BILL ANALYSIS

Senate Research Center   C.S.S.B. 819
82R12999 KKA-F   By: Harris
                                                         Jurisprudence
                                                         3/23/2011
                                     Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Family Code does not address the issue of a court enforcing a protective order from another court. Therefore, a person for whom a protective order was issued may have to travel to the county in which the order was issued to adequately protect himself or herself if the order is violated. Also, in cases of dating violence, minors are not protected to the same extent as adults.

C.S.S.B. 819 provides that any court in Texas with jurisdiction over protective orders and family violence may enforce a protective order rendered by another court in the same manner as the issuing court. The bill extends protections to minors by allowing them to apply for a protective order for dating violence, and allowing a minor's signed statement to be valid in an application for a temporary ex parte protective order.

C.S.S.B. 819 amends current law relating to family violence and protective orders.

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. Amends Chapter 81, Family Code, by adding Section 81.010, as follows:

> Sec. 81.010. COURT ENFORCEMENT. (a) Authorizes a court of this state with jurisdiction of proceedings arising under this title 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 Subchapter D (Relationship Between Protective Order and Suit for Dissolution of Marriage and Suit Affecting Parent-Child Relationship), Chapter 85 (Issuance of Protective Order).

> > (b) Provides that a court's authority under this section includes the authority to enforce a protective order through contempt.

SECTION 2. Amends Section 82.002(b), Family Code, to authorize an application for a protective order to protect the applicant, with regard to family violence under Section 71.004(3) (relating to the definition of dating violence), to be filed by a member of the dating relationship, regardless of whether the member is an adult or a child, rather than by an adult member of the dating relationship.

SECTION 3. Amends Section 82.009, Family Code, as follows:

> Sec. 82.009. APPLICATION FOR TEMPORARY EX PARTE ORDER. (a) Creates this subsection from existing text. Makes no further changes.

> > (b) Provides that, for purposes of this section, a statement signed under oath by a child is valid if the statement otherwise complies with this chapter.

SECTION 4. Amends Section 83.006, Family Code, by adding Subsection (c), as follows:

(c) Authorizes the court to recess the hearing on a temporary ex parte order to contact the respondent by telephone and provide the respondent the opportunity to be present when the court resumes the hearing. Requires the court, without regard to whether the respondent is able to be present at the hearing, to resume the hearing before the end of the working day.

SECTION 5. Amends Section 85.026(a), Family Code, to set forth additional required language to be included on each protective order issued under this subtitle, including a temporary ex parte order.

SECTION 6. Repealers: Sections 83.007 (Recess of Hearing to Contact Respondent), 85.026(b) (relating to the required language to be included in each protective order except a temporary ex parte order), and 85.065(a) (relating to a transferred protective order having the same effect as if the order remained in the rendering court) and (b) (relating to a transferred protective order being enforceable by contempt or by other means), Family Code.

SECTION 7. (a) Makes application of Sections 82.002 and 82.009, Family Code, as amended by this Act, prospective.

(b) Makes application of Section 85.026, Family Code, as amended by this Act, prospective.

SECTION 8. Effective date: September 1, 2011.