

BILL ANALYSIS

C.S.H.B. 3121
By: Bowers
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that the protection of children in custodial cases is the paramount consideration in deciding the parent or family member in whose custodial care the child will remain. Suggestions that child exposure to direct and indirect abuse are major precursors for struggles later in life, such as behavioral and mental health issues, have prompted calls to use both direct and indirect abuse to which a child may be or is currently exposed as a means of substantial evidence when handling child custodial cases and child placement with either parent. C.S.H.B. 3121 seeks to best assure the proper custodial placement for children entangled in these cases by providing for an interim study of the applicable law regarding the manner in which the courts of the state, in rendering an order for conservatorship and possession of and access to a child, provide for the safety and best interest of the child.

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

C.S.H.B. 3121 requires the standing committees of each house of the legislature having jurisdiction over family law issues to jointly study and recommend revisions to Family Code provisions relating to conservatorship, possession, and access to a child in a suit affecting the parent-child relationship with regard to the manner in which the courts of the state, in rendering an order for conservatorship and possession of and access to a child, provide for the safety and best interest of the child. The bill requires the study to:

- focus on cases in which a party has engaged in family violence or dating violence, abuse or neglect, or conduct constituting the offenses of continuous sexual abuse of a young child or children, sexual assault, aggravated sexual assault, and prohibited sexual conduct; and
- include the impact of a history of such conduct on a child and the effects on the courts' considerations of the conduct in the appointment of joint managing conservators, sole managing conservators, and possessory conservators in suits affecting the parent-child relationship.

C.S.H.B. 3121 requires the applicable standing committees, not later than December 1, 2020, to jointly submit to the governor, the lieutenant governor, the speaker of the house of representatives, and members of the legislature a report of the study's results that includes

recommendations for changes to the relevant statutes. The bill's provisions expire September 1, 2021.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3121 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a requirement that the applicable standing committees of the legislature jointly study and recommend revisions to Family Code provisions relating to conservatorship, possession, and access to a child with regard to the manner in which courts of the state, in rendering an order for conservatorship and possession of and access to a child, provide for the safety and best interest of the child.

The substitute does not include any provisions from the original, which amends the Family Code with respect to ensuring the safety of children in suits affecting the parent-child relationship.