

BILL ANALYSIS

C.S.H.B. 1575

By: Dutton
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Chapter 203 of the Family Code provides the framework for the establishment, administration, powers, duties, fees and charges of a county Domestic Relations Office (DRO). Not only do DROs serve the families of Texas by focusing on the needs of children involved in family litigation, domestic relations offices also provide a variety of services; including alternative dispute resolution, access and visitation enforcement, appointments as guardian ad litem, social study investigations, parenting coordination, parent education and child support services in the District, Juvenile and IV-D Courts. Additionally, a large portion of DRO services are provided in the midst of or after high conflict litigation.

Chapter 203 of the Family Code is generally updated approximately every four years. C.S.H.B.1575 provides amendments to Chapter 203 which reflect changes to other Texas statutes, that update terminology and reflect delivery of service.

Moreover, DROs currently have access to criminal history records for custody and adoption social study investigations as well as guardian ad litem appointments. C.S.H.B.1575 ensures that children are secure and safe while in the care of individuals seeking access and visitation services by expanding access to those criminal history records. This is particularly critical if it is determined that the individual has a history of child abuse or domestic violence.

Lastly, C.S.H.B.1575 seeks to ensure the use of appropriate terminology, codify existing services and finally, ensure the safety and well being of children.

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

Amends Section 203.004(a) of the Family Code to ensure standardized language and update service delivery. The term 'mediation' is replaced with 'alternative dispute resolution' to ensure the use of appropriate terminology. Additionally, allows for the utilization parenting coordinator services under Chapter 153 of the Family Code.

Amends Section 203.005(a) of the Family Code by authorizing a domestic relations office to assess and collect a reasonable fee for parenting coordinator and alternative dispute resolution services.

Further amends Section 203.007(a) and (b) of the Family Code by eliminating the words 'possessory' and 'managing' before conservatorship to update the statutes terminology and to ensure that all types of conservatorship are included. Also, provides that a domestic relations office may obtain records relating to a person who has court-ordered possession of a child or who has filed suit to adopt a child, and records relating to a person's criminal history record information.

Finally, amends Section 411.1285(a) of the Government Code to ensure that a domestic relations office can obtain from the department criminal history information that relates to a person who is a party to a proceeding where a domestic relations office has been requested to enforce a court

order for possession of and access to a child as provided by Section 203.004(a)(3)(B) of the Family Code.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B.1575 modifies the original H.B.1575 by providing that a domestic relations office can obtain from the department criminal history information that relates to a person who is a party to a proceeding where a domestic relations office has been requested to enforce a court order for possession of and access to a child as provided by Section 203.004(a)(3)(B) of the Family Code.