

BILL ANALYSIS

Senate Research Center

S.B. 1384
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Jurisprudence
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As Filed

DIGEST

Children of parents undergoing the process of divorce must cope with many issues. In an attempt to help these children and their parents, a few states and counties have established a court-ordered seminar to educate parents and to minimize the pain children and parents go through during the process of divorce. This bill would establish a court-ordered seminar to educate parents involved in divorce actions, and would require the seminar to address the issues confronting children who are the subject of divorce, custody and child support litigation.

PURPOSE

As proposed, S.B. 1384 establishes a court-ordered seminar to educate parents involved in divorce actions; requires the seminar to address the issues confronting children who are the subject of divorce, custody and child support litigation.

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 3.54, Family Code, by adding Subsection (f), to authorize the court, after a petition for divorce is filed to dissolve a marriage in which the parties to the marriage are the parents of a child under 18 years of age born or adopted during the marriage, to direct each party to attend a divorce and children education seminar as provided by Section 3.545. Provides that a requirement that the parties attend a divorce and children education seminar does not exempt the parties from the counseling provision of Subsection (a).

SECTION 2. Amends Chapter 3C, Family Code, by adding Section 3.545, as follows:

Sec. 3.545. DIVORCE AND CHILDREN EDUCATION SEMINAR. (a) Requires a divorce and children education seminar to address issues that confront children who are the subject of a suit affecting the parent-child relationship.

(b) Requires a seminar that satisfies the requirement of this section to be offered by a licensed professional counselor, a licensed marriage and family therapist, a licensed psychiatrist, a licensed psychologist, or a person designated as a program counselor by, or a clergyman of, a church or other religious institution. Requires the court in which a petition for divorce or suit affecting the parent-child relationship is pending to provide a list of persons in the county in which the court is located who provide counseling services that satisfy the requirements of this section.

(c) Requires a person required to complete a seminar under this section to pay a fee established by the court in which the petition for divorce or suit affecting the parent-child relationship is pending.

(d) Requires a person who provides a seminar under this section to issue a certificate of completion to each person who completes the seminar.

(e) Prohibits the court, if the court has ordered participation in a seminar under this section, from granting a divorce for parties until each party submits to the court a certification of completion of a required divorce and children education seminar.

(f) Authorizes the court, on a party's failure to attend or complete a seminar that the party is required to attend under this section, to take appropriate action.

(g) Prohibits a person who has attended a seminar under this section from being required to attend another seminar before the fifth anniversary of the date the person completes the seminar.

SECTION 3. Amends Chapter 153A, Family Code, by adding Section 153.0025, as follows:

Sec. 153.0025. EDUCATION REGARDING EFFECT OF SUIT ON CHILDREN. (a) Authorizes the court, except as provided by Subsection (d), in a suit affecting the parent-child relationship, to order a party to the suit to attend a divorce and children education seminar under Section 3.545 regarding the effect of suits affecting the parent-child relationship on children.

(b) Authorizes the court, on a party's failure to attend or complete a seminar that the party is ordered to attend under this section, to take appropriate action.

(c) Authorizes a court ordering a party to attend a seminar under this section to order the party to pay a reasonable fee set by the court for the seminar.

(d) Prohibits a court from ordering a party to attend a seminar under this section if the proceeding was brought by the Department of Protective and Regulatory Services, the office of the attorney general, or a party seeking a protective order under Chapter 71.

SECTION 4. Effective date: September 1, 1997.

Makes application of this Act prospective.

SECTION 5. Emergency clause.