

BILL ANALYSIS

Senate Research Center
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S.B. 885
By: Zaffirini
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The victim of a family violence offense can apply for a lifetime protective order against the other parent. Lifetime protective orders are orders effective for a period that exceeds two years. A court grants a lifetime protective order only if there was serious bodily injury, the person committed a felony family violence offense, or the person in question has a pattern of violent activity that has warranted protective orders in the past. Persons subject to these lifetime protective orders may have violent and unsafe tendencies, which could be detrimental to a child in their custody.

Currently, a lifetime protective order, however, is not sufficient cause to terminate the parental rights of the parent under the order if they have not yet been convicted of the family violence offense. It can take up to two or three years for a criminal court to issue a conviction, and during this time, a child could be in the custody of an unsafe and unfit parent.

S.B. 885 would establish that the court may consider the termination of a child-parent relationship if a parent receives a protective order for a period that exceeds two years due to a family violence offense. Judges would still maintain their discretion to determine that the termination is in the child's best interest. This change would allow the courts to consider the violent tendencies that led to the parent being placed under these protective orders, rather than waiting for the parent to be convicted of the offense.

As proposed, S.B. 885 amends current law relating to the grounds for terminating the parent-child relationship.

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, as follows:

(b) Authorizes the court to order termination of the parent-child relationship if the court finds by clear and convincing evidence:

(1) that the parent has:

(A)-(S) makes no changes to these paragraphs;

(T)-(U) makes nonsubstantive changes to these paragraphs; or

(V) had a protective order issued against the parent under Chapter 85 (Issuance of Protective Order) and the court made a finding under Section 85.025(a-1)(1) (relating to authorizing the court to render a protective order if the court finds that the person committed an act constituting a felony offense involving family violence against the applicant or a member of the applicant's family or household) that the parent committed

an act constituting an offense listed under Paragraph (L) (relating to a parent who has been convicted or been placed on community supervision for being criminally responsible for the death or serious injury of a child) of this subdivision; and

(2) makes no changes to this subdivision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.