

1-1 By: Parker, Hochberg (Senate Sponsor - Uresti) H.B. No. 2367
1-2 (In the Senate - Received from the House May 6, 2011;
1-3 May 9, 2011, read first time and referred to Committee on
1-4 Jurisprudence; May 21, 2011, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of an advisory panel to study certain
1-9 parental rights relating to possession of or access to the parent's
1-10 child.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. PARENTAL RIGHTS ADVISORY PANEL. (a) The
1-13 Parental Rights Advisory Panel is established to study and provide
1-14 recommendations to the legislature regarding a parent's right to
1-15 possession of or access to the parent's child, including
1-16 interference with that right by the other parent, when:

1-17 (1) no court order for possession of or access to a
1-18 child is in effect or pending; and

1-19 (2) the party allegedly interfering with the rights of
1-20 a parent is not aware of any plans by the parent to seek an order for
1-21 possession of or access to a child.

1-22 (b) The panel shall specifically address the desirability
1-23 of potential Texas legislation:

1-24 (1) clarifying a parent's rights to possession of or
1-25 access to the parent's child in the absence of a current or pending
1-26 court order for possession of or access to the child;

1-27 (2) creating the offense of depriving a parent of
1-28 possession of or access to the parent's child in the absence of a
1-29 current or pending court order for possession of or access to the
1-30 child;

1-31 (3) implementing measures that allow for the
1-32 establishment of orders of possession of or access to a child while
1-33 protecting the rights and safety of victims of family violence and
1-34 the families of the victims;

1-35 (4) requiring schools to notify the other parent if
1-36 one parent unenrolls a child from the child's school; and

1-37 (5) relating to any other matter regarding possession
1-38 of or access to a child in the absence of a current or pending court
1-39 order relating to the possession of or access to the child.

1-40 (c) The advisory panel consists of nine members as follows:

1-41 (1) three members appointed by the governor;

1-42 (2) three members appointed by the lieutenant
1-43 governor; and

1-44 (3) three members appointed by the speaker of the
1-45 house of representatives.

1-46 (d) When making initial appointments under Subsection
1-47 (c)(1), the governor shall designate one of the governor's
1-48 appointees as presiding officer of the advisory panel.

1-49 (e) The advisory panel shall meet not later than the 30th
1-50 day after the date the initial appointments are made under
1-51 Subsection (c) and shall meet regularly as necessary at the call of
1-52 the presiding officer.

1-53 (f) An advisory panel member is not entitled to
1-54 reimbursement of expenses or to compensation.

1-55 (g) The governor, lieutenant governor, and speaker of the
1-56 house of representatives shall appoint members to the panel not
1-57 later than December 31, 2011.

1-58 (h) Not later than December 31, 2012, the advisory panel
1-59 shall submit to the legislature a report outlining the results of
1-60 its studies made under this section and its recommendations for
1-61 legislation.

1-62 SECTION 2. INAPPLICABILITY OF CERTAIN LAW. Chapter 2110,
1-63 Government Code, does not apply to the advisory panel established
1-64 under this Act.

2-1 SECTION 3. EXPIRATION. The advisory panel established
2-2 under this Act is abolished and this Act expires September 1, 2013.

2-3 SECTION 4. EFFECTIVE DATE. This Act takes effect
2-4 immediately if it receives a vote of two-thirds of all the members
2-5 elected to each house, as provided by Section 39, Article III, Texas
2-6 Constitution. If this Act does not receive the vote necessary for
2-7 immediate effect, this Act takes effect September 1, 2011.

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