

BILL ANALYSIS

Senate Research Center
79R4322 JMM-F

H.B. 1181
By: Dutton (Wentworth)
Jurisprudence
5/14/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, a domestic relations office may obtain criminal history records from the Texas Department of Public Safety, regarding persons who are the subject of a social study under Subchapter D, Chapter 107, Family Code. However, an employee of a domestic relations office who is appointed as a guardian ad litem in a termination of parental rights case or a contested custody case does not have specific legislative authority to obtain a criminal history record from the Texas Department of Public Safety.

H.B. 1181 allows for the inclusion of a guardian ad litem who is conducting a custody evaluation, an evaluation for a termination of parental rights, and investigation regarding a change on custody or a change in access and possession to have access to a party's criminal history record.

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 411.1285(a), Government Code, as follows:

(a) Adds language providing that a domestic relations office created under Chapter 203 (Domestic Relations Offices), Family Code, is entitled to obtain criminal history record information from the Texas Department of Public Safety that relates to a person who is a party to a proceeding in which the domestic relations office has been appointed guardian ad litem for a child or ordered to conduct a social study, rather than relates to a person who is a subject of a social study.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.