

BILL ANALYSIS

H.B. 3761
By: Miller
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that current law relating to certain temporary orders in matters affecting the parent-child relationship may impose an undue burden on parent conservators who are members of the armed forces because procedures for requesting and obtaining such orders do not account for the possibility that the conservator may receive certain military orders at short notice. H.B. 3761 seeks to address these concerns by authorizing a conservator to file for such a temporary order in advance of the conservator's receipt of military orders under certain circumstances.

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

H.B. 3761 amends the Family Code to authorize a conservator to file for a temporary order in a suit affecting the parent-child relationship under procedures applicable to military duty without having been ordered to military deployment, military mobilization, or temporary military duty if the conservator has reason to anticipate the following:

- the conservator will be ordered to military deployment, military mobilization, or temporary military duty during the one-year period following the date on which the conservator files the order; and
- there will be insufficient time for an expedited hearing on the issuance of a temporary order after the conservator is notified of upcoming military deployment, military mobilization, or temporary military duty.

H.B. 3761 establishes that a temporary order rendered based on such a request expires on the first anniversary of the date of issuance unless the conservator is ordered to military deployment, military mobilization, or temporary military duty before that date. The temporary order takes effect on the date the conservator leaves for military deployment, military mobilization, or temporary military duty, provided that the deployment, mobilization, or temporary duty is ordered before the temporary order expires.

EFFECTIVE DATE

September 1, 2019.