

BILL ANALYSIS

Senate Research Center

S.B. 77
By: Nelson
State Affairs
6/6/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 77 establishes a conviction of "sexual assault of the other parent" as grounds to terminate parental rights and clarifies that judges may order a parent whose rights have been terminated to pay child support.

There are currently 22 applicable grounds in law for terminating parental rights. Those grounds include serious crimes such as convictions for murder, attempted murder, and solicitation to murder. Sexual assault of the other parent is not grounds to terminate parental rights.

For a parent's rights to be terminated, the law requires that a judge must have two things present: "grounds" (i.e., a conviction), and termination must be in the best interest of the child.

S.B. 77 expands the options available to judges when handling sexual assault cases between parents while retaining judicial discretion to terminate a parent's rights and order financial support.

S.B. 77 amends current law relating to involuntary termination of parental rights based on sexual assault of the child's other parent and the child support obligations of the parent whose rights were terminated.

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 154.001(a-1), Family Code, to authorize certain courts to order each person who is financially able and whose parental rights have been terminated with respect to a child in substitute care for whom the Department of Family and Protective Services has been appointed managing conservator, a child for a certain reason, or a child who was conceived as a direct result of conduct that constitutes an offense under certain sections of the Penal Code, to support the child in the manner specified by the order until the earliest of certain events relating to the child or, if the child is disabled as defined in this chapter (Child Support), for an indefinite period. Makes a nonsubstantive change.

SECTION 2. Amends Section 161.001(b), Family Code, to authorize certain courts to order termination of the parent-child relationship, if the court finds by clear and convincing evidence that the parent has, among certain other acts, been convicted of sexual assault of the other parent of the child under Section 22.011 (Sexual Assault) or 22.021 (Aggravated Sexual Assault), Penal Code, or under certain other substantially similar laws, or the parent has been placed on certain community supervision for being criminally responsible for the sexual assault of the other parent of the child under the same sections or laws.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2017.