

## **BILL ANALYSIS**

Senate Research Center

S.B. 207  
By: Moncrief  
Jurisprudence  
2/25/1999  
As Filed

### **DIGEST**

Currently, Texas law authorizes a suit for dissolution of a marriage to be referred to mediation. In divorce or custody suits that go to mediation, the aggressor has a chance to continue the emotional abuse on the child in custody cases. This bill would protect against family violence in the family law cases involving alternative dispute resolution.

### **PURPOSE**

As proposed, S.B. 207 protects against family violence in the family law cases and in certain other cases involving alternative dispute resolution procedures.

### **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 a written objection to the referral of a suit for dissolution of a marriage to mediation on the basis of family violence having been committed against the objecting party. Prohibits, once an objection is filed, referral to mediation unless the objection is heard. Establishes that if there is a reasonable basis for the objection, the court may not refer the suit to meditation if the objection is overruled. Requires the court to enter orders for the physical safety of the participants.

SECTION 2. Amends Section 153.0071, Family Code, by adding Subsection (f), to authorize a party to file a written objection to the referral of a suit affecting the parent-child relationship to mediation on the basis of family violence committed against the objecting party or a child who is the subject of the suit. Prohibits, once an objection is filed, the case from being referred to mediation unless the objection is heard. Establishes that if there is a reasonable basis for the objection, the court may not refer the suit to meditation. Requires the court to enter orders for the physical safety of the participants, if the objection is overruled. Provides that this Subsection does not apply to suits filed under Chapter 262..

SECTION 3. Amends Section 154.022, Civil Practice and Remedies Code, by adding Subsection (d), to require evidence of an act of family violence to be a reasonable basis for an objection filed under Subsection (b).

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

SECTION 5. Emergency clause.