

BILL ANALYSIS

C.S.H.B. 2160
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that in family law cases, understanding a child's preferences is key to determining custody arrangements. While interviews with children are allowed under current statute, these interviews are restricted in where they can take place, often requiring them to occur in chambers. The bill author has further informed the committee that these restrictions limit judicial flexibility and block a court's ability to fully consider a child's input. C.S.H.B. 2160 addresses this problem by allowing judges to interview children outside of chambers, offering more flexibility and a higher level of comfort for children being interviewed. The bill also protects the child's privacy by requiring applicable interviews to be recorded and sealed.

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. 2160 amends the Family Code to give a court in a nonjury trial or at a hearing in a suit affecting the parent-child relationship the option to interview a child in a location in the courthouse outside of chambers, as an alternative to in chambers, as authorized or required under current law to determine the child's wishes as to conservatorship, possession, access, the person who shall have the exclusive right to determine the child's primary residence, or any other issue affecting the parent-child relationship. The bill replaces the prohibition on a court in a jury trial interviewing a child in chambers regarding an issue to which a party is entitled to a jury verdict with a prohibition on an interview in a jury trial conducted under these provisions from being introduced to the jury. The bill revises the requirement for a court to cause a record of an interview with a child who is 12 years of age or older to be made on the motion of a party, the amicus attorney, or the attorney ad litem for the child, or on the court's own motion by removing as the condition that triggers the requirement that such a motion be made. The bill also removes the specification establishing that a record of the interview shall be a part of the record in the case. The bill instead requires the court, if the court interviews such a child and unless a party has filed a notice of appeal for the suit, to order the sealing of the record of the interview.

C.S.H.B. 2160 repeals Section 153.009(b), Family Code.

C.S.H.B. 2160 applies only to a suit affecting the parent-child relationship pending on the bill's effective date or filed on or after that date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2160 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced extended the prohibition on a court in a jury trial interviewing a child in chambers regarding an issue to which a party is entitled to a jury verdict to cover an interview in a location used by the court outside of chambers, the substitute replaces that prohibition with a prohibition on an interview in a jury trial conducted under applicable provisions from being introduced to the jury.

The substitute revises the requirement for a court to cause a record of an interview with a child who is 12 years of age or older to be made on the motion of a party, the amicus attorney, or the attorney ad litem for the child, or on the court's own motion by removing as the condition for that requirement that such a motion be made, whereas the introduced did not. The substitute includes a provision absent from the introduced that removes the specification establishing that a record of the interview shall be a part of the record in the case. The substitute makes the introduced version's requirement for the court to order the sealing of a record of an interview of a child unless a party has filed a notice of appeal for the suit applicable only to the interview of a child 12 years of age or older. The substitute removes the requirement for a record of the interview of such a child to be part of the record in the case, which the introduced did not do.