

BILL ANALYSIS

Senate Research Center

S.B. 718
By: Paxton
State Affairs
6/5/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas family court, if a parent is determined to have been falsely accused of neglect, judges are not required to rule that the falsely accused parent gets the custody time back with their child that they missed during the investigation.

S.B. 718 seeks to remedy and prevent injustice against parents who face unfounded allegations during a child custody battle. If a parent is found to have been falsely accused of neglect, judges would be required to grant the parent the custody time they missed out on because of the false allegations.

S.B. 718 amends current law relating to additional periods of possession of or access to a child to compensate for denial of court-ordered possession or access.

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 157.168, Family Code, as follows:

Sec. 157.168. ADDITIONAL PERIODS OF POSSESSION OR ACCESS. (a) Creates an exception under Subsection (a-1).

(a-1) Requires a court, unless a party shows good cause why the order should not be rendered, to order additional periods of possession of or access to a child to compensate for a denial of court-ordered possession or access that resulted from an investigation by the Department of Family and Protective Services (DFPS) that did not result in a finding of abuse or neglect.

(a-2) Creates this subsection from existing text.

(b) Makes a conforming change to this subsection.

(c) Provides that Subsection (a-1) does not create a cause of action against DFPS or waive sovereign immunity to suit or liability.

SECTION 2. Provides that the enactment of this Act does not constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the effective date of this Act.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2023.