

BILL ANALYSIS

Senate Research Center
79R2857 JMM-F

H.B. 409
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Health & Human Services
5/2/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In 2001, the 77th Texas Legislature established specific post-judgment procedures in an effort to decrease the amount of time that abused or neglected children have to spend in foster care. The legislature required a losing party in a parental termination case to tell the trial court, in a timely filed "statement of points," what the party wished to complain about on appeal.

Unfortunately, recent appellate court decisions have held that no adverse consequences flow from an appellant's failure to comply with the 2001 legislative enactment.

H.B. 409 establishes that the legislature expects litigants to comply with Section 263.405(b) of the Family Code.

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 263.405, Family Code, by adding Subsection (i), to prohibit the appellate court from considering any issue that was not specifically presented to the trial court in a timely filed statement of the points on which the party intends to appeal or in a statement combined with a motion for new trial. Provides that, for purposes of this subsection, a claim that a judicial decision is contrary to the evidence or that the evidence is factually or legally insufficient is not sufficiently specific to preserve an issue for appeal.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.