

By: Gonzalez

H.B. No. 1313

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the admissibility of certain hearsay statements of a  
3 child in hearings on an application for a protective order.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 84, Family Code, is amended by adding  
6 Section 84.006 to read as follows:

7 Sec. 84.006. HEARSAY STATEMENT OF CHILD VICTIM OF FAMILY  
8 VIOLENCE. In a hearing on an application for a protective order, a  
9 statement made by a child 12 years of age or younger that describes  
10 alleged family violence against the child is admissible as evidence  
11 in the same manner that a child's statement regarding alleged abuse  
12 against the child is admissible under Section 104.006 in a suit  
13 affecting the parent-child relationship.

14 SECTION 2. The changes in law made by this Act apply only to  
15 a hearing on an application for a protective order that is commenced  
16 on or after the effective date of this Act. A hearing on an  
17 application for a protective order that is commenced before the  
18 effective date of this Act is governed by the law in effect on the  
19 date the hearing was commenced, and that law is continued in effect  
20 for that purpose.

21 SECTION 3. This Act takes effect September 1, 2011.