

- SUBJECT:** Prohibiting certain temporary orders in suits affecting children
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 7 ayes — Dutton, Dale, Biedermann, Cain, Moody, Schofield, Thierry  
0 nays
- WITNESSES:** For — William Morris, Texas Family Law Foundation; (*Registered, but did not testify*: Amy Bresnen and Steve Bresnen, Texas Family Law Foundation)  
Against — None  
On — (*Registered, but did not testify*: Sacha Jacobson)
- BACKGROUND:** Family Code, sec. 156.001 provides that a court with continuing, exclusive jurisdiction may modify an order that provides for the conservatorship, support, or possession of and access to a child. Section 156.006 prohibits temporary modifications that change which person has the right to designate the primary residence of a child under the final order unless the temporary order is in the best interest of the child and certain other conditions are met.
- DIGEST:** HB 1495 would extend the prohibition on temporary modifications regarding the primary residence of a child to include:
- creating a designation of the person who has the exclusive right to decide a child's primary residence; or
  - creating, changing, or eliminating a geographic area within which a conservator must maintain a child's primary residence.
- The bill would take effect September 1, 2017, and apply only to a suit pending on or after that date.
- SUPPORTERS SAY:** HB 1495 would clarify that a child's living arrangements should not be

disrupted lightly by prohibiting certain temporary modifications that could affect where a child may live. Current law prohibits only temporary orders that change a parental designation, and it does not explicitly address changing a geographic restriction. It is possible that parents may agree to a geographic restriction in an initial, final order without designating which parent has the exclusive right to determine the child's primary residence. This bill would help ensure that a child's living situation was not unnecessarily disrupted.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

A companion bill, SB 1235 by Rodríguez, was referred to the Senate State Affairs committee on March 13.