

By: Parker, Hochberg

H.B. No. 2367

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of an advisory panel to study certain
3 parental rights relating to possession of or access to the parent's
4 child.

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

6 SECTION 1. PARENTAL RIGHTS ADVISORY PANEL. (a) The
7 Parental Rights Advisory Panel is established to study and provide
8 recommendations to the legislature regarding a parent's right to
9 possession of or access to the parent's child, including
10 interference with that right by the other parent, when:

11 (1) no court order for possession of or access to a
12 child is in effect or pending; and

13 (2) the party allegedly interfering with the rights of
14 a parent is not aware of any plans by the parent to seek an order for
15 possession of or access to a child.

16 (b) The panel shall specifically address the desirability
17 of potential Texas legislation:

18 (1) clarifying a parent's rights to possession of or
19 access to the parent's child in the absence of a current or pending
20 court order for possession of or access to the child;

21 (2) creating the offense of depriving a parent of
22 possession of or access to the parent's child in the absence of a
23 current or pending court order for possession of or access to the
24 child;

1 (3) implementing measures that allow for the
2 establishment of orders of possession of or access to a child while
3 protecting the rights and safety of victims of family violence and
4 the families of the victims;

5 (4) requiring schools to notify the other parent if
6 one parent unenrolls a child from the child's school; and

7 (5) relating to any other matter regarding possession
8 of or access to a child in the absence of a current or pending court
9 order relating to the possession of or access to the child.

10 (c) The advisory panel consists of nine members as follows:

11 (1) three members appointed by the governor;

12 (2) three members appointed by the lieutenant
13 governor; and

14 (3) three members appointed by the speaker of the
15 house of representatives.

16 (d) When making initial appointments under Subsection
17 (c)(1), the governor shall designate one of the governor's
18 appointees as presiding officer of the advisory panel.

19 (e) The advisory panel shall meet not later than the 30th
20 day after the date the initial appointments are made under
21 Subsection (c) and shall meet regularly as necessary at the call of
22 the presiding officer.

23 (f) An advisory panel member is not entitled to
24 reimbursement of expenses or to compensation.

25 (g) The governor, lieutenant governor, and speaker of the
26 house of representatives shall appoint members to the panel not
27 later than December 31, 2011.

1 (h) Not later than December 31, 2012, the advisory panel
2 shall submit to the legislature a report outlining the results of
3 its studies made under this section and its recommendations for
4 legislation.

5 SECTION 2. INAPPLICABILITY OF CERTAIN LAW. Chapter 2110,
6 Government Code, does not apply to the advisory panel established
7 under this Act.

8 SECTION 3. EXPIRATION. The advisory panel established
9 under this Act is abolished and this Act expires September 1, 2013.

10 SECTION 4. EFFECTIVE DATE. This Act takes effect
11 immediately if it receives a vote of two-thirds of all the members
12 elected to each house, as provided by Section 39, Article III, Texas
13 Constitution. If this Act does not receive the vote necessary for
14 immediate effect, this Act takes effect September 1, 2011.