

**SUBJECT:** Allowing certain children to choose their managing conservator

**COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment

**VOTE:** 7 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, Smith, Williams  
0 nays  
2 absent — Naishtat, A. Reyna

**WITNESSES:** For — Ron Forster, Fathers Hotline; Robert L. (Bob) Green, Jr., Primary Nurturing Fathers of Texas and Texas Fathers Alliance; Roy Getting, Tarrant County Fathers for Equal Rights; David Shelton, Texas Fathers Alliance; Jan McKenna  
Against — None

**BACKGROUND :** Children 12 years or older involved in custody cases may choose the person to be appointed managing conservator, subject to the approval of the court.

**DIGEST:** HB 3346 would lower to 10 years the age at which children could choose their managing conservator.  
The bill would take effect September 1, 1997.

**SUPPORTERS SAY:** HB 3346 would bring conformity to the Family Code. Juvenile justice provisions of the code define “child” as a person who is 10 to 17 years old. A child of 10 can be charged with a crime, adjudicated delinquent and sent to the Texas Youth Commission. If 10-year-old children are mature enough for criminal sanctions, they also should be mature enough to choose their managing conservator, especially since their choice would have to be approved by the court.

**OPPONENTS SAY:** No apparent opposition.

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NOTES: A related bill, HB 2488 by Staples, which would lower from 12 to 10 the age at which children in contested custody cases could have to be interviewed by the judge regarding their custody preferences, passed the House on May 10.