

BILL ANALYSIS

Senate Research Center
85R3449 JSC-D

S.B. 77
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 77 establishes a conviction of "sexual assault of the other parent" as grounds to terminate parental rights.

There are currently 22 applicable grounds in law for terminating parental rights. Those grounds include serious crimes such as convictions for murder, attempted murder, and solicitation to murder. Sexual assault of the other parent is not grounds to terminate parental rights.

S.B. 77 retains judicial discretion to terminate a parent's rights. For a parent's rights to be terminated, the law requires that a judge must have two things present: "grounds" (i.e., a conviction) and termination must be in the best interest of the child.

As proposed, S.B. 77 amends current law relating to involuntary termination of parental rights based on sexual assault of the child's other parent.

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 161.001(b), Family Code, to authorize certain courts to order termination of the parent-child relationship, if the court finds by clear and convincing evidence that the parent has, among certain acts, been convicted of sexual assault of the other parent of the child under Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault), Penal Code, or under certain other substantially similar laws, or the parent has been placed on certain community supervision for being criminally responsible for the sexual assault of the other parent of the child under the same sections or laws.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.