

BILL ANALYSIS

Senate Research Center
79R5567 MCK-D

H.B. 270
By: Farrar (Zaffirini)
Jurisprudence
5/16/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current state law does not allow siblings the right to file suit requesting visitation with each other. However, siblings can provide a stable link for one another when situations like divorce, death, incarceration of a parent, or foster care separates them.

H.B. 270 allows an adult sibling to file a suit for visitation of a younger sibling placed in foster care.

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 102, Family Code, by adding Section 102.0045, as follows:

Sec. 102.0045. STANDING FOR SIBLING. (a) Authorizes a sibling of a child to file an original suit requesting access to the child if the sibling is at least 18 years of age.

(b) Provides that access to a child by a sibling of the child is governed by the standards established in Subchapter J, Chapter 153.

SECTION 2. Amends Chapter 153, Family Code, by adding Subchapter J, as follows:

SUBCHAPTER J. RIGHTS OF SIBLINGS

Sec. 153.551. SUIT FOR ACCESS. (a) Authorizes the sibling of a child who is separated from the child because of an action taken by the Department of Family and Protective Services to request access to the child by filing an original suit or a suit for modification.

(b) Authorizes the sibling of a child to request access to the child in a suit filed for the sole purpose of requesting the relief, without regard to whether the appointment of a managing conservator is an issue in the suit.

Sec. 153.552. ACCESS TO SIBLING. Requires the court to order reasonable access to a child by the child's sibling if the court finds that access is in the best interest of the child.

SECTION 3. Effective date: September 1, 2005.