

## BILL ANALYSIS

Senate Research Center

H.B. 596  
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Jurisprudence  
5/11/2001  
Engrossed

**This analysis is based on the House Committee Report, which is the most recent version available to the Senate Research Center.**

### BACKGROUND AND PURPOSE

Numerous amendments to the Family Code have made it difficult to decipher which standard to apply when modifying conservatorship. H.B. 596 provides a uniform standard for modification of conservatorship, as well as providing penalties for conservators convicted of specified sexual offenses.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION

H.B. 596 amends the Family Code to modify provisions relating to a temporary order in a suit affecting the parent-child relationship.

H.B. 596 authorizes the court to render appropriate orders to allocate increased expenses on a fair and equitable basis, taking into account the cause of the increased expenses and the best interest of the child if a change in residence results in increased expenses for a party having possession of or access to a child. The bill provides that the payment of increased expenses by the party whose residence is changed is rebuttably presumed to be in the best interest of the child. The bill authorizes the court to render an order without regard to whether another change in the terms and conditions for the possession of or access to the child is made (Sec. 156.103).

H.B. 596 provides that the conviction or deferred adjudication for an offense involving sexual abuse, aggravated sexual abuse, or indecency with a child is sufficient to justify a temporary order and modification of an existing order that provides for the appointment of a conservator or possession of or access to a child. The bill provides that it is a Class B misdemeanor if a person files a motion to modify an order or portion of a decree based on the aforementioned grounds and the person knows that the conservator has not been convicted or received deferred adjudication for an offense of committing sexual abuse against or indecency with a child (Sec. 156.104).

H.B. 596 amends provisions that authorize the court to modify an order establishing conservatorship or possession and access to allow the modification of a portion of a decree (Sec. 156.101). The bill makes uniform references to a person who has the exclusive right to determine the primary residence of the child in provisions relating to temporary orders (Sec. 156.006, 156.101, 156.102, and 156.409).

H.B. 596 repeals provisions relating to voluntary relinquishment, modification from sole managing conservatorship to joint managing conservatorship, statutory change of circumstance, modification of joint managing conservatorship, and modification of possession of or access to a child (SECTION 8).

Effective date: September 1, 2001.