

BILL ANALYSIS

Senate Research Center
77R2995 JMM-D

S.B. 700
By: Ellis, Rodney
Jurisprudence
4/18/2001
Committee Report (Amended)

DIGEST AND PURPOSE

S.B. 700 amends the Family Code to improve the enforcement of child custody orders.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 232, Family Code, as follows:

CHAPTER 232. New heading: SUSPENSION OF LICENSE

SECTION 2. Amends Section 232.003, Family Code, to authorize a court to issue an order suspending license as provided by this chapter for an individual for whom a court has rendered an enforcement order under Chapter 157 finding that the individual has failed to comply with the terms of a court order providing for the possession of or access to a child.

SECTION 3. Amends Section 232.005, Family Code, to require a petition under this chapter to state that license suspension is required under Section 232.003 and make certain allegations, including the amount of arrearages owed under the child support order or the facts associated with the individual's failure to comply with the terms of a court order providing for the possession of or access to a child. Authorizes a petition for suspension under Section 232.003(c) to include as an attachment a copy of the enforcement order rendered under Chapter 157 describing the manner in which the individual was found to have not complied with the terms of a court order providing for the possession of or access to a child and the court order containing the provisions that the individual was found to have violated.

SECTION 4. Amends Section 232.008, Family Code, to require the court or Title IV-D agency, on making the findings required by Section 232.003, to render an order suspending the license unless the individual shows good cause for failure to comply with the subpoena or the terms of the court order providing for the possession of or access to a child. Authorizes the court or Title IV-D agency to stay an order suspending a license conditioned on the individual's compliance with the requirements of any court order pertaining to the possession of or access to a child.

SECTION 5. Amends Section 232.012, Family Code, to authorize the obligee, support enforcement agency, court, or Title IV-D agency to file a motion to revoke the stay of an order suspending license if the individual who is subject of an order suspending license does not comply with the terms of any court order pertaining to the possession of or access to a child. Requires a motion to revoke stay to allege the manner in which the individual failed to comply with the court order pertaining to possession of or access to a child. Makes a conforming change.

SECTION 6. Amends Section 232.013, Family Code, to authorize the court or Title IV-D agency to render an order vacating or staying an order suspending license if the individual has complied with the

terms of any court order providing for the possession of or access to a child.

SECTION 7. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Strikes “or the Title IV-D agency” in SECTION 2.

Replaces “or the court order” with “or the court order pertaining to possession of or access to a child” in two places in SECTION 5.