

FAMILY VIOLENCE AND CHILDREN

Creating a Teen Dating Violence Court Program

HB 2496: Author, Representative Naomi Gonzalez (D-El Paso); Sponsor, Senator John Carona (R-Dallas)

This legislation creates an alternative legal response to the critical issue of teen dating violence by adding a dedicated court program for first time juvenile offenders involved in misdemeanor incidents of dating violence. This program allows for deferred adjudication and dismissal of certain dating violence cases through the offender’s engagement in a 12 week program run by a dedicated teen victim advocate.

Adds Texas Family Code Section 54.0325. Effective September 1, 2011.

Fair Measures for Children in the Courtroom

SB 578: Author, Senator Troy Fraser (R-Horseshoe Bay); Sponsor, Representative Will Hartnett (R-Dallas)

This legislation outlines procedures courts must follow when children testify. These practices center on providing an environment that takes into account the particular challenges children face in testifying such as: age-appropriate questions, limiting the duration and timing of the child’s testimony, allowing the child to have a toy, blanket or other comforting item, and allowing a support person to accompany the child while testifying.

Creates Code of Criminal Procedure Article 38.074. Effective September 1, 2011.

Child Abduction by a Parent Without Orders

HB 2662: Author, Representative Scott Hochberg (D-Houston); Sponsor, Senator Juan “Chuy” Hinojosa (D-McAllen)

Both of these bills address child abduction by a parent. HB 2662 expands the definition of “missing child” to include a parent that takes or retains a child at the expense of another custodial parent. This allows law enforcement to search for the child. SB 1551 mirrors HB 2662 regarding the definition change and also creates an offense for international abduction by a parent. Significantly, both bills expressly do not apply to parents fleeing attempted or actual commission of family violence.

HB 2662 Amends Code of Criminal Procedure Section 63.001. SB 1551 Amends Code of Criminal Procedure Articles 13.075 and 63.001 and Penal Code Section 25.03. Both Effective September 1, 2011.

THE MILITARY

Increased Communication When Soldiers Batter

HB 2624: Author, Representative Ralph Sheffield (R-Temple); Sponsor, Senator Leticia Van De Putte (D-San Antonio)

This bill fosters increased communication between the military and local criminal and civil justice personnel. When a protective order case names a military member as the respondent, the clerk of the state court must notify the base at which the respondent serves, as well as his or her commanding officer. Police officers responding to a family violence call must determine whether the perpetrator is a service member, and if so, must include that in their written report and send a copy of the report to the member’s base and commanding officer. Among other measures, the legislation also requires investigations into a member’s deployment history and a determination about the potential of Post Traumatic Stress Disorder or Traumatic Brain Injury.

Amends Family Code Section 85.042, Code of Criminal Procedure Articles 5.05, 42.0182, and 42.12 Section 9.

Thank you.

The Texas Council on Family Violence proudly acknowledges all members of the Senate and the House, the TCFV Public Policy Committee and every individual who participated in the TCFV/ Texas Association Against Sexual Assault (TAASA) Capitol Day on February 14. Names appearing on our “thank you” list represent the top tier of our state’s activism against family violence. This list includes survivors, advocates, partners, family violence program staff, law enforcement, prosecutors, judges, legislators and heroes from all walks of life. These Texans voted, advocated and informed our efforts during the 82nd Session, and answered our call to *Go Purple*.

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Lt. Governor David Dewhurst
Speaker Joe Straus, III
Attorney General Greg Abbott

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John Carona
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Bob Deuell
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Rodney Ellis
Kevin Eltife
Craig Estes
Troy Fraser
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(Continued on back...)

(Thank You’s, continued...)

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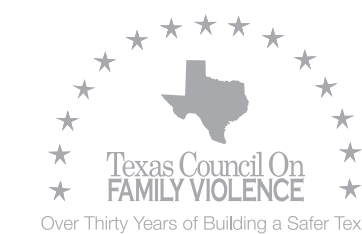
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GO PURPLE UPDATE

The 82nd Session Family Violence Legislation Update from the Texas Council on Family Violence



First Lady Anita Perry joined TCFV and the Texas Association Against Sexual Assault (TAASA) in support of legislation to take stalking seriously.



Over Thirty Years of Building a Safer Texas

www.tcfv.org

You may ask “Why ‘Go Purple’?”



Senator Jane Nelson joins Gloria Terry (President, TCFV), Glenn Stockard (Eastland County Crisis Center Executive Director and TCFV Board Member), and hundreds of allies and advocates in support of full funding - February 14, 2011.

For those who work to stop family violence, purple stands as the color we wear to draw attention to our efforts. When we wear purple or use it on materials, it instantly reminds all of us that we are not alone in our work to end violence at home. With this sense of activism, TCFV challenges itself and Texas to Go Purple, taking family violence seriously.

Texas continues its commitment to addressing and stopping family violence. This year’s 82nd Session of the Texas Legislature proved to be no exception. Legislative partners eagerly and overwhelmingly supported measures that require batterer accountability and safety for victims. From full funding for family violence programs to changes to the Penal Code and the Family Code, our legislature made significant headway in addressing many of the challenges facing victims of family violence and their families.

We salute this robust response. We also pay tribute to the many survivors, advocates, allies and partners from the judiciary, prosecution, law enforcement, education and everyday folks that made our legislative priorities their priorities. Although TCFV showed solid and careful leadership at the legislature, thousands of voices from communities throughout Texas sounded a clarion call to action during the 82nd Session and the legislature answered.

Take a look and you will see what the Texas legislature did to *Go Purple* this session.

The TCFV Legislative Agenda

Allies and advocates created signs for Capitol Day underscoring that love should not hurt.



In the year leading up to a legislative session, TCFV follows a deliberate process in developing its substantive legislative priorities. In our interactions at the capitol and across the state, we solicit ideas, information and feedback from the entirety of the coordinated community response to family violence in Texas. We look to those doing the life-saving work to inform our approach to legislative changes. TCFV also convenes a Public Policy Committee comprised of a diverse group of those involved in addressing family violence response in our state, including victims, family violence advocates, law enforcement, prosecutors, educators, the judiciary and others. Using their feedback and guidance, TCFV then works to vet a long list of ideas, with the intent to focus during session on those measures that will be most impactful and that can be accomplished. The following agenda represents the culmination of this consensus-driven preparation.

Appropriations

In this session’s extraordinary budgetary climate, TCFV intensified our focus on full funding for family violence programs. The Legislature recognized the need for family violence services and made a strong commitment to shelters and resource centers in communities across Texas. The 82nd Legislature appropriated \$51.4 million for the biennium for these life-saving programs.

Additionally, the Legislature appropriated \$1.25 million for Battering Intervention Prevention Program (BIPP) funding. This represents a victory and a continuing point for advocacy: in the first version of the budget, BIPP funding faced complete elimination. Through concentrated efforts, TCFV accomplished a restoration of 50% of funding for BIPPs and will continue to advocate for full restoration.



Representative Elliott Naishtat addressed the press in recognition of thousands of Purple Postcards that TCFV, partners and allies delivered to legislators. For more about Purple Postcards, go to: www.tcfv.org/our-work/legislative-legal-advocacy/purple-postcard-initiative.



The Mary Kay Foundation generously underwrote Capitol Day, helping to make the event a strong success.

THE TCFV LEGISLATIVE AGENDA

Improving Our State’s Stalking Statute

SB 82: Author, Senator Jane Nelson (R-Lewisville); Sponsor, Representative Pete Gallego (D-Alpine)

This legislation accomplishes several changes to the existing stalking statutes, which have proven to be difficult to prosecute. Among other important changes, the bill allows juries to hear more information regarding the relationship between the stalker and the stalking victim. This helps the jury to gain a complete picture when deciding the level of reasonable threat the victim felt when stalked. Because stalking can occur across state and county lines, the law will now allow for prosecution in any county in which a part of this continuing offense occurred.

Amends Penal Code Section 42.072 and Code of Criminal Procedure Articles 13.36 and 38.46. Effective September 1, 2011.

Fostering Best Outcomes for Domestic Violence Victims and Their Children

SB 434: Author, Senator Jane Nelson (R-Lewisville); Sponsor, Representative Richard Raymond (D-Laredo)

This bill establishes a task force to understand and address domestic violence and child abuse as potentially co-occurring issues that can threaten the safety of children and families. The task force will include state agency staff and representatives from domestic violence, sexual assault and child advocacy programs, as well as members of the legal, medical and research fields. Through reports from survivors, examination of current nationwide model practice, and dialogue, the group is tasked to identify policy recommendations and best practices guidelines for addressing this co-occurrence. The task force will create a report based on these recommendations to guide both child advocacy and domestic violence efforts with policy makers in upcoming legislative sessions and beyond.

Creates Government Code Sections 951.039 to 951.061. Effective September 1, 2011.

Continuing a Community Response to Teen Dating Violence Prevention

SB 736: Author, Juan “Chuy” Hinojosa (D-McAllen); Sponsor, Representative Dawna Dukus (D-Austin)

In a continuing concerted effort to address prevention of intimate partner violence, TCFV worked during the 80th Session to accomplish a requirement for schools to develop teen dating abuse policies on campus. See Education Code Section 37.0831. During the 82nd Session, TCFV sought to further institutionalize schools’ responses to dating abuse by affecting a change to the membership for School Health Advisory Councils (SHAC). SHACs represent a local collection of parents and other community members who offer recommendations to school districts on health curricula. SB 736 adds local domestic violence programs as permissive members of SHACs, thereby linking family violence experts and district health curricula as it relates to dating abuse.

Amends Texas Education Code Section 28.004(d). Effective September 1, 2011.

The following bills affected family violence response in Texas but were not a part of TCFV’s Legislative Agenda. In most cases, TCFV supported these measures.

PROTECTIVE ORDERS

The Possibility of a Lifetime Family Violence Protective Order

SB 789: Author, Senator Chris Harris (R-Arlington); Sponsor Representative Senphronia Thompson (D-Houston)

A protective order can now last more than two years if: 1) the respondent inflicted serious bodily injury on the applicant, their family or household OR 2) the respondent was the subject of two or more previous protective orders to protect the current applicant AND the court renders a finding that family violence has occurred and is likely to occur in the future .

Amends Family Code Section 85.001. Effective September 1, 2011.

Addressing Batterers’ Use of Pets as a Method of Power and Control

SB 279: Author, Senator Wendy Davis (D-Ft. Worth); Sponsor, Representative Jodie Laubenberg (R-Parker)

This legislation allows a court to prohibit a party from removing a pet or companion animal from the person awarded possession in a protective order. Additionally, protective orders can criminally prohibit the respondent from harming, threatening, or interfering with the care, custody or control of a pet, companion animal or assistance animal that is possessed by the protected person.

Amends Family Code Sections 85.021, 85.022 and Penal Code Section 25.07. Effective September 1, 2011.

The Creation of a Stalking Protective Order

SB 250: Author, Senator Judith Zaffirini (D-Laredo); Sponsor, Representative Rafael Anchia (D-Dallas)

Victims of stalking will now be eligible to file an application for a protective order and will not have to show threat of further harm in seeking the order. New language also provides that a court may issue a temporary ex parte order if there is a clear and present danger of stalking.

Amends Code of Criminal Procedure Articles 7A.01, 7A.02, and 7A.03. Effective September 1, 2011.

Juveniles Can Seek Temporary Protective Orders

SB 819: Author, Senator Chris Harris (R-Arlington); Sponsor Representative Senphronia Thompson (D-Houston)

Among various changes to family violence protective orders, SB 819 specifies a court’s ability to enforce a protective order that another court rendered, in the manner consistent with the rendering court, be it by contempt or otherwise. Also, the bill allows a minor to file an application for protective order if the victim is a member of the dating relationship. The statute will recognize an oath signed by a child as valid in a request for a permanent protective order and temporary ex parte order.

Amends Family Code Sections 81.010, 82.002, 82.009, 83.006, 85.026. Effective September 1, 2011.

Some Hearsay from Children Will Be Allowed in Protective Order Hearings

HB 905: Author, Representative Senfronia Thompson (D-Houston); Sponsor, Senator Chris Harris (R-Arlington)

As a result of this legislation, in a protective order hearing, a previously-made statement by a child 12 years or younger describing family violence against that child is admissible as evidence. Such hearsay will be admissible in the same way it would be in a suit affecting the parent-child relationship.

Amends Family Code Section 84.006. Effective September 1, 2011.

Protective Orders Benefitting a Family Violence Victim’s New Partner

SB 116: Author, Senator Carlos Uresti (D-San Antonio); Sponsor, Representative Joaquin Castro (D-San Antonio)

The Family Code will now allow an adult member of a marriage or dating partner who is being victimized by his or her spouse’s ex-partner to obtain a protective order. This means that someone can apply for a protective order against another person with the only connection being that they both have or had a dating or family relationship with the same, third person.

Amends Family Code Section 82.002(b) and Section 71.0021(1). Effective June 17, 2011.



Marta Pelaez, Family Violence Prevention Services and TCFV Board Member.



Hundreds converged on Austin to march for full funding of family violence and sexual assault services.



Partners and constituents joined TCFV and the Texas Association Against Sexual Assault for advocacy information prior to the march on the Capitol.