

BILL ANALYSIS

Senate Research Center
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S.B. 140
By: Moncrief
Jurisprudence
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DIGEST AND PURPOSE

Currently, a court is prohibited from awarding custody of a child when there is evidence that a parent neglected, physically abused, or sexually abused a child, and the court is required to appoint sole custody to the nonviolent parent. As proposed, S.B. 140 allows for a rebuttal presumption that the appointment of a parent as sole managing conservator of a child is not in the best interest of the child if there is credible evidence of a history of abuse or family violence.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.004(b), Family Code, to provide that it is a rebuttable presumption that the appointment of a parent as the sole conservator of a child is not in the best interest of the child if credible evidence is presented of a history or pattern of past or present child neglect, or physical or sexual abuse by that parent directed against the other parent, a spouse, or a child.

SECTION 2. Effective date: September 1, 2001. Provides that the enactment of this Act does not by itself constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the effective date of this Act. Makes application of this Act prospective.