

BILL ANALYSIS

H.B. 585
By: Laubenberg
Judiciary
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, state law requires child custody cases to be handled in family courts. When a disabled child reaches adult age, custodial parents must seek a guardianship for the continued care of an incapacitated child, but cannot do so in a family court. Only probate courts have jurisdiction over adult guardianships. State law prohibits transferring child custody cases from family court to another court's jurisdiction, even after a child becomes an adult. This could prevent the appointment of a guardian in an appropriate case.

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

The bill amends the Family Code and Probate Code to provide that notwithstanding the family court's continuing exclusive jurisdiction over a suit affecting the parent child relationship, a probate court may exercise jurisdiction in a guardianship proceeding regarding the person when the person is an adult.

EFFECTIVE DATE

Immediately on receipt of required vote; otherwise September 1, 2007.