

BILL ANALYSIS

Senate Research Center

H.B. 2488
By: Staples (Shapiro)
Jurisprudence
5-14-97
Engrossed

DIGEST

Currently, when conservatorship is at issue, the Family Code mandates the court, on the request of a party, to interview a child 12 years old or older, and permits the court to interview a child less than 12 years of age. Additionally, on a party's or the court's motion, the Family Code mandates the court to make a record of the interview when a child is 12 years old or older. This bill would lower the age from 12 to 10 in order to make Title 5, Family Code, entitled Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship, consistent with Title 3, Family Code, entitled Juvenile Justice Code.

PURPOSE

As proposed, H.B. 2488 amends Title 5, Family Code, entitled Parent-Child Relationship and the Suit Affecting the Parent Child Relationship, in regard to the interview of a child in chambers in a suit affecting the parent-child relationship.

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 153.009(b) and (d), Family Code, to require the court, when the issue of managing conservatorship is contested, on the application of a party, to interview a child 10, rather than 12, years of age or older and may interview a child under 10 years of age. Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.