

BILL ANALYSIS

Senate Research Center
82R572 RWG-F

H.B. 905
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current law pertaining to an application for a protective order does not provide for the admissibility of hearsay statements of a child. This is a problem because many times a child is the only witness who can testify about alleged family violence. Section 104.006 (Hearsay Statement of Child Abuse Victim), Family Code, provides that statements describing alleged abuse made by a child 12 years of age or younger may be admissible under certain circumstances in suits affecting the parent-child relationship.

H.B. 905 will allow statements made by a child 12 years of age or younger that describe alleged abuse to be admissible whether or not the statements would otherwise be inadmissible as hearsay if the court finds that the statements are otherwise reliable. The bill will strengthen protections for abused children and make the law regarding testimony of a child in an application for a protective order consistent with the law in suits affecting the parent-child relationship.

H.B. 905 amends current law relating to the admissibility of certain hearsay statements of a child in hearings on an application for a protective order.

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 84, Family Code, by adding Section 84.006, as follows:

Sec. 84.006. HEARSAY STATEMENT OF CHILD VICTIM OF FAMILY VIOLENCE. Provides that, in a hearing on an application for a protective order, a statement made by a child 12 years of age or younger that describes alleged family violence against the child is admissible as evidence in the same manner that a child's statement regarding alleged abuse against the child is admissible under Section 104.006 (Hearsay Statement of Child Abuse Victim) in a suit affecting the parent-child relationship.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.