court determines that the appeal presents a question[:~~
- ~~[(1) a case in which the justices of a court of appeals disagree on a question of law material to the decision;~~
- ~~[(2) a case in which one of the courts of appeals holds differently from a prior decision of another court of appeals or of the supreme court on a question of law material to a decision of the case;~~
- ~~[(3) a case involving the construction or validity of a statute necessary to a determination of the case;~~
- ~~[(4) a case involving state revenue;~~
- ~~[(5) a case in which the railroad commission is a party; and~~
- ~~[(6) any other case in which it appears that an error] of law [has been committed by the court of appeals, and] that [error] is important [of such importance] to the jurisprudence of the state. The supreme court's jurisdiction does not include [that, in the opinion of the supreme court, it requires~~

~~correction, but excluding these] cases in which the jurisdiction of the court of appeals is made final by statute.~~

- (b) A case over which the court has jurisdiction under Subsection (a) may be carried to the supreme court ~~[either] by petition for review [writ of error or by certificate from the court of appeals, but the court of appeals may certify a question of law arising in any of those cases at any time it chooses, either before or after the decision of the case in that court].~~
- (c) Except as provided by this subsection or other law, an appeal may be taken to the supreme court only if the appeal was first brought to the court of appeals. An appeal may be taken directly to the supreme court from an order of a trial court granting or denying an interlocutory or permanent injunction on the ground of the constitutionality of a statute of this state. ~~[It is the duty of the supreme court to prescribe the necessary rules of procedure to be followed in perfecting the appeal.]~~

Source: HB 1761

Eff. Date: 9/1/17

§ 22.007(a)(e). Petition for Review [Application for Writ of Error]—AMENDED

- (a) The supreme court may act on petitions for review ~~[applications for writs of error]~~ when the court deems it expedient. ~~[The supreme court shall pass on an application for writ of error in a case in which the justices of the courts of appeals have disagreed or have declared void a statute of the state.]~~
- (e) The granting of a petition for review ~~[an application for writ of error]~~ admits the case into the supreme court, and the supreme court shall proceed with the case as provided by law. The denial ~~[refusal]~~ or dismissal of a petition for review ~~[an application]~~ has the **effect** of denying the admission of the case into the supreme court, except that a motion for rehearing may be made ~~[to the designated justices-]~~ in the same manner that a motion for rehearing to the supreme court is made in a case in which the court granted review. The denial or dismissal of a petition for review may ~~[refusal or dismissal of an application shall]~~ not be regarded as a precedent or authority.

Source: HB 1761

Eff. Date: 9/1/17

§ 22.001(e); 22.007(b)(c)(d)(f)18(g); 22.225(b)(c)(d)(e)—REPEALED

Source: HB 1761

Eff. Date: 9/1/17--§ 22.225(d), Government Code, applies only to an interlocutory order signed on or after the effective date of this Act. An interlocutory order signed before the effective date of this Act is governed by the law applicable to the order immediately before the effective date of this Act, and that law is continued in effect for that purpose

Legislative Comments to the Foreign Law Bill

The legislature finds that:

- (1) *litigants in actions under the Family Code involving a marriage relationship or a parent-child relationship are protected against violations of constitutional rights and public policy in the application of foreign law and the recognition and enforcement of foreign judgments and arbitration awards by courts of this state by a well-established body of law, described by Tex. Att'y Gen. Op. No. KP-0094 (2016), which includes protections provided under:*
- (A) *the United States Constitution and the Texas Constitution;*
- (B) *federal law, treaties, and conventions to which the United States is a signatory;*

- (C) federal and state judicial precedent; and
- (D) the Family Code and other laws of this state;
- (2) the legislature has enacted statutes, including the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), that address comity regarding foreign judgments and arbitration awards;
- (3) as recognized by courts and commentators, the UCCJEA does not define the aspects of a foreign law that violate fundamental principles of human rights or certain terminology used by that Act;
- (4) the Family Code allows parties to a suit involving the marriage relationship or affecting the parent-child relationship to engage in arbitration and authorizes the court to render an order reflecting the arbitrator's award;
- (5) the Family Code should not be applied to enforce a judgment or arbitrator's award affecting a marriage relationship or a parent-child relationship based on foreign law if the foreign law applied to render the judgment or award does not:
 - (A) grant constitutional rights guaranteed by the United States Constitution and the Texas Constitution;
 - (B) consider the best interest of the child;
 - (C) consider whether domestic violence or child abuse has occurred and is likely to continue in the future; or
 - (D) consider whether the foreign judgment or arbitrator's award affecting the parent-child relationship may place the child in substantial risk of harm; and
- (6) the rules of procedure and evidence adopted by the Texas Supreme Court and judicial education required by the Texas Supreme Court can ensure the full implementation and uniform application by the courts of this state of the well-established body of law described by Subdivision (1) of this section in order to protect litigants in actions under the Family Code involving a marriage relationship or a parent-child relationship against violations of constitutional rights and public policy

§ 22.0041. Rules Regarding Foreign Law And Foreign Judgments In Certain Family Law Actions—ADDED

(a) In this section:

- (1) "Comity" means the recognition by a court of one jurisdiction of the laws and judicial decisions of a court of another jurisdiction.
- (2) "Foreign judgment" means a judgment of a court, tribunal, or administrative adjudicator of a jurisdiction outside of the states and territories of the United States.
- (3) "Foreign law" means a law, rule, or code of a jurisdiction outside of the states and territories of the United States.

(b) The supreme court shall adopt rules of evidence and procedure to implement the limitations on the granting of comity to a foreign judgment or an arbitration award involving a marriage relationship or a parent-child relationship under the Family Code to protect against violations of constitutional rights and public policy.

(c) The rules adopted under Subsection (b) must:

- (1) require that any party who intends to seek enforcement of a judgment or an arbitration award based on foreign law that involves a marriage relationship or a parent-child relationship shall provide timely notice to the court and to each other party, including by providing information required by Rule 203, Texas Rules of Evidence, and by describing the court's authority to enforce or decide to enforce the judgment or award;
- (2) require that any party who intends to oppose the enforcement of a judgment or an arbitration award based on foreign law that involves a marriage relationship or a parent-child relationship shall provide timely notice to the court and to each other party and include with the notice an explanation of the party's basis for opposition, including by stating whether the party asserts that the judgment or award violates constitutional rights or public policy;

- (3) require a hearing on the record, after notice to the parties, to determine whether the proposed enforcement of a judgment or an arbitration award based on foreign law that involves a marriage relationship or a parent-child relationship violates constitutional rights or public policy;
- (4) to facilitate appellate review, require that a court state its findings of fact and conclusions of law in a written order determining whether to enforce a foreign judgment or an arbitration award based on foreign law that involves a marriage relationship or a parent-child relationship;
- (5) require that a court's determination under Subdivision (3) or (4) be made promptly so that the action may proceed expeditiously; and
- (6) provide that a court may issue any orders the court considers necessary to preserve principles of comity or the freedom to contract for arbitration while protecting against violations of constitutional rights and public policy in the application of foreign law and the recognition and enforcement of foreign judgments and arbitration awards.
- (d) In addition to the rules required under Subsection (b), the supreme court shall adopt any other rules the supreme court considers necessary or advisable to accomplish the purposes of this section.
- (e) A rule adopted under this section does not apply to an action brought under the International Child Abduction Remedies Act (22 U.S.C. Section 9001 et seq.).
- (f) In the event of a conflict between a rule adopted under this section and a federal or state law, the federal or state law

§ 22.022. Judicial Instruction Related To Foreign Law And Foreign Judgments—ADDED

- (a) The supreme court shall provide for a course of instruction that relates to issues regarding foreign law, foreign judgments, and arbitration awards in relation to foreign law that arise in actions under the Family Code involving the marriage relationship and the parent-child relationship for judges involved in those actions.
- (b) The course of instruction must include information about:
 - (1) the limits on comity and the freedom to contract for arbitration that protect against violations of constitutional rights and public policy in the application of foreign law and the recognition and enforcement of foreign judgments and arbitration awards in actions brought under the Family Code; and
 - (2) the rules of evidence and procedure adopted under Section 22.0041.
- (c) The supreme court shall adopt rules necessary to accomplish the purposes of this section.

Source: HB 45

Eff. Date: The Texas Supreme Court shall adopt rules as required by this Act as soon as practicable following the effective date of this Act, but not later than January 1, 2018

SUBCHAPTER C. COURTS OF APPEALS

§ 22.221(b). Writ Power—AMENDED

- (b) Each court of appeals for a court of appeals district may issue all writs of mandamus, agreeable to the principles of law regulating those writs, against [a]:
 - (1) a judge of a district, statutory county, statutory probate county, or county court in the court of appeals district; [or]
 - (2) a judge of a district court who is acting as a magistrate at a court of inquiry under Chapter 52, Code of Criminal Procedure, in the court of appeals district; or
 - (3) an associate judge of a district or county court appointed by a judge under Chapter 201, Family Code, in the court of appeals district for the judge who appointed the associate judge.

Source: HB 1480 & SB 1233

EFF. DATE: 9/1/17-~~§22.221(B)(1)~~, **GOVERNMENT CODE, AS AMENDED BY THIS ACT, APPLIES ONLY TO A PROCEEDING SEEKING A WRIT OF MANDAMUS FILED IN A COURT OF APPEALS UNDER SECTION 22.221, GOVERNMENT CODE, ON OR AFTER THE EFFECTIVE DATE OF THIS ACT. §22.221(B)(3), GOVERNMENT CODE, AS AMENDED BY THIS ACT, APPLIES ONLY TO A SUIT FILED UNDER CHAPTER 45, TITLE 1, TITLE 4, OR TITLE 5, FAMILY CODE, ON OR AFTER THE EFFECTIVE DATE OF THIS ACT**

TITLE 4. EXECUTIVE BRANCH
SUBTITLE A. EXECUTIVE OFFICERS
CHAPTER 402. ATTORNEY GENERAL
SUBCHAPTER A. GENERAL PROVISIONS

§ 402.010. Government Code—ADDED

As added by Chapter 808 (H.B. 2425), Acts of the 82nd Legislature, Regular Session, 2011, and amended by Chapter 1162 (S.B. 392) and Chapter 1276 (H.B. 1435), Acts of the 83rd Legislature, Regular Session, 2013, is validated and effective on approval of the constitutional amendment described by Subsection (a) of this temporary provision and applies only to a petition, motion, or other pleading filed on or after January 1, 2018.

(c) This temporary provision expires January 2, 2018.

Source: SJR 6

SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION
CHAPTER 411. DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS
SUBCHAPTER A. GENERAL PROVISIONS AND ADMINISTRATION CRIMINAL HISTORY RECORD INFORMATION

§ 411.042(b). Division of Responsibilities—AMENDED

(b) The bureau of identification and records shall:

...

(6) collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

...

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under [~~Section 85.007, Family Code, or~~] Article 17.292(e), Code of Criminal Procedure;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under [~~Section 85.007, Family Code, or~~] Article 17.292(e), Code of Criminal Procedure;

...

Source: SB 1242

Eff. Date: 9/1/17 - apply to a protective order issued on or after the effective date of this Act, regardless of whether the conduct on which the order is based occurred before, on, or after that date.

§ 411.1285. Access to Criminal History Record Information: Domestic Relations Office and Child Custody Evaluator—AMENDED

- (a) A domestic relations office created under Chapter 203, Family Code, is entitled to obtain from the department criminal history record information that relates to a person who is a party to a proceeding in which the domestic relations office is providing services permitted under Chapter 203, Family Code.
- (a-1) A domestic relations office created under Chapter 203, Family Code, or a child custody evaluator appointed under Chapter 107, Family Code, is entitled to obtain from the department criminal history record information that relates to [,-øf] a person involved in a child custody evaluation under Chapter 107, Family Code, in which the domestic relations office or child custody evaluator has been appointed to conduct the child custody evaluation.
- (b) The department shall provide the domestic relations office or the child custody evaluator with criminal history record information not later than the 10th day after the date on which the criminal history record information is requested.
- (c) Criminal history record information requested under this section, except for relevant information included in a report of a child custody evaluation or adoption evaluation filed under Chapter 107, Family Code, may not be released or disclosed by a domestic relations office or a child custody evaluator to a person other than the court ordering the child custody evaluation or adoption evaluation except on court order or with the consent of the person who is the subject of the criminal history record information.

Source: HB 879

Eff. Date: The Texas Supreme Court shall adopt rules as required by this Act as soon as practicable following the effective date of this Act, but not later than January 1, 2018

TITLE 8. PUBLIC RETIREMENT SYSTEMS

SUBTITLE A. PROVISIONS GENERALLY APPLICABLE TO PUBLIC RETIREMENT SYSTEMS

CHAPTER 810. MISCELLANEOUS PROVISIONS

§ 810.002. Certain Elected Officials Ineligible for Retirement Annuity—ADDED

[Included are only those sections applicable to former spouse, child support, and spousal maintenance/alimony]

...

- (h) On conviction of a member for a qualifying felony:
- (1) a court may, in the same manner as in a divorce or annulment proceeding, make a just and right division of the member's service retirement annuity by awarding to the member's spouse all or part of the community property interest in the annuity forfeited by the member; and
- (2) a court shall, if the member's service retirement annuity was partitioned or exchanged by written agreement of the spouses as provided by Subchapter B, Chapter 4, Family Code, before the member's commission of the offense, award the annuity forfeited by the member to the member's spouse as provided in the agreement.
- (i) Ineligibility for a service retirement annuity under this section does not impair a person's right to any other retirement benefit for which the person is eligible.
- (j) The governing body of a public retirement system shall adopt rules and procedures to implement this section.
- (k) A court shall notify the retirement system of the terms of a conviction of a person convicted of an offense described by Subsection (c).

(l) Notwithstanding any other provision of this section, if the spouse of a member convicted of a qualifying felony is convicted of the felony as a party to the offense as defined by Section 7.01, Penal Code, or of another qualifying offense arising out of the same criminal episode as defined by Section 3.01, Penal Code, the spouse forfeits the member's service retirement annuity and service retirement contributions to the same extent as the member

Source: SB 500

Eff. Date: 9/1/17- applies only to an application filed on or after the effective date of this Act

NATURAL RESOURCES CODE

TITLE 3. OIL AND GAS

SUBTITLE B. CONSERVATION AND REGULATION

CHAPTER 91—PROVISIONS GENERALLY APPLICABLE

§ 91.402(b). Time for Payment of Proceeds—AMENDED

(b) Payments may be withheld without interest beyond the time limits set out in Subsection (a) if:

(1) [of this section when] there is:

(A) [(1)] a dispute concerning title that would affect distribution of payments;

(B) [(2)] a reasonable doubt that the payee:

(i) [(A)] has sold or authorized the sale of its share of the oil or gas to the purchaser of such production; or

(ii) [(B)] has clear title to the interest in the proceeds of production; or

(C) [(3)] a requirement in a title opinion that places in issue the title, identity, or whereabouts of the payee and that has not been satisfied by the payee after a reasonable request for curative information has been made by the payor; or

(2) the payments are subject to a child support lien under Chapter 157, Family Code, or an order or writ of withholding issued under Chapter 158, Family Code

Source: SB 1965

Eff. Date: 9/1/17

PENAL CODE CODE

TITLE 6. OFFENSES AGAINST THE FAMILY

CHAPTER 25. OFFENSES AGAINST THE FAMILY

§ 25.081. Unregulated Custody Transfer of Adopted Child—ADDED

(a) In this section:

(1) "Adopted child" means a person younger than 18 years of age who was legally adopted through a governmental entity or through private means, including a person who is in foster care or from a foreign country at the time of the adoption.

(2) "Unregulated custody transfer" means the transfer of the permanent physical custody of an adopted child by the parent, managing conservator, or guardian of the child without receiving approval of the transfer by a court as required by Section 162.026, Family Code.

(b) Except as otherwise provided by this section, a person commits an offense if the person knowingly:

(1) conducts an unregulated custody transfer of an adopted child; or

(2) facilitates or participates in the unregulated custody transfer of an adopted child, including by transferring, recruiting, harboring, transporting, providing, soliciting, or obtaining an adopted child for that purpose.

- (c) An offense under this section is a felony of the third degree, except that the offense is a felony of the second degree if the actor commits the offense with intent to commit an offense under Section 20A.02, 43.02, 43.05, 43.25, 43.251, or 43.26.
- (d) This section does not apply to:
- (1) the placement of an adopted child with a licensed child-placing agency, the Department of Family and Protective Services, or an adult relative, stepparent, or other adult with a significant and long-standing relationship to the child;
 - (2) the placement of an adopted child by a licensed child-placing agency or the Department of Family and Protective Services;
 - (3) the temporary placement of an adopted child by the child's parent, managing conservator, or guardian for a designated short-term period with a specified intent and period for return of the child due to temporary circumstances, including:
 - (A) a vacation;
 - (B) a school-sponsored function or activity; or
 - (C) the incarceration, military service, medical treatment, or incapacity of the parent, managing conservator, or guardian;
 - (4) the placement of an adopted child in another state in accordance with the requirements of Subchapter B, Chapter 162, Family Code; or
 - (5) the voluntary delivery of an adopted child under Subchapter D, Chapter 262, Family Code.

Source: HB 1501

Eff. Date: 9/1/17 – applies to suits filed on or after effective date

§ 25.09(a). Advertising for Placement of Child—AMENDED

- (a) A person commits an offense if the person advertises in the public media that the person will place, ~~[a child for adoption or will]~~ provide, or obtain a child for adoption or any other form of permanent physical custody of the child.

Source: HB 834

Eff. Date: 9/1/17

PROPERTY CODE CODE

TITLE 4. ACTIONS AND REMEDIES

CHAPTER 24. FORCIBLE ENTRY AND DETAINER

**CHAPTER 24A. ACCESS TO RESIDENCE OR FORMER RESIDENCE TO RETRIEVE
PERSONAL PROPERTY-ADDED**

§ 24A.001. Definitions—AMENDED

- (1) "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.
- (2) "Family violence" has the meaning assigned by Section 71.004, Family Code.
- (3) "Peace [~~,-"peace]~~ officer" means a person listed under Article 2.12(1) or (2), Code of Criminal Procedure.

Source: SB 920

Eff. Date: 9/1/17- applies only to an application filed on or after the effective date of this Act

**§ 24A.002. Writ Authorizing Entry and Property Retrieval; Peace Officer to Accompany—
AMENDED**

- (a) If a person is unable to enter the person's residence or former residence to retrieve personal property belonging to the person or the person's dependent because the current occupant is denying the person entry, the person may apply to the justice court for a writ [~~an order~~] authorizing the person to enter the residence accompanied by a peace officer to retrieve specific items of personal property.
- (b) An application under Subsection (a) must:
- (1) certify that the applicant is unable to enter the residence because the current occupant of the residence:
 - (A) has denied the applicant access to the residence; or
 - (B) poses a clear and present danger of family violence to the applicant or the applicant's dependent;
 - (2) certify that, to the best of the applicant's knowledge, the applicant is not:
 - (A) the subject of an active protective order under Title 4, Family Code, a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, or another court order prohibiting entry to the residence; or
 - (B) otherwise prohibited by law from entering the residence;
 - (3) allege that the applicant or the applicant's [~~minor~~] dependent requires personal items located in the residence that are only of the following types:
 - (A) medical records;
 - (B) medicine and medical supplies;
 - (C) clothing;
 - (D) child-care items;
 - (E) legal or financial documents;
 - (F) checks or bank or credit cards in the name of the applicant;
 - (G) employment records; [~~or~~]
 - (H) personal identification documents; or
 - (I) copies of electronic records containing legal or financial documents;
 - (4) describe with specificity the items that the applicant intends to retrieve;
 - (5) allege that the applicant or the applicant's dependent will suffer personal harm if the items listed in the application are not retrieved promptly; and
 - (6) include a lease or other documentary evidence that shows the applicant is currently or was formerly authorized to occupy the residence.
- (c) Before the justice of the peace may issue a writ [~~an order~~] under this section, the applicant must execute a bond that:
- (1) has two or more good and sufficient non-corporate sureties or one corporate surety authorized to issue bonds in this state;
 - (2) is payable to the occupant of the residence;
 - (3) is in an amount required by the justice; and
 - (4) is conditioned on the applicant paying all damages and costs adjudged against the applicant for wrongful property retrieval.
- (d) The applicant shall deliver the bond to the justice of the peace issuing the writ [~~order~~] for the justice's approval. The bond shall be filed with the justice court.
- (e) On sufficient evidence of urgency and potential harm to the health and safety of any person and after sufficient notice to the current occupant and an opportunity to be heard, the justice of the peace may grant the application under this section and issue a writ [~~an order~~] authorizing the applicant to enter the residence accompanied by a peace officer and retrieve the property listed in the application if the justice of the peace finds that:

- (1) the applicant is unable to enter the residence because the current occupant of the residence has denied the applicant access to the residence to retrieve the applicant's personal property or the personal property of the applicant's dependent;
- (2) the applicant is not:
 - (A) the subject of an active protective order under Title 4, Family Code, a magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure, or another court order prohibiting entry to the residence; or
 - (B) otherwise prohibited by law from entering the residence;
- (3) there is a risk of personal harm to the applicant or the applicant's dependent if the items listed in the application are not retrieved promptly;
- (4) the applicant is currently or was formerly authorized to occupy the residence according to a lease or other documentary evidence; and
- (5) the current occupant received notice of the application and was provided an opportunity to appear before the court to contest the application.

Source: SB 920

Eff. Date: 9/1/17- applies only to an application filed on or after the effective date of this Act

§ 24A.0021. Temporary Ex Parte Writ Authorizing Entry and Property Retrieval—ADDED.

- (a) A justice of the peace may issue a writ under Section 24A.002 without providing notice and hearing under Section 24A.002(e)(5) if the justice finds at a hearing on the application that:
 - (1) the conditions of Sections 24A.002(e)(1)-(4) are established;
 - (2) the current occupant poses a clear and present danger of family violence to the applicant or the applicant's dependent; and
 - (3) the personal harm to be suffered by the applicant or the applicant's dependent will be immediate and irreparable if the application is not granted.
- (b) A justice of the peace issuing a writ under this section may waive the bond requirements under Sections 24A.002(c) and (d).
- (c) The justice of the peace may recess a hearing under Subsection (a) to notify the current occupant by telephone that the current occupant may attend the hearing or bring to the court the personal property listed in the application. The justice of the peace shall reconvene the hearing before 5 p.m. that day regardless of whether the current occupant attends the hearing or brings the personal property to the court.
- (d) A temporary ex parte writ issued under Subsection (a) must state the period, not to exceed five days, during which the writ is valid

Source: SB 920

Eff. Date: 9/1/17- applies only to an application filed on or after the effective date of this Act

§ 24A.003. Authorized Entry Procedures; Duties of Peace Officer—AMENDED

- (a) If the justice of the peace grants an application under Section 24A.002 or Section 24A.0021, a peace officer shall accompany and assist the applicant in making the authorized entry and retrieving the items of personal property listed in the application.
- (b) If the current occupant of the residence is present at the time of the entry, the peace officer shall provide the occupant with a copy of the writ ~~[court order]~~ authorizing the entry and property retrieval.
- (c) Before removing the property listed in the application from the residence, the applicant must submit all property retrieved to the peace officer assisting the applicant under this section to be invento-

ried. The peace officer shall create an inventory listing the items taken from the residence, provide a copy of the inventory to the applicant, provide a copy of the inventory to the current occupant or, if the current occupant is not present, leave the copy in a conspicuous place in the residence, and return the property to be removed from the residence to the applicant. The officer shall file the original inventory with the court that issued the writ [~~order~~] authorizing the entry and property retrieval.

Source: SB 920

Eff. Date: 9/1/17- applies only to an application filed on or after the effective date of this Act

§ 24A.004. Immunity from Liability—AMENDED

A landlord or a landlord's agent who permits or facilitates entry into a residence in accordance with a writ [~~court order~~] issued under this chapter is not civilly or criminally liable for an act or omission that arises in connection with permitting or facilitating the entry.

Source: SB 920

Eff. Date: 9/1/17- applies only to an application filed on or after the effective date of this Act

§ 24A.005(a)(c). Offense—AMENDED

- (a) A person commits an offense if the person interferes with a person or peace officer entering a residence and retrieving personal property under the authority of a writ [~~court order~~] issued under Section 24A.002 or 24A.0021.
- (c) It is a defense to prosecution under this section that the actor did not receive a copy of the writ [~~court order~~] or other notice that the entry or property retrieval was authorized.

Source: SB 920

Eff. Date: 9/1/17- applies only to an application filed on or after the effective date of this Act

§ 24A.006(a). Hearing; Review—AMENDED

- (a) The occupant of a residence that is the subject of a writ [~~court order~~] issued under Section 24A.002 or 24A.0021, not later than the 10th day after the date of the authorized entry, may file a complaint in the court that issued the writ [~~order~~] alleging that the applicant has appropriated property belonging to the occupant or the occupant's dependent.

Source: SB 920

Eff. Date: 9/1/17- applies only to an application filed on or after the effective date of this Act

THE TEXAS CONSTITUTION
ARTICLE 2. THE POWERS OF GOVERNMENT

§ 32. Section 1, Article II, of this constitution, the legislature may:

- (1) require a court in which a party to litigation files a petition, motion, or other pleading challenging the constitutionality of a statute of this state to provide notice to the attorney general of the challenge if the party raising the challenge notifies the court that the party is challenging the constitutionality of the statute; and
- (2) prescribe a reasonable period, which may not exceed 45 days, after the provision of that notice during which the court may not enter a judgment holding the statute unconstitutional.

Source: SJR 6

§ 32. Section 2. Temporary Provision

- (a) This temporary provision applies with respect to the constitutional amendment proposed by the 85th Legislature, Regular Session, 2017, authorizing the legislature to require a court to provide notice to the attorney general of a challenge to the constitutionality of a state statute and authorizing the legislature to prescribe a waiting period, not to exceed 45 days, before the court may enter a judgment holding the statute unconstitutional.

Source: SJR 6
