

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 207  
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Jurisprudence  
4/20/1999  
Committee Report (Substituted)

### **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. C.S.S.B. 207 would protect against family violence in the family law cases involving alternative dispute resolution.

### **PURPOSE**

As proposed, C.S.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 prior to the final mediation order 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 the court finds that a preponderance of the evidence supports the objection, the court may not refer the suit to meditation.

SECTION 2. Amends Section 153.0071, Family Code, by adding Subsection (f), to authorize a party prior to the final mediation order 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 the court finds that a preponderance of the evidence supports the objection, the court may not refer the suit to meditation. Provides that if the court does not find sufficient evidence to support the objection, the court may refer the suit to mediation. Requires the court to order appropriate measures to ensure physical and emotional safety of the party who filed the objection. Requires the order to provide that the parties not be required to have face to face contact during mediation. 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 sufficient evidence for an objection filed under Subsection (b).

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

SECTION 5. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Amends Section 6.602, Family Code, to authorize a written objection prior to the final mediation order for dissolution of marriage. Provides that if the court finds that a preponderance of the evidence supports the objection, the court may not refer the suit to mediation. Deletes proposed text regarding the requirement to enter orders for the physical safety of participants.

#### SECTION 2.

Amends Section 153.0071(f), Family Code, to provide that if the court finds sufficient evidence to support the objection, the court may refer the suit to mediation. Requires the court to order appropriate measure to ensure physical and emotional safety of the party who filed the objection. Requires that order to provide that the parties not be required to have face to face contact during mediation. Makes conforming changes.

#### SECTION 3.

Amends Section 154.022, Civil Practice and Remedies Code, to require sufficient evidence for an objection filed under Subsection (b).