

BILL ANALYSIS

Senate Research Center
87R812 MM-F

H.B. 868
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, if a jury designates a parent to be a joint managing conservator, the jury may impose certain geographic restrictions. The law is silent, however, regarding a jury's ability to impose a geographic restriction on a sole managing conservator, resulting in courts instituting such restrictions inconsistently.

H.B. 868 would clarify that juries may impose a geographic restriction when a parent is designated as a joint managing conservator or a sole managing conservator.

H.B. 868 amends current law relating to the jury charge and jury findings in a suit affecting the parent-child relationship.

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 Section 105.002(c), Family Code, as follows:

(c) Provides that in a jury trial:

(1) a party is entitled to a verdict by the jury and the court is prohibited from contravening a jury verdict on the issues of:

(A) - (C) makes no changes to these paragraphs;

(D) the determination of which joint managing conservator has the exclusive right to designate the primary residence of the child;

(E) the determination of whether to impose a restriction on the geographic area in which a sole managing conservator or joint managing conservator is authorized to designate the child's primary residence; and

(F) if a restriction described by Paragraph (E) is imposed, the determination of the geographic area within which the sole managing conservator or joint managing conservator is required to designate the child's primary residence; and

(2) the court is prohibited from submitting to the jury questions on the issues of:

(A) and (B) makes no changes to these paragraphs;

(C) any right or duty of a conservator, other than a determination under Subdivision (1)(D), (E), or (F), rather than other than the determination of which joint managing conservator has the exclusive right to designate the primary residence of the child under Subdivision (1) (A).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.