

BILL ANALYSIS

Senate Research Center

S.B. 799
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Jurisprudence
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As Filed

DIGEST

Currently, a jury verdict for managing conservatorship does not tell the court where the child will live. This leaves the situation in which a jury renders a verdict for joint managing conservatorship, but the court can decide who will determine the primary residence of the child. Thus, a court may render a decision which thwarts the will of the jury. S.B. 799 establishes that the jury will decide who has conservatorship or primary residency of the child.

PURPOSE

As proposed, S.B. 799 establishes that the jury in suits affecting the child -parent relationship will decide who has conservatorship or primary residency of the child.

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 105.002, Family Code, by amending Subsection (c) and adding Subsection (d), as follows:

(c) Sets forth the issues that a jury is to decide upon and that a party is entitled to in a jury trial. Provides that a party is not entitled to a jury verdict. Authorizes the court to submit to the jury, an issue described by Subdivision (2). Deletes a provision prohibiting a court from rendering certain orders.

(d) Prohibits the court from contravening a jury verdict on an issue submitted under Subsection (c)(1). Provides that a jury verdict under Subsection (c)(3) is advisory only.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.