

By: Parker, Hochberg

H.B. No. 2367

A BILL TO BE ENTITLED

AN ACT

1
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 a registry for victims of domestic
2 abuse or modifying the provisions of Subchapter C, Chapter 56, Code
3 of Criminal Procedure, to enable a victim of abuse who is a parent
4 that flees an allegedly abusive situation with the parent's child
5 or children to safely keep in contact with law enforcement without
6 the alleged abuser knowing the victim's location;

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

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

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

13 (1) three members appointed by the governor;

14 (2) three members appointed by the lieutenant
15 governor; and

16 (3) three members appointed by the speaker of the
17 house of representatives.

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

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

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

27 (g) The governor, lieutenant governor, and speaker of the

1 house of representatives shall appoint members to the panel not
2 later than December 31, 2011.

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

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

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

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