

BILL ANALYSIS

Senate Research Center
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H.B. 819
By: Naishtat (Moncrief)
Jurisprudence
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Engrossed

DIGEST

Currently, victims of family violence may be required by a court to participate in mediation for a suit to dissolve a marriage or a suit affecting the parent-child relationship. This may cause the victim additional trauma and place the victim at a disadvantage in negotiating resolution of the suit. H.B. 819 would authorize a party to file an objection to the mediation of certain proceedings on the basis of family violence.

PURPOSE

As proposed, H.B. 819 authorizes a party to file an objection to the mediation of certain proceedings on the basis of family violence.

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 6.602, Family Code, by adding Subsection (d), to authorize a party to file with the court at any time written objection to the referral of a suit to mediation under this section on a certain basis. Prohibits the suit from being referred to mediation unless, on the request of a party or on the court's own motion, a hearing is held and the court finds that there is not credible evidence that family violence occurred, on filing the objection.

SECTION 2. Amends Chapter 101, Family Code, by adding Section 101.0125, as follows:

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

SECTION 3. Amends Section 153.0071, Family Code, by adding Subsections (f) and (g), to authorize a party to file with the court at any time written objection to the referral of a suit to mediation under Subsection (c) on a certain basis. Prohibits the suit from being referred to mediation unless, on the request of a party or on the court's own motion, a hearing is held and the court finds that there is not credible evidence that family violence occurred, on filing the objection. Provides that Subsection (f) does not apply to a suit commenced under Chapter 262.

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

SECTION 5. Emergency clause.