

BILL ANALYSIS

H.B. 3187
By: Callegari
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

House Bill 3187 provides that if a court's custody order requires joint managing conservatorship, and a divorce was granted on the grounds of cruel treatment, then the battered party shall not have a restriction on the geographical area in which that parent may establish the child's primary residence. Although current law does not provide for this, H.B.3187 would authorize a court to remove any geographic restrictions in which a conservator may establish a child's primary residence if that parent cannot find suitable work within one year or must relocate for military service.

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 153.133 of the Family Code by adding Subsection (c) to prohibit a court from rendering an order establishing a geographic area against a conservator with the right to determine the child's primary residence from living in a certain area if that conservator is granted a divorce from the child's other parent on the ground of cruelty.

Amends Section 153.134 of the Family Code by adding Subsection (c) to prohibit a court from ordering a conservator with the right to determine the child's primary residence from living in a certain areas if that conservator is granted a divorce from the child's other parent on the ground of cruelty.

Adds Section 153.1011 to the Family Code to authorize the modification of a court order requiring that a conservator with the right to determine a child's primary residence to live in a certain area if that conservator is unable to find suitable employment within that area within one year or is required to relocate on account of military service.

Contains transition language applying changes made to Section 153.133 and Section 153.134, Family Code, to court orders appointing joint managing conservators on or after the Act's effective date.

Lastly, contains transition language applying changes made by Section 153.1011, Family Code, to lawsuits affecting parent-child relationships pending on the effective date or filed on or after that date.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.