

BILL ANALYSIS

H.B. 1181
By: Dutton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 411.1285 of the Government Code provides for Domestic Relations Offices, created under Chapter 203 of the Family Code, to obtain criminal history records from the Texas Department of Public Safety, regarding persons who are the subject of a social study under Subchapter D, Chapter 107, Family Code.

However, if an employee of a Domestic Relations Office is appointed as a guardian ad litem in a termination of parental rights case or a contested custody case they don't have specific legislative authority to obtain a criminal history record from the Texas Department of Public Safety. Moreover, it is essential, that the guardian ad litem be able to attain access to these records so as to have as much information as possible in determining the best interest of the child(ren).

House Bill 1181 would allow for the inclusion of a guardian ad litem who is conducting a custody evaluation, an evaluation for a termination of parental rights, an investigation regarding a change in custody or a change in access and possession to have access to a parties' criminal history record.

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.

ANALYSIS

SECTION 1. Amends Section 411.1285 (a) of the Government Code to provide that a domestic relations office created under Chapter 203 of the Family Code, is entitled to obtain from the department criminal history record information that relates to a person who is a party to a proceeding in which the domestic relations office has been appointed guardian ad litem for a child; or ordered to conduct a social study under Subchapter D, Chapter 107 of the Family Code.

SECTION 2. The change in law made by this Act applies to a suit affecting the parent-child relationship pending in a trial court on or filed on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2005.

EFFECTIVE DATE

September 1, 2005