

BILL ANALYSIS

H.B. 782
By: Thompson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that the Family Code does not currently require a court that renders a protective order to transfer the order to a court exercising jurisdiction in a subsequent suit involving the parties who are the subject of the existing protective order proceeding. The bill author has informed the committee that this can create the possibility of conflict between the terms of a protective order and the terms of an order rendered in connection with a subsequent suit while also potentially tying the hands of the judge in the latter case because the judge has no authority to modify a protective order that was rendered in another court. H.B. 782 seeks to resolve this conflict by requiring the mandatory transfer of a previous existing protective order to the court exercising jurisdiction over a divorce or suit affecting parent-child relationship that is filed after the rendition of the protective order.

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

H.B. 782 amends the Family Code to replace authorizations for a court that renders a protective order to transfer the order to another court as follows on the motion of a party or on the court's own motion with requirements for the court to do so:

- if the order was rendered before the filing of a suit for dissolution of marriage or suit affecting the parent-child relationship or while the suit is pending, to the court having jurisdiction of the suit; or
- if the order affects a party's right to possession of or access to a child and is rendered after the date a final order was rendered in a suit affecting the parent-child relationship, to the court of continuing, exclusive jurisdiction.

Additionally, the bill removes and repeals provisions making such a transfer contingent on the court finding that the transfer is in the interest of justice or for the safety or convenience of a party or a witness.

H.B. 782 applies only to a motion to transfer a protective order that is made on or after the bill's effective date. A motion made before that date is governed by the law in effect on the date the motion was made, and the former law is continued in effect for that purpose.

H.B. 782 repeals Section 85.064(c), Family Code.

EFFECTIVE DATE

September 1, 2025.