

BILL ANALYSIS

C.S.H.B. 3172
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that some courts find it easier to facilitate settlement in family and domestic violence cases when parties in a proceeding agree to the provisions of a protective order instead of going through the entire hearing process to make a finding of family and domestic violence. It is further noted that courts are usually not allowed to punish a person with contempt of court for failure to comply with the conditions of a protective order unless the motion is filed by a party in the proceeding. Interested parties assert that legislation is needed to streamline aspects of the judicial process relating to protective orders by allowing a court to render an agreed protective order without having to make a finding of family violence and by allowing courts to punish certain persons for contempt of court on the court's own motion. C.S.H.B. 3172 seeks to achieve these goals relating to protective orders and related matters.

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

C.S.H.B. 3172 amends the Family Code to authorize a court to render a protective order, the terms of which were agreed upon in writing by both parties to a proceeding, without making a finding of family violence. The bill specifies that a motion for contempt of a court for a person found to have engaged in family violence who fails to comply with provisions of law relating to the enforcement of a counseling requirement may be brought on the motion of a party or on the court's own motion.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3172 omits a provision included in the original removing the authority of a judge of a court to refer to an associate judge any aspect of a suit over which the court has jurisdiction under provisions of law relating to protective orders and family violence.