

BILL ANALYSIS

Senate Research Center

H.B. 646
By: Goodman (Harris)
Jurisprudence
4-25-97
Engrossed

DIGEST

Currently, a jury verdict for custody is binding on the court. If a jury renders a verdict for joint managing conservatorship, the court then decides who has the right to determine the primary residence of the child, which thwarts the will of the jury. This bill defines which issues a jury may decide in a suit affecting the parent-child relationship.

PURPOSE

As proposed, H.B. 646 defines which issues a jury may decide in a suit affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 105.002, Family Code, by amending Subsection (c) and adding Subsection (d), to set forth the issues on which a party is and is not entitled to a verdict by a jury. Deletes existing Subsection (c). Prohibits the court from contravening a jury verdict on an issue submitted under Subsection (c)(1). Provides that a jury verdict on an issue submitted under Subsection (c)(3) is advisory only.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.