

## **BILL ANALYSIS**

S.B. 819  
By: Harris  
Judiciary & Civil Jurisprudence  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

Interested parties note that there are concerns regarding the enforcement of certain protective orders because a protective order rendered by one court is not enforceable in another court in certain situations. The parties further note that in these situations a person for whom a protective order was issued has to travel to the county in which the order was issued to adequately protect himself or herself if the order is violated. The parties also note that minors are not protected to the same extent as adults in dating relationships. S.B. 819 addresses these matters relating to family violence and protective orders.

### **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**

S.B. 819 amends the Family Code to authorize a court of this state with jurisdiction of proceedings arising under provisions of law relating to protective orders and family violence to enforce a protective order rendered by another court in the same manner that the court that rendered the order could enforce the order, regardless of whether the order is transferred under provisions of law relating to the relationship between a protective order and a suit for dissolution of marriage and a suit affecting the parent-child relationship. The bill establishes that such authority includes the authority to enforce a protective order through contempt.

S.B. 819 removes a provision authorizing only an adult member of a dating relationship to file an application for a protective order relating to dating violence and specifies that such a protective order may be filed by a member of the dating relationship regardless of whether the member is an adult or a child. The bill, in provisions relating to an application for a temporary ex parte order, establishes that a statement signed under oath by a child is valid if the statement otherwise complies with provisions relating to applying for a protective order.

S.B. 819 repeals a provision of law authorizing a court to recess a hearing on a temporary ex parte order to contact a respondent by telephone and provide the respondent the opportunity to be present when the court resumes the hearing and requiring the court to resume the hearing before the end of the working day, without regard to whether the respondent is able to be present at the hearing, and moves that authorization and requirement to a provision of law relating to exclusion of a party from a residence.

S.B. 819 repeals a provision of law requiring each protective order issued under provisions of law relating to protective orders, except for a temporary ex parte order, to contain a specified statement in a specified format and incorporates that specified statement into a provision of law setting out a specified warning statement, in the same specified format, required to be contained in a protective order, including a temporary ex parte order.

S.B. 819 makes a conforming change.

S.B. 819 repeals the following provisions of the Family Code:

- Section 83.007
- Section 85.026(b)
- Sections 85.065(a) and (b)

**EFFECTIVE DATE**

September 1, 2011.

**EXPLANATION OF AMENDMENTS**

**Committee Amendment No. 1**

Committee Amendment No. 1 authorizes a motion for enforcement of a protective order rendered under provisions of law relating to protective orders and family violence to be filed in any court in the county in which the order was rendered with jurisdiction of proceedings arising under provisions of law relating to protective orders and family violence, a county in which the movant or respondent resides, or a county in which an alleged violation of the order occurs.