

**SUBJECT:** Hearing deadlines on applications for family violence protective orders

**COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended

**VOTE:** 8 ayes — Goodman, Staples, J. Jones, McClendon, McReynolds, Naishtat, Smith, Williams

0 nays

1 absent — A. Reyna

**SENATE VOTE:** On final passage, Local and Uncontested Calendar, March 26 — 31-0

**WITNESSES:** For — None

Against — None

On — Christina Schneider, Texas Council on Family Violence

**BACKGROUND :** Under the Family Code, victims of family violence can obtain protective orders by filing an application with a court. The court must set a hearing date on the application within 14 days after filing. If the responding party failed to receive notice of the application, the hearing must be rescheduled within 14 days of the request to reschedule. Counties with populations of more than 1.5 million must meet a 20-day deadline for original and rescheduled hearings. These requirements are specified in sec. 84 of the Family Code, as reorganized by SB 797 by Harris, which took effect May 5.

**DIGEST:** CSSB 299 would amend Family Code sec. 84 to require all courts to comply with 20-day deadlines on original and rescheduled hearings involving applications for protective orders.

The bill would take effect September 1, 1997.

**SUPPORTERS SAY:** CSSB 299 would provide uniformity in Family Code provisions regarding time limits for hearings on applications for protective orders. Several judicial districts in Texas contain more than one county, making it difficult for judges to meet the 14-day deadline for the hearings. It is practically

impossible for them to coordinate their rotation schedule to accommodate protective order hearings every 14 days in addition to their numerous other hearings and trials. Rather than just bracketing out counties with populations greater than 1.5 million and counties in multi-county judicial districts, it would be better to establish a uniform 20-day time limit.

**OPPONENTS  
SAY:**

CSSB 299 would unnecessarily increase the time that victims of family violence must wait before getting an enforceable protective order. Because the bill would allow for 20 days to pass before a protective order application was heard, it could jeopardize the safety of families who need enforceable protective orders sooner rather than later. The bill also would establish a blanket policy for all counties, even those that currently are able to meet the 14-day time limit.

**NOTES:**

The committee substitute would authorize courts to set a hearing date within 20 days after an application was filed and repeal the provision addressing hearing dates in counties with a population of 1.5 million or more. The Senate-passed version of the bill would have authorized prosecuting attorneys in multi-county judicial districts to request a hearing within 20 days after an application was filed.

A related bill, SB 1253 by Ellis, which includes the same provisions regarding family violence protective orders as CSSB 299, passed the Senate on April 23 and was reported favorably as substituted by the House Juvenile Justice and Family Issues Committee on May 8.