

- SUBJECT:** Family violence protective orders for victims of child abuse or neglect
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 9 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, Naishtat, A. Reyna, Smith, Williams
- 0 nays
- WITNESSES:** For — Robert L. (Bob) Green, Jr., Primary Nurturing Fathers of Texas and Texas Fathers Alliance; Cliff Price, Texas Pediatric Society and Texas Medical Association; Tom Forbes, Rebecca Whites
- Against — None
- On — Howard Baldwin, Texas Department of Protective and Regulatory Services
- BACKGROUND :** Chapter 262 of the Family Code addresses emergency procedures that the state can follow in assuming custody of or control over a child. It allows a court to order a governmental entity to take possession of a child in an emergency if there is an immediate danger to the child's physical health or safety or the child has been a victim of sexual abuse and that continuation in the home would be contrary to the child's welfare.
- Chapter 71 of the Family Code addresses family violence and protective orders. "Family violence" includes physical harm, bodily injury, assault or sexual assault, and abuse toward a child. A court that finds clear and present danger of family violence, may, without further notice to any other member of the family and without a hearing, enter a temporary order restricting contact and communication with the applicant or any other member of the family or household.
- DIGEST:** CSHB 1336 would allow courts to issue temporary protective orders in approving emergency custody of a child under Chapter 261. The court would have to find that child abuse or neglect had occurred and that the child required protection from family violence, as defines in Chapter 71.

In the full adversary hearing held later, the court would be required to render a protective order under Chapter 71 if it found that the child required protection from family violence by a member of the child's family or household.

The bill also would extend the Chapter 262 emergency order provision to children who have been victims of neglect.

CSHB 1336 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**NOTES:**

The committee substitute deleted provisions for considering the mental health or safety of the child in issuing emergency orders; intimidation or harassment by a member of a child's family in issuing protective orders; and the imminent danger of the child in allowing the state to take possession of a child in an emergency without a court order.