

BILL ANALYSIS

Senate Research Center

H.B. 1411
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Jurisprudence
4/30/1999
Engrossed

DIGEST

Currently, the Family Code prohibits the appointment of a parent with a history of family violence as a joint managing conservator. However, sole managing conservatorship may be awarded to a parent with a history of family violence. H.B. 1411 would limit a court's ability to award sole managing conservatorship or unrestricted visitation to a parent with a recent history of family violence and authorizes a court to enter visitation orders that protect children and victims of family violence.

PURPOSE

As proposed, H.B. 1411 prohibits certain appointments to a conservatorship of certain children.

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 Chapter 101, Family Code, by adding Section 101.0125, as follows:

Sec. 101.0125. FAMILY VIOLENCE. Defines "family violence."

SECTION 2. Amends Section 153.001(a), Family Code, to provide that the public policy of the state is to provide a safe, stable environment for a child.

SECTION 3. Amends Section 153.004, Family Code, to prohibit a court from appointing as a sole managing conservator of a child a parent who has a history of committing family violence during the past two years, except under certain conditions. Prohibits the court from allowing a parent with a history of violence from having access to the child unless the court makes certain findings. Deletes the requirement that the court consider the commission of family violence in determining whether to award the possession of a child to a parent.

SECTION 4. (a) Effective date: September 1, 1999. Makes application of this Act prospective.

(b) Provides that the enactment of this Act does not constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the effective date of this Act.

SECTION 5. Emergency clause.