

CHAPTER 720

H.B. No. 614

AN ACT

relating to the appointment of a parent as managing conservator.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 14.01(b), Family Code, is amended to read as follows:

(b) A parent shall be appointed *sole* managing conservator *or both parents shall be appointed as joint managing conservators* of the child unless the court finds that appointment of the parent *or parents* would not be in the best interest of the child *because the appointment would significantly impair the child's physical health or emotional development*. In determining which parent to appoint as managing conservator, the court shall consider:

(1) the qualifications of the respective parents without regard to the sex of the parent; *and*

(2) *evidence of the intentional use of abusive physical force by a parent against his or her spouse or against any person younger than 18 years of age committed within a two-year period preceding the filing of the petition for divorce or annulment or during the pendency of the suit.*

SECTION 2. This Act takes effect September 1, 1987, and applies to a suit affecting the parent-child relationship commenced on or after that date. A suit affecting the parent-child relationship commenced before the effective date of this Act is governed by the law in effect at the time the suit was commenced, and that law is continued in effect for this purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 18, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 614 on May 30, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 29, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.