

BILL ANALYSIS

H.B. 1833
By: Goodman
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In a suit effecting the parent child relationship, the Texas Family Code provides the ability for a judge to order visitation services in the form of supervised visits and supervised exchanges. Texas Family Code, Section 153.004(e) states that, "It is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation with the child if credible evidence is presented of a history or pattern of past or present child neglect or physical or sexual abuse by that parent directed against the other parent, a spouse, or a child." In cases where there is no allegation of abuse or neglect, but the parents are highly conflicted, parents are often ordered to use a neutral exchange site in order to minimize conflict. Some counties rely on local non-profit organizations to offer these services. However, this can be difficult when a local non-profit organization has trouble sustaining their funding through the collection of fees and fund-raising activities.

Texas Family Code, Section 153.014 authorizes counties to "establish a visitation center or a visitation exchange facility for the purpose of facilitating the terms of a court order providing for the possession of or access to a child." Texas Family Code, Section 203.004(a)(11), states that a domestic relations office may "provide, directly or through a contract, visitation services, including supervision of court-ordered visitation, visitation exchange, or other similar services." Moreover, this bill has not provided a specific means for a county with a Domestic Relations Office to fund these services.

House Bill 1833 would allow a county Domestic Relations Office to add an initial filing fee, not to exceed \$15, on the filing of a suit and to charge reasonable fees for services offered. These additional fees for visitation services are strictly a local county option. The first is a permissive filing fee limited to counties providing visitation services and is discretionary as to imposition and amount. The second tier is a user fee. A reasonable fee can and should allow for a sliding scale and limitation. The base fee allows the county to provide the service and without it, the user fee may well be prohibitive in many cases. The fees are to make these services available and to facilitate, not burden, the use of visitation services. These fees must be approved by the administering entity of the Domestic Relations Office before they can be assessed. The administering entity differs from county to county and may be the juvenile board, the district judges, the county commissioner's court or other.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Family Code Section 203.005(a) to authorize a county, through the Domestic Relations Office, to assess a filing fee and/or a reasonable fee for services if the Domestic Relations Office provides, directly or through a contract, visitation services, including supervision of court-ordered visitation, visitation exchange, or other similar services.

SECTION 2. This Act takes effect September 1, 2003.

EFFECTIVE DATE

September 1, 2003.