

By: Nelson

S.B. No. 55

A BILL TO BE ENTITLED

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AN ACT

relating to protective orders when family violence occurs between minors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (c), Section 82.002, Family Code, is amended to read as follows:

(c) Any adult may apply for a protective order to protect a child from family violence under Section 71.004 (1), (2) or (3). With regard to family violence under Section 71.004(3) where both parties are children 14 years or older, a child may be subject to a protective order as a respondent, provided service of the child and the child's parent, legal guardian or person having physical custody, care and supervision of the child is effected by the procedure set out in Section 82.043 (f)

SECTION 2. Subsection (f), Section 82.043, Family Code, is added to read as follows:

(f) Service of notice of an application for a protective order in which a child 14 years or older is the respondent under Section 82.002 (c) must be served on:

(1) the child named as respondent in the application;
and

(2) the child's parent, legal guardian or any person having physical custody, care and supervision of the child.

Service of the application must require the persons served to

1 appear before the court at the time set to respond. The court shall
2 require the person having physical custody or control of the child
3 to bring the child to the hearing.

4 SECTION 3. This act takes effect September 1, 2005.