

## **BILL ANALYSIS**

C.S.H.B. 1766  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties express concern regarding the ability of a court to terminate the parental rights of a parent who has committed sexual assault against the child's other parent. C.S.H.B. 1766 seeks to remedy this situation by expanding the conditions under which a court may order termination of the parent-child relationship and order child support.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1766 amends the Family Code to expand the conditions under which a court may order termination of the parent-child relationship to include finding by clear and convincing evidence that the parent has been convicted of, or has been placed on community supervision, including deferred adjudication community supervision, or another functionally equivalent form of community supervision or probation, for being criminally responsible for, the sexual assault or aggravated sexual assault of the other parent of the child under Texas law or under a law of another state, federal law, or the Uniform Code of Military Justice that contains elements that are substantially similar to the elements of such an offense under Texas law. The bill authorizes a court to order each person who is financially able and whose parental rights have been terminated with respect to a child for such a reason to support the child in the manner specified by the order for the period prescribed by law for court-ordered child support.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1766 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

No equivalent provision.

SECTION 1. Section 161.001(b), Family Code, is amended.

SECTION 2. The change in law made by this Act applies only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 154.001(a-1), Family Code, is amended to read as follows:

(a-1) The court may order each person who is financially able and whose parental rights have been terminated with respect to ~~either~~ a child in substitute care for whom the department has been appointed managing conservator, a child for a reason described by Section 161.001(b)(1)(T)(iv) or (b)(1)(U), or a child who was conceived as a direct result of conduct that constitutes an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code, to support the child in the manner specified by the order:

(1) until the earliest of:

(A) the child's adoption;

(B) the child's 18th birthday or graduation from high school, whichever occurs later;

(C) removal of the child's disabilities of minority by court order, marriage, or other operation of law; or

(D) the child's death; or

(2) if the child is disabled as defined in this chapter, for an indefinite period.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.