

BILL ANALYSIS

Senate Research Center

S.B. 818
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law imposes a duty on each parent to notify the other if someone he or she will reside with or marry is charged with a sexual offense. This is an important requirement aimed at protecting children.

The same standard should apply for parents who commit child abuse or family violence. A parent should be made aware if the other parent is living with or marrying someone who has a family violence protective order entered against him or her or if criminal charges are filed. This change would give the parent a chance to ensure that appropriate safeguards are in place to protect the child.

S.B. 818 amends current law relating to the requirement that a parent appointed as a conservator of a child disclose certain information regarding family violence and creates a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.076, Family Code, by adding Subsections (b-1) and (c-1) and amending Subsection (d), as follows:

(b-1) Requires the court to order that each conservator of a child has the duty to inform the other conservator of the child if the conservator:

- (1) establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established;
- (2) resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the 60-day period following the date the final protective order is issued; or
- (3) is the subject of a final protective order issued after the date of the order establishing conservatorship.

(c-1) Requires that the notice required to be made under Subsection (b-1) be made as soon as practicable but not later than:

- (1) the 30th day after the date the conservator establishes residence with the person who is the subject of the final protective order, if the notice is required by Subsection (b-1)(1);
- (2) the 90th day after the date the final protective order was issued, if the notice is required by Subsection (b-1)(2); or

(3) the 30th day after the date the final protective order was issued, if the notice is required by Subsection (b-1)(3).

(d) Provides that a conservator commits an offense if the conservator fails to provide notice in the manner required by Subsections (b) (relating to duty required of a conservator of a child) and (c) (relating to a notice required by the court concerning the conservator of a child), or Subsections (b-1) and (c-1), as applicable. Provides that an offense under this subsection is a Class C misdemeanor.

SECTION 2. (a) Makes application of this Act, except as provided by Subsection (b) of this section, prospective.

(b) Authorizes a person to bring a suit to modify a court order rendered before September 1, 2015, under Section 153.076 (Duty to Provide Information), Family Code, as amended by this Act.

SECTION 3. Effective date: September 1, 2015.