

BILL ANALYSIS

Senate Research Center

H.B. 2615
By: Mowery (Moncrief)
Jurisprudence
5-18-97
Committee Report (Amended)

DIGEST

There is an increasing number of allegations of child abuse or neglect during the pendency of a suit affecting the parent-child relationship which are either false or lack a factual foundation. These false allegations have resulted in increased caseloads for the Texas Department of Protective and Regulatory Services workers and forced its investigators to spend time on these cases, creating a situation in which cases with actual merit cannot be given the attention they deserve. While current law provides that sanctions may be given where false allegations have been made, few sanctions have been levied due in part to the fact that prosecutors are reluctant to pursue enforcement where no affirmative finding has been made at the trial court level in a suit affecting the parent-child relationship. This bill will provide regulations regarding certain findings concerning an allegation of child abuse or neglect in a suit affecting the parent-child relationship.

PURPOSE

As proposed, H.B. 2615 provides regulations regarding certain findings concerning an allegation of child abuse or neglect 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 105.006, Family Code, by adding Subsection (f), to authorize the court to include in a final order in a suit in which a party to the suit makes an allegation of child abuse or neglect a finding on whether the party who made the allegation knew that the allegation was false or lacked factual foundation. Authorizes the court to impose on a party found to have made a false allegation of child abuse or neglect any sanction permitted under law, including attorneys fees, costs of experts, and any other costs.

SECTION 2. Amends Section 153.013, Family Code, by adding Subsection (c), to require the court to impose a civil penalty not to exceed \$500 if the court makes a finding under Subsection (a).

SECTION 3. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

On page 1, line 12, between "law" and the period, insert the following:

","including attorneys fees, costs of experts, and any other costs".