

BILL ANALYSIS

Senate Research Center
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S.B. 2217
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Family Code very deliberately sets the deadline for protective order hearings at no later than 14 days after filing. Due to the enormous caseload of the Harris County Family Trial Division, it is rare, if not impossible, for the family courts to provide relief to victims within the time limits set forth by the legislature as befitting victim safety. On many occasions victims have had to wait between 28 days to 56 days before a hearing is held.

The reason is lack of infrastructure capacity. Currently, the family district courts in Harris County are overwhelmed with cases. In 2007-2008, there were over 45,000 cases filed in the Harris County family and juvenile courts. No new family courts have been added since 1985, when Harris County's population was 1.2 million less than today, when Harris County is the nation's third most populous county. The result is the highest workload of any such courts in the state and lengthy delays in scheduling hearings that can have serious, if not deadly, consequences in domestic violence cases.

As proposed, S.B. 2217 establishes the 476th Judicial District Court as a domestic violence court in Harris County. The bill requires the court to hear all original applications for protective orders and all emergency custody petitions when one parent kills another. The bill also authorizes the court to hear custody and divorce matters where a protective order is in place or a previous finding of domestic violence exists.

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 Subchapter C, Chapter 24, Government Code, by adding Section 24.60020, as follows:

Sec. 24.60020. 476TH JUDICIAL DISTRICT (HARRIS COUNTY). (a) Provides that the 476th Judicial District is composed of Harris County.

(b) Requires the 476th District Court, subject to any jurisdictional limitations, to give preference to certain domestic violence cases; any matter in which pleadings are filed concurrently with an application for a protective order under Title 4 (Protective Orders and Family Violence), Family Code, that involves both parties; any matter involving minor children if one parent is alleged to have caused the death of another parent and there is a history of domestic violence in the parents' relationship; and cases in which a court has made an affirmative finding of family violence involving both parties, or a protective order has been issued under Title 4, Family Code, involving both parties.

(c) Requires the 476th District Court to provide timely and efficient access to emergency protective orders and other court remedies for persons the court determines are victims of domestic violence; integrate victims' services for persons the court determines are victims of domestic violence who have a case before the court; and promote an informed and consistent court response to

domestic violence cases to lessen the number of misdemeanors, felonies, and fatalities related to domestic violence in Harris County.

(d) Requires the clerk for the 476th Judicial District Court to create a form to transfer a domestic violence case that the 476th District Court is required to give preference to under this section to the 476th District Court.

SECTION 2. Provides that the 476th Judicial District is created on the effective date of this Act.

SECTION 3. Effective date: September 1, 2009.