

BILL ANALYSIS

Senate Research Center
77R3776 JMM-F

S.B. 551
By: Van de Putte
Jurisprudence
3/8/2001
As Filed

DIGEST AND PURPOSE

Currently, several states have statutes that deny child custody and visitation rights to perpetrators of sexual assault who impregnate their victims. Texas has no such statute. As proposed, S.B. 551 creates a rebuttable presumption that perpetrators who impregnate their victims will not be awarded custody of or visitation with children resulting from sexual assault.

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 Chapter 153A, Family Code, to add Section 153.0045, as follows:

Sec. 153.0045. CONSERVATORSHIP WHEN PREGNANCY RESULTS FROM CRIMINAL ACT. Prohibits a court having the jurisdiction of a suit affecting the parent-child relationship (court), in determining whether to appoint a party as a sole or joint managing conservator, from appointing a parent if the court finds by a preponderance of evidence that the parent has engaged in conduct that constitutes an offense under Section 22.011 (Sexual Assault) or Section 22.021 (Aggravated Sexual Assault), Penal Code, and as a direct result of the conduct by the parent, the other parent of the child became pregnant with the child.

SECTION 2. Amends Section 153.191, Family Code, to provide that it is a rebuttable presumption that the appointment of a parent as possessory conservator of a child is not in the best interest of the child if the court finds by a preponderance of the evidence that the parent has engaged in conduct that constitutes an offense under Section 22.011 or 22.021, Penal Code, and as a direct result of the conduct by the parent, the other parent of the child became pregnant with the child.

SECTION 3. Effective date: September 1, 2001.

Makes application of this Act prospective.

Provides that the enactment of this Act does not by itself constitute a 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.