

SENATE AMENDMENTS

2nd Printing

By: Dutton, Rodríguez Ramos

H.B. No. 2495

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain rights of the sole managing conservator of a
3 child in relation to the child's enrollment in school.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 153.132, Family Code, is amended to read
6 as follows:

7 Sec. 153.132. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE
8 MANAGING CONSERVATOR. Unless limited by court order, a parent
9 appointed as sole managing conservator of a child has the rights and
10 duties provided by Subchapter B and the following exclusive rights:

11 (1) the right to designate the primary residence of
12 the child;

13 (2) the right to consent to medical, dental, and
14 surgical treatment involving invasive procedures;

15 (3) the right to consent to psychiatric and
16 psychological treatment;

17 (4) the right to receive and give receipt for periodic
18 payments for the support of the child and to hold or disburse these
19 funds for the benefit of the child;

20 (5) the right to represent the child in legal action
21 and to make other decisions of substantial legal significance
22 concerning the child;

23 (6) the right to consent to marriage and to enlistment
24 in the armed forces of the United States;

1 (7) the right to make decisions concerning the child's
2 education;

3 (8) the right to designate the school the child will
4 attend and to enroll the child in the school, subject to any
5 eligibility or admissions requirements;

6 (9) the right to the services and earnings of the
7 child;

8 (10) [~~(9)~~] except when a guardian of the child's
9 estate or a guardian or attorney ad litem has been appointed for the
10 child, the right to act as an agent of the child in relation to the
11 child's estate if the child's action is required by a state, the
12 United States, or a foreign government; and

13 (11) [~~(10)~~] the right to:

14 (A) apply for a passport for the child;

15 (B) renew the child's passport; and

16 (C) maintain possession of the child's passport.

17 SECTION 2. Section 153.371, Family Code, is amended to read
18 as follows:

19 Sec. 153.371. RIGHTS AND DUTIES OF NONPARENT APPOINTED AS
20 SOLE MANAGING CONSERVATOR. Unless limited by court order or other
21 provisions of this chapter, a nonparent, a licensed child-placing
22 agency, or the Department of Family and Protective Services
23 appointed as a managing conservator of the child has the following
24 rights and duties:

25 (1) the right to have physical possession and to
26 direct the moral and religious training of the child;

27 (2) the duty of care, control, protection, and

1 reasonable discipline of the child;

2 (3) the duty to provide the child with clothing, food,
3 shelter, education, and medical, psychological, and dental care;

4 (4) the right to consent for the child to medical,
5 psychiatric, psychological, dental, and surgical treatment and to
6 have access to the child's medical records;

7 (5) the right to receive and give receipt for payments
8 for the support of the child and to hold or disburse funds for the
9 benefit of the child;

10 (6) the right to the services and earnings of the
11 child;

12 (7) the right to consent to marriage and to enlistment
13 in the armed forces of the United States;

14 (8) the right to represent the child in legal action
15 and to make other decisions of substantial legal significance
16 concerning the child;

17 (9) except when a guardian of the child's estate or a
18 guardian or attorney ad litem has been appointed for the child, the
19 right to act as an agent of the child in relation to the child's
20 estate if the child's action is required by a state, the United
21 States, or a foreign government;

22 (10) the right to designate the primary residence of
23 the child and to make decisions regarding the child's education;

24 (11) the right to designate the school the child will
25 attend and to enroll the child in the school, subject to any
26 eligibility or admissions requirements;

27 (12) if the parent-child relationship has been

1 terminated with respect to the parents, or only living parent, or if
2 there is no living parent, the right to consent to the adoption of
3 the child and to make any other decision concerning the child that a
4 parent could make; and

5 (13) [~~(12)~~] the right to:

6 (A) apply for a passport for the child;

7 (B) renew the child's passport; and

8 (C) maintain possession of the child's passport.

9 SECTION 3. The changes in law made by this Act to Sections
10 153.132 and 153.371, Family Code, apply only to a suit affecting the
11 parent-child relationship that is pending in a trial court on or
12 filed on or after the effective date of this Act.

13 SECTION 4. This Act takes effect September 1, 2025.

ADOPTED

MAY 22 2015

Sharon Chandler
Secretary of the Senate

Zaffirini

By: _____

H.B. No. 2495

Substitute the following for H.B. No. 2495:

By: *Michael D. ...*

C.S.H.B. No. 2495

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain rights of a child or a parent or the sole
3 managing conservator of a child in relation to the child's
4 enrollment in school.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 26.002, Education Code, is amended to
7 read as follows:

8 Sec. 26.002. DEFINITION. In this chapter, "parent"
9 includes a person standing in parental relation. The term does not
10 include a person as to whom the parent-child relationship has been
11 terminated or a person not entitled to possession of or access to a
12 child under a court order. Except as provided by federal law, all
13 rights of a parent under Title 2 of this code and all educational
14 rights under Sections [~~Section~~] 151.001(a)(10) and (11), Family
15 Code, shall be exercised by a student who is 18 years of age or older
16 or whose disabilities of minority have been removed for general
17 purposes under Chapter 31, Family Code, unless the student has been
18 determined to be incompetent or the student's rights have been
19 otherwise restricted by a court order.

20 SECTION 2. Section 31.006, Family Code, is amended to read
21 as follows:

22 Sec. 31.006. EFFECT OF GENERAL REMOVAL. Except for
23 specific constitutional and statutory age requirements, a minor
24 whose disabilities are removed for general purposes has the

1 capacity of an adult, including the capacity to contract. Except as
2 provided by federal law, all educational rights accorded to the
3 parent of a student, including the right to make education
4 decisions under Sections [~~Section~~] 151.001(a)(10) and (11),
5 transfer to the minor whose disabilities are removed for general
6 purposes.

7 SECTION 3. Section 151.001(a), Family Code, is amended to
8 read as follows:

9 (a) A parent of a child has the following rights and duties:

10 (1) the right to have physical possession, to direct
11 the moral and religious training, and to designate the residence of
12 the child;

13 (2) the duty of care, control, protection, and
14 reasonable discipline of the child;

15 (3) the duty to support the child, including providing
16 the child with clothing, food, shelter, medical and dental care,
17 and education;

18 (4) the duty, except when a guardian of the child's
19 estate has been appointed, to manage the estate of the child,
20 including the right as an agent of the child to act in relation to
21 the child's estate if the child's action is required by a state, the
22 United States, or a foreign government;

23 (5) except as provided by Section 264.0111, the right
24 to the services and earnings of the child;

25 (6) the right to consent to the child's marriage,
26 enlistment in the armed forces of the United States, medical and
27 dental care, and psychiatric, psychological, and surgical

1 treatment;

2 (7) the right to represent the child in legal action
3 and to make other decisions of substantial legal significance
4 concerning the child;

5 (8) the right to receive and give receipt for payments
6 for the support of the child and to hold or disburse funds for the
7 benefit of the child;

8 (9) the right to inherit from and through the child;

9 (10) the right to make decisions concerning the
10 child's education; [~~and~~]

11 (11) the right to designate the school the child will
12 attend and to enroll the child in the school, subject to any
13 eligibility or admissions requirements; and

14 (12) any other right or duty existing between a parent
15 and child by virtue of law.

16 SECTION 4. Section 153.132, Family Code, is amended to read
17 as follows:

18 Sec. 153.132. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE
19 MANAGING CONSERVATOR. Unless limited by court order, a parent
20 appointed as sole managing conservator of a child has the rights and
21 duties provided by Subchapter B and the following exclusive rights:

22 (1) the right to designate the primary residence of
23 the child;

24 (2) the right to consent to medical, dental, and
25 surgical treatment involving invasive procedures;

26 (3) the right to consent to psychiatric and
27 psychological treatment;

1 (4) the right to receive and give receipt for periodic
2 payments for the support of the child and to hold or disburse these
3 funds for the benefit of the child;

4 (5) the right to represent the child in legal action
5 and to make other decisions of substantial legal significance
6 concerning the child;

7 (6) the right to consent to marriage and to enlistment
8 in the armed forces of the United States;

9 (7) the right to make decisions concerning the child's
10 education;

11 (8) the right to designate the school the child will
12 attend and to enroll the child in the school, subject to any
13 eligibility or admissions requirements;

14 (9) the right to the services and earnings of the
15 child;

16 (10) [~~9~~] except when a guardian of the child's
17 estate or a guardian or attorney ad litem has been appointed for the
18 child, the right to act as an agent of the child in relation to the
19 child's estate if the child's action is required by a state, the
20 United States, or a foreign government; and

21 (11) [~~10~~] the right to:

22 (A) apply for a passport for the child;

23 (B) renew the child's passport; and

24 (C) maintain possession of the child's passport.

25 SECTION 5. Section 153.371, Family Code, is amended to read
26 as follows:

27 Sec. 153.371. RIGHTS AND DUTIES OF NONPARENT APPOINTED AS

1 SOLE MANAGING CONSERVATOR. Unless limited by court order or other
2 provisions of this chapter, a nonparent, a licensed child-placing
3 agency, or the Department of Family and Protective Services
4 appointed as a managing conservator of the child has the following
5 rights and duties:

6 (1) the right to have physical possession and to
7 direct the moral and religious training of the child;

8 (2) the duty of care, control, protection, and
9 reasonable discipline of the child;

10 (3) the duty to provide the child with clothing, food,
11 shelter, education, and medical, psychological, and dental care;

12 (4) the right to consent for the child to medical,
13 psychiatric, psychological, dental, and surgical treatment and to
14 have access to the child's medical records;

15 (5) the right to receive and give receipt for payments
16 for the support of the child and to hold or disburse funds for the
17 benefit of the child;

18 (6) the right to the services and earnings of the
19 child;

20 (7) the right to consent to marriage and to enlistment
21 in the armed forces of the United States;

22 (8) the right to represent the child in legal action
23 and to make other decisions of substantial legal significance
24 concerning the child;

25 (9) except when a guardian of the child's estate or a
26 guardian or attorney ad litem has been appointed for the child, the
27 right to act as an agent of the child in relation to the child's

1 estate if the child's action is required by a state, the United
2 States, or a foreign government;

3 (10) the right to designate the primary residence of
4 the child and to make decisions regarding the child's education;

5 (11) the right to designate the school the child will
6 attend and to enroll the child in the school, subject to any
7 eligibility or admissions requirements;

8 (12) if the parent-child relationship has been
9 terminated with respect to the parents, or only living parent, or if
10 there is no living parent, the right to consent to the adoption of
11 the child and to make any other decision concerning the child that a
12 parent could make; and

13 (13) [~~(12)~~] the right to:

14 (A) apply for a passport for the child;

15 (B) renew the child's passport; and

16 (C) maintain possession of the child's passport.

17 SECTION 6. The changes in law made by this Act to Sections
18 153.132 and 153.371, Family Code, apply only to a suit affecting the
19 parent-child relationship that is pending in a trial court on or
20 filed on or after the effective date of this Act.

21 SECTION 7. This Act takes effect September 1, 2025.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 22, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2495 by Dutton (Relating to certain rights of a child or a parent or the sole managing conservator of a child in relation to the child's enrollment in school.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would allow a parent, a non-parent, a licensed child placing agency, or the Department of Family and Protective Services appointed as sole managing conservator of the child, the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirement.

It is assumed any costs to the Department of Family and Protective Services, the Office of Court Administration, and the Texas Education Agency could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

LBB Staff: JMc, SD, KDw, AN, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 15, 2025

TO: Honorable Bryan Hughes, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2495 by Dutton (relating to certain rights of a child or a parent or the sole managing conservator of a child in relation to the child's enrollment in school.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would allow a parent, a non-parent, a licensed child placing agency, or the Department of Family and Protective Services appointed as sole managing conservator of the child, the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirement.

It is assumed any costs to the Department of Family and Protective Services, the Office of Court Administration, and the Texas Education Agency could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

LBB Staff: JMc, KDw, AN, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 13, 2025

TO: Honorable Bryan Hughes, Chair, Senate Committee on Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2495 by Dutton (Relating to certain rights of the sole managing conservator of a child in relation to the child's enrollment in school.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would allow a parent, a non-parent, a licensed child placing agency, or the Department of Family and Protective Services appointed as sole managing conservator of the child, the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirement.

It is assumed any costs to the Department of Family and Protective Services and the Office of Court Administration could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

LBB Staff: JMc, KDw, AN, ER

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 27, 2025

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2495 by Dutton (Relating to certain rights of the sole managing conservator of a child in relation to the child's enrollment in school.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would allow a parent, a non-parent, a licensed child placing agency, or the Department of Family and Protective Services appointed as sole managing conservator of the child, the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirement.

It is assumed any costs to the Department of Family and Protective Services and the Office of Court Administration could be absorbed within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 530 Family and Protective Services, Department of

LBB Staff: JMc, KDw, ER, AN