

BILL ANALYSIS

H.B. 2099
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Amended)

BACKGROUND AND PURPOSE

Currently, it is unclear whether the issuance of a family violence protective order may constitute credible evidence of a history or pattern of domestic violence for child custody purposes under the Texas Family Code. Often victims of domestic violence are forced to re-litigate evidence of family violence previously determined in a family violence protective order.

House Bill 2099 resolves the issue by requiring consideration of a family violence protective order in custody proceedings. Moreover, the bill will assist victims of domestic violence who may be unable to afford or obtain legal representation in family law matters subsequent to a protective order proceeding. Lastly, the bill will prevent duplicative litigation and conserve judicial resources.

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 Section 153.004, Family Code, by adding Subsection (f) which provides for consideration of an protective order rendered under Chapter 85, Title 4 against the parent during the two-year period preceding the filing of the suit or during the pendency of the suit for a determination of credible evidence of a history or pattern of past or present child neglect or physical or sexual abuse by a parent directed against the other parent, a spouse, or a child.
- Section 2.** This Act takes effect September 1, 2003, and applies only to an order in a suit affecting the parent-child relationship rendered on or after that date, without regard to whether the suit was filed before, on, or after that date.
- Section 3.** The enactment of this Act does not by itself 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.

EFFECTIVE DATE

September 1, 2003.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 provides for consideration of an protective order rendered under Chapter 85, against the parent during the two-year period preceding the filing of the suit or,

during the pendency of the suit for a determination of credible evidence of a history or pattern of past or present child neglect or physical or sexual abuse by a parent directed against the other parent, a spouse, or a child.