

Bill Summary
2nd Session of the 58th Legislature

Bill No.:	SB 1761
Version:	CS
Request No.:	3578
Author:	Sen. Merrick
Date:	03/01/2022

Bill Analysis

The CS for SB 1761 provides that in any claim made by a party in any action pertaining to child custody claims the other committed child abuse or an act of domestic violence against the claiming party, the court must first determine upon competent admissible evidence and enter any findings regarding any child abuse or domestic abuse before proceeding to other matters. The measure provides that the evidentiary hearing must be held within 60 days of the filing of a verified pleading. Costs and attorney fees shall be paid by the parent who committed the act of child abuse or domestic violence. The measure provides that any parent alleging child abuse in good faith based on a reasonable belief supported by facts shall not be deprived of custody, visitation or contact with the child, or restricted in custody, visitation or contact, based solely on that belief or the reasonable actions taken based on that belief. If the court finds that there is sufficient evidence to show one parent did commit acts of child abuse or domestic violence, sole custody shall be awarded to the non-offending parent or party. The CS adds clarifying language to the measure.

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