

BILL ANALYSIS

Senate Research Center

H.B. 2099
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Health & Human Services
5/18/2003
Engrossed

DIGEST AND PURPOSE

Currently, it is unclear whether the issuance of a family violence protective order may constitute credible evidence of a history or pattern of domestic violence for child custody purposes under the Texas Family Code. Often victims of domestic violence are forced to re-litigate evidence of family violence previously determined in a family violence protective order.

H.B. 2099 resolves the issue by requiring consideration of a family violence protective order in custody proceedings.

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 153.004, Family Code, by adding Subsection (f) to require the court, in determining under this section whether there is credible evidence of a history or pattern of past or present child neglect or physical or sexual abuse by a parent directed against the other parent, a spouse, or a child, to consider whether a protective order was rendered under Chapter 85, Title 4, against the parent during the two-year period preceding the filing of the suit or during the pendency of the suit.

SECTION 2. Effective date: September 1, 2003.
Makes application this Act prospective.

SECTION 3. Provides that the enactment of this Act does not by itself 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.