

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 2217
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Jurisprudence
4/17/2009
Committee Report (Substituted)

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.

C.S.S.B. 2217 amends current law relating to the designation of a judicial district in Harris County as the district court for domestic violence cases in that county.

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 24.112, Government Code, by amending Subsection (b) and adding Subsections (g)-(l), as follows:

(b) Creates this subsection from existing text. Creates an exception under Subsection (g).
(g). Makes a nonsubstantive change.

(g) Provides that Subsection (h) applies to the 11th, 55th, 61st, 80th, 113th, 125th, 127th, 129th, 133rd, 151st, 152nd, 157th, 164th, 165th, 189th, 190th, 215th, 234th, 269th, 270th, 280th, 281st, 295th, 333rd, and 334th judicial districts.

(h) Requires the judges of the district courts listed in Subsection (g) by agreement to designate one of the listed district courts as the domestic violence district court for Harris County. Requires the judges, in designating the domestic violence district court, to give preference to a district court that has a judicial vacancy at the time of the agreement, or for which the sitting judge of the district court has not at the time of the agreement announced a candidacy or become a candidate in the upcoming election for that judicial office.

(i) Requires the district court designated under Subsection (h) as the domestic violence district court, subject to any jurisdictional limitations, to give preference to domestic violence cases, including cases involving dating violence, as defined by Section 71.0021 (Dating Violence), Family Code, and family violence, as defined by Section 71.004 (Family Violence), Family Code.

(j) Provides that for the purposes of determining the preference the designated domestic violence district court is required to give cases under Subsection (i), a domestic violence case means an original application for a protective order under Title 4 (Protective Orders and Family Violence), Family Code; an original application for a protective order under Title 4, Family Code, that involves both parties and is filed concurrently with an original petition under the Family Code; and any matter involving custody of a minor child 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 provides that, subject to judicial discretion and resources, the designated domestic violence district court may also hear divorce and custody case 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.

(k) Requires the designated domestic violence 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.

(l) Requires the Harris County district clerk to create a form and establish procedures to transfer a domestic violence case that qualifies for preference under this section to the domestic violence district court.

SECTION 2. Requires the judges of the district courts listed in Section 24.112(g), Government Code, as added by this Act, not later than October 1, 2009, by agreement to designate a listed court as the domestic violence district court for Harris County. Requires the local administrative judge for the Harris County district courts, if the judges fail to designate a domestic violence district court on or before October 1, 2009, to designate a domestic violence court not later than October 5, 2009.

SECTION 3. Effective date: September 1, 2009.