

BILL ANALYSIS

Senate Research Center

H.B. 2367
By: Parker, Hochberg (Uresti)
Jurisprudence
5/10/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that if a court order for possession of or access to a child is not in place, a parent of the child can sometimes unjustly deprive the child's other parent of his or her parental rights by taking a child without the other parent's knowledge or purposefully not allowing the other parent to see and otherwise communicate with the child. Some states have enacted legislation to ensure that one parent's custodial rights do not interfere with another party's lawful custodial rights to that child.

Recognizing the severity of this issue, H.B. 2367 establishes an appointed advisory panel to study and make recommendations to the legislature relating to a parent's right to possession of or access to the parent's child under certain circumstances.

H.B. 2367 amends current law relating to the creation of an advisory panel to study certain parental rights relating to possession of or access to the parent's child.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. PARENTAL RIGHTS ADVISORY PANEL. (a) Provides that the Parental Rights Advisory Panel (panel) is established to study and provide recommendations to the legislature regarding a parent's right to possession of or access to the parent's child, including interference with that right by the other parent, when:

(1) no court order for possession of or access to a child is in effect or pending;
and

(2) the party allegedly interfering with the rights of a parent is not aware of any plans by the parent to seek an order for possession of or access to a child.

(b) Requires the panel to specifically address the desirability of potential Texas legislation:

(1) clarifying a parent's rights to possession of or access to the parent's child in the absence of a current or pending court order for possession of or access to the child;

(2) creating the offense of depriving a parent of possession of or access to the parent's child in the absence of a current or pending court order for possession of or access to the child;

(3) implementing measures that allow for the establishment of orders of possession of or access to a child while protecting the rights and safety of victims of family violence and the families of the victims;

(4) requiring schools to notify the other parent if one parent unenrolls a child from the child's school; and

(5) relating to any other matter regarding possession of or access to a child in the absence of a current or pending court order relating to the possession of or access to the child.

(c) Provides that the panel consists of nine members as follows:

(1) three members appointed by the governor;

(2) three members appointed by the lieutenant governor; and

(3) three members appointed by the speaker of the house of representatives.

(d) Requires the governor, when making initial appointments under Subsection (c)(1), to designate one of the governor's appointees as presiding officer of the advisory panel.

(e) Requires the panel to meet not later than the 30th day after the date the initial appointments are made under Subsection (c) and to meet regularly as necessary at the call of the presiding officer.

(f) Provides that a panel member is not entitled to reimbursement of expenses or to compensation.

(g) Requires the governor, lieutenant governor, and speaker of the house of representatives to appoint members to the panel not later than December 31, 2011.

(h) Requires the panel, not later than December 31, 2012, to submit to the legislature a report outlining the results of its studies made under this section and its recommendations for legislation.

SECTION 2. INAPPLICABILITY OF CERTAIN LAW. Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the panel established under this Act.

SECTION 3. EXPIRATION. Provides that the panel established under this Act is abolished and this Act expires September 1, 2013.

SECTION 4. EFFECTIVE DATE. Effective date: September 1, 2011.