

BILL ANALYSIS

H.B. 2367
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 parental rights of the other parent of the child by taking a child without the other parent's knowledge or purposefully not allow 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 seeks to establish an appointed advisory panel to study and make recommendations relating to a parent's right to possession of or access to the parent's child under certain circumstances.

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

H.B. 2367 establishes the Parental Rights Advisory Panel 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 no court order for possession of or access to a child is in effect or pending and when 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.

H.B. 2367 requires the panel to specifically address the desirability of potential Texas legislation that clarifies 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; creates 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; implements a registry for victims of domestic abuse or modifies provisions of law relating to the address confidentiality program for victims of family violence, sexual assault, or stalking for the purpose of enabling a victim of abuse who is a parent fleeing an allegedly abusive situation with the parent's child or children to safely keep in contact with law enforcement without the alleged abuser knowing the victim's location; requires schools to notify the other parent if one parent unenrolls a child from the child's school; and relates 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.

H.B. 2367 sets out the composition of the nine-member advisory panel as follows: three members appointed by the governor, three members appointed by the lieutenant governor, and three members appointed by the speaker of the house of representatives. The bill requires the governor to designate one of the governor's appointees as presiding officer of the advisory panel when making initial appointments and requires the advisory panel to meet not later than the 30th

day after the date the initial appointments are made and to meet regularly as necessary at the call of the presiding officer. The bill provides that an advisory panel member is not entitled to reimbursement of expenses or to compensation. The bill requires the governor, lieutenant governor, and speaker of the house of representatives to make appointments to the panel not later than December 31, 2011, and requires the advisory panel to submit to the legislature a report outlining the results of its studies and its recommendations for legislation not later than December 31, 2012. The bill makes provisions of law relating to state agency advisory committees inapplicable to the advisory panel. The bill provides that the panel is abolished and that the bill expires on September 1, 2013.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.