

## **BILL ANALYSIS**

S.B. 738  
By: Kolkhorst  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note the benefits of keeping cases relating to a single child in the same court and of keeping cases related to a set of siblings in the same court. S.B. 738 seeks to address this issue by setting out provisions relating to the transfer of certain suits affecting the parent-child relationship.

### **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**

S.B. 738 amends the Family Code to replace, under provisions relating to suits affecting the parent-child relationship regarding the transfer of continuing, exclusive jurisdiction, the authorization for a party to file with the clerk of the court of continuing, exclusive jurisdiction a transfer order that has been signed by a court exercising jurisdiction under provisions relating to procedures in a suit by a governmental entity to protect the health and safety of a child with a requirement for the Department of Family and Protective Services to file the transfer order as such. The bill specifies that the requirement for the clerk of the court of continuing, exclusive jurisdiction to transfer the files on receipt of the transfer order and without a hearing applies without further order from the court of continuing, exclusive jurisdiction and specifies the time within which the clerk is required to transfer the files.

S.B. 738 conditions the requirement under adversary hearing provisions relating to procedures in a suit by a governmental entity to protect the health and safety of a child that the court that rendered the temporary order, on the motion of a party or the court's own motion, if applicable, transfer the suit to the court of continuing, exclusive jurisdiction, if any, on the court finding that the transfer is necessary for the convenience of the parties and is in the best interest of the child and specifies the time within which the court is required to transfer the suit. The bill, for purposes of the requirement that the court that rendered the temporary order, on the motion of a party or the court's own motion, if applicable, order transfer of the suit from the court of continuing, exclusive jurisdiction, removes the condition that grounds must exist for mandatory transfer from such court under applicable provisions relating to suits affecting the parent-child relationship. The bill requires the court of continuing, exclusive jurisdiction, on receiving notice that the court that rendered the temporary order has ordered such a transfer, to transfer, pursuant to certain requirements, the proceedings to the court in which the suit is pending within a certain time.

S.B. 738 takes effect only if a specific appropriation for the implementation of the bill is provided in a general appropriations act of the 85th Legislature.

**EFFECTIVE DATE**

September 1, 2017.