

BILL ANALYSIS

Senate Research Center

H.B. 2215
By: Staples (Madla)
Jurisprudence
5-16-97
Committee Report (Amended)

DIGEST

Currently, Texas law allows a court to order family counseling in cases of conservatorship or possession of or access to a child, when the parties are found to have a history of conflict in resolving such issues. However, the statute does not specify the criteria of the counselors who will be appointed or when this order can be initiated. H.B. 2215 would set forth specific criteria regarding a person who may provide counseling to the parties in such cases.

PURPOSE

As proposed, H.B. 2215 authorizes the court in cases of conservatorship or possession of or access to a child, when the parties have a history of conflict in resolving the issue, to order a party to participate in counseling with a mental health professional with certain qualifications.

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 153.010, Family Code, to authorize the court, if the court finds at the time of a hearing that the parties have a history of conflict in resolving an issue of conservatorship or possession of or access to the child, to order a party to participate in counseling with a mental health professional who has a background in family therapy, a mental health license that requires as a minimum a master's degree, and has training in domestic violence if the court determines that the training is relevant to the type of counseling needed; rather than order a party to participate in counseling with a person appointed by the court. Authorizes the court, if a person possessing the requirements of Subsection (a)(1) is not available in the county in which the court presides, to appoint a person the court believes is qualified to conduct the counseling ordered under Subsection (a).

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 1, line 7, insert "(a)" between "COUNSELING" and "If".

Page 1, line 16, insert "if the court determines that the training is relevant to the type of counseling needed" between "violence" and "[person]".

Page 1, between lines 18 and 19, insert Subsection (b).