

BILL ANALYSIS

Senate Research Center

H.B. 1336
By: Wise (Zaffirini)
Jurisprudence
5-13-97
Engrossed

DIGEST

Currently, state child abuse and neglect laws authorize child protective services caseworkers and, in most instances, law enforcement officers to take a child into emergency custody when a child is in imminent danger of being physically or sexually abused. Additionally, some state domestic violence laws authorize court orders to be issued to protect a child, but others do not. This bill will provide regulations regarding the emergency protection of children and the issuance of a legislative continuance in an action for a protective order.

PURPOSE

As proposed, H.B. 1336 provides regulations regarding the emergency protection of children and the issuance of a legislative continuance in an action for a protective order

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 262.101, Family Code, to require a petition or affidavit filed by a governmental entity requesting permission to take possession of a child in an emergency to state facts sufficient to satisfy a person of ordinary prudence and caution that the child has been a victim of neglect, among other requirements.

SECTION 2. Amends Section 262.102, Family Code, by adding Subsection (c), to require the court to render a temporary order under Chapter 71 for the protection of the child if, based on the recommendation of or a request by the Texas Department of Protective and Regulatory Services (DPRS), the court finds that the child abuse or neglect has occurred and that the child requires protection from family violence by a member of the child's family or household. Defines "family violence."

SECTION 3. Amends Section 262.201(c), Family Code, to require the court to render a protective order under Chapter 71 for the child, if the court finds that the child requires protection from family violence by a member of the child's family or household. Defines "family violence."

SECTION 4. Amends Section 71.09(a), Family Code, to provide that, if a proceeding for which a legislative continuance is sought under Section 30.003, Civil Practice and Remedies Code, includes an application for a protective order authorized by this code, the continuance is discretionary with the court.

SECTION 5. Emergency clause.
Effective date: upon passage.