

BILL ANALYSIS

H.B. 1500
By: Thompson, Senfronia
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that a person who files to modify conservatorship and requests a temporary order that would change the primary conservatorship or residence of the child is currently entitled to a hearing based solely on the person's statement that the order is necessary because the child's present circumstances would significantly impair the child's physical health or emotional development. Even though many courts by local rule require an affidavit of supporting facts attached to the pleading before scheduling a hearing, the parties assert that this has resulted in inequities and conflicting decisions across the state. H.B. 1500 seeks to create uniformity in Texas courts and prevent unnecessary hearings and expense.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1500 amends the Family Code to require a person who files a motion for a temporary order in a suit for modification of the parent-child relationship to execute and attach to the motion an affidavit on the person's personal knowledge or the person's belief based on representations made to the person by a person with personal knowledge that contains facts that support the allegation that the child's present circumstances would significantly impair the child's physical health or emotional development. The bill requires the court to deny the relief sought and decline to schedule a hearing on the motion unless the court determines, on the basis of the affidavit, that facts adequate to support the allegation are stated in the affidavit. The bill requires the court to set a time and place for the hearing if the court determines that the facts stated are adequate to support the allegation.

EFFECTIVE DATE

September 1, 2015.