

## **BILL ANALYSIS**

Senate Research Center  
76R14499 CMR-D

C.S.H.B. 1411  
By: Naishtat (Moncrief)  
Jurisprudence  
5/4/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, the Family Code prohibits the appointment of a parent with a history of family violence as a joint managing conservator. However, sole managing conservatorship may be awarded to a parent with a history of family violence. C.S.H.B. 1411 would limit a court's ability to award sole managing conservatorship or unrestricted visitation to a parent with a recent history of family violence and authorizes a court to enter visitation orders that protect children and victims of family violence.

### **PURPOSE**

As proposed, C.S.H.B. 1411 prohibits certain appointments of a conservatorship for children.

### **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 Chapter 101, Family Code, by adding Section 101.0125, as follows:

Sec. 101.0125. FAMILY VIOLENCE. Defines "family violence."

SECTION 2. Amends Section 153.001(a), Family Code, to provide that the public policy of the state is to provide a safe, stable, and nonviolent environment for a child.

SECTION 3. Amends Section 153.004, Family Code, by adding Subsection (d), to prohibit a court from allowing a parent with a history of violence from having access to the child unless the court makes certain findings regarding the parent.

SECTION 4. (a) Effective date: September 1, 1999. Makes application of this Act prospective.

(b) Provides that the enactment of this Act does not constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a degree that provides for the possession of or access to a child rendered before the effective date of this Act.

SECTION 5. Emergency clause.

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 2.**

Amends Section 153.001(a), Family Code, to include a nonviolent environment for a child in the public policy of this state.

### **SECTION 3.**

Amends Section 153.004, Family Code, to delete proposed changes to Subsection (c), regarding prohibitions against appointing certain managing conservators, and amends Subsection (d), to require a person to abstain from alcohol for a certain amount of time prior to having access to a child.