

BILL ANALYSIS

S.B. 495
By: Uresti
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties express concern that some children are subjected to unsupervised visitation with a parent who has a history of committing certain acts of violence against a member of the parent's household or a parent who lives in the same household as a person who has such a history. S.B. 495 seeks to protect children from potential dangers in this type of scenario.

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

S.B. 495 amends the Family Code to extend the rebuttable presumption in a hearing to determine whether to appoint a party as a sole or joint managing conservator that it is not in the best interest of a child for a parent to have unsupervised visitation with the child to a situation in which credible evidence is presented of a history or pattern of past or present child neglect or physical or sexual abuse by that parent directed against a current or previous member of that parent's household or a person with whom that parent has or has had a dating relationship or by any person who resides in that parent's household or who by virtue of the person's relationship with that parent is otherwise likely to have unsupervised access to the child during that parent's periods of possession of or access to the child, directed against any person.

S.B. 495 authorizes a court to decline to enter a judgment on a mediated settlement agreement in a suit affecting the parent-child relationship if the court finds that the agreement would permit a person who is subject to sex offender registration on the basis of an offense committed by the person when the person was 17 years of age or older or who otherwise has a history or pattern of past or present physical or sexual abuse directed against any person to reside in the same household as the child or otherwise have unsupervised access to the child and finds that the agreement is not in the child's best interest.

EFFECTIVE DATE

September 1, 2017.