

BILL ANALYSIS

Senate Research Center

S.B. 55
By: Nelson
Jurisprudence
4/1/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

There is an increasing number of instances of dating violence between young people and teenagers. In these cases the victims of dating violence need to be protected and the perpetrators of dating violence need to be held accountable.

Current law does not clearly state that minors can be respondents of protective orders. A recent appellate court decision clarified that the current statutory provisions allow a minor to be the respondent of a protective order. However, the actual implementation of this practice is inconsistent throughout the state.

As proposed, S.B. 55 clarifies that in situations in which a child who is 14 years or older is abusing a dating partner, the abuser can be subject to the terms of a protective order.

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 82.002(c), Family Code, as follows:

(c) Authorizes any adult to apply for a protective order to protect a child from family violence under 71.004(1), (2), or (3) (certain forms of abuse, assault, and sexual assault). Provides that, with regard to family violence under Section 71.004(3) (dating violence), where both parties are children 14 years or older, a child may be subject to a protective order as a respondent, provided that service of certain persons is effected by the procedure set out in Section 82.043(f).

SECTION 2. Amends Section 82.043, Family Code, by adding Subsection (f), as follows:

(f) Requires a notice of an application for a protective order in which a child 14 years or older is the respondent under Section 82.002(c) be served on the child named as respondent and on the child's parent, legal guardian, or any person having physical custody, care and supervision of the child. Requires the service of the application to require the persons served to appear before the court at the time set to respond. Requires the court to require the person having physical custody or control of the child to bring the child to the hearing.

SECTION 3. Effective date: September 1, 2005.