

- SUBJECT:** Revising penalties for the denial of possession of or access to a child
- COMMITTEE:** Judiciary & Civil Jurisprudence — favorable, without amendment
- VOTE:** 11 ayes — Leach, Johnson, Dutton, Dyson, Flores, J. González, Hayes, LaHood, Landgraf, Moody, Schofield
- 0 nays
- WITNESSES:** For — Brad LaMorgese, Texas Family Law Foundation (*Registered, but did not testify*); Amy Bresnen, Texas Family Law Foundation)
- Against — None
- BACKGROUND:** Concerns have been raised that frequent noncompliance by parents with respect to visitation orders or interference with the other parent’s visitation schedule can result in courts having to issue visitation enforcement orders.
- DIGEST:** HB 3181 would amend provisions related to a previous finding of contempt for a conservator’s denial of possession of or access to a child.
- Modification of an order.** HB 3181 would establish that a finding by a court that a conservator was in contempt of court for the denial of court-ordered possession of or access to a child and had previously been found in contempt of court for failure to provide possession or access would constitute a material and substantial change of circumstances sufficient to justify a temporary order and modification of an existing order related to the conservatorship.
- Enforcement orders.** The bill would prohibit a court from placing a respondent to an enforcement motion on community supervision and suspending commitment if the court found that the respondent was in contempt of court for the failure or refusal to obey an order for possession of or access to a child and had previously been found in contempt of court for such a failure.

A court could not waive the requirement that a respondent to an enforcement motion pay attorney's fees and costs if it found that the respondent had previously been found in contempt of court for the denial of court-ordered possession of or access to the child who was the subject of the proceeding.

Additional periods of possession or access. HB 3181 would require, rather than authorize, a court to order additional periods of possession of or access to a child to compensate for the denial of court-ordered possession or access unless a party showed good cause why the order should not be rendered. The bill would remove the condition that such denial of possession or access resulted from an investigation by the Department of Family and Protective Services (DFPS) that did not result in a finding of abuse or neglect. The bill would repeal a provision stating that the order for additional periods of possession or access would not create a cause of action against DFPS or waive sovereign immunity.

The additional periods of possession or access would be twice the duration of the periods of possession or access that were denied if the person had been previously found in contempt of court for the denial of possession or access to the child who was the subject of the proceeding.

The bill would take effect September 1, 2025.