

BILL ANALYSIS

H.B. 1262
By: Thompson
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that, under current law, it is unclear as to what elements should be taken into consideration when rendering an order governing possession of and access to a child under the age of three. H.B. 1262 seeks to clarify this issue by establishing a list of factors to be considered by a court in making an appropriate decision that is in the best interest of the child.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1262 amends the Family Code to require a court rendering an order for possession of a child less than three years of age to consider evidence of all relevant factors, including certain specified factors set out by the bill's provisions. The bill requires the court, in rendering such an order, to make findings in support of the order if a party files a written request with the court not later than the 10th day after the date of the hearing or if a party makes an oral request in court during the hearing on the order. The bill requires the court to make and enter the required findings not later than the 15th day after the date the party makes the request.

EFFECTIVE DATE

September 1, 2011.