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June 18, 2009

The Honorable Rick Perry
Texas Governor
P.O. Box 12428
Austin, TX 78711

Dear Governor Perry:


I was the House sponsor of SB 1440. SB 1440 as passed by the Senate was certainly non-controversial. It provided clarification to the Family Code that the signature of the judge of a referring court is *not* required on a child support or child protection associate judge's proposed order or judgment in order to become the order of the referring court. On the House floor, the language of SB 1064 was added into the bill as a Local and Consent amendment which significantly altered the content of SB 1440. This totally different subject matter created a heightened profile, and it has turned out to not be the non-controversial amendment which I expected. SB 1064 had been scheduled on the House Calendar, and the House Research Organization report indicated it had no known opposition. I was led to believe that SB 1064 had no opposition in the House Human Services Committee hearing, a point that has been subsequently disputed. SB 1440, which now is essentially SB1064, portends a significant shift in policy. The areas it addresses indeed require attention. The ideas being advocated appear to need more general debate and scrutiny.

I fully believe that families as well as children need to be protected, and agree that the Department of Family and Protective Services needs certain capabilities to properly perform its mission without unduly interfering with homes and parental rights. The subsequent discussions on the amended SB 1440 raises concerns in my mind that these factors may need additional careful evaluation.

SB 2080 by Uresti proposes a task force be formed to evaluate ways to reduce the incidence of child abuse in Texas. I would suggest that when this bill is put into effect that someone from the Texas Home School Coalition be appointed to that body. I also volunteer my services to work with all sides in finding common ground by taking SB 1440 and developing a consensus recommendation to insure the rights of families and vulnerable children are both protected. Lacking the time to initiate a plan to work out the differences between the various stakeholders and parties presently sparring over SB 1440, I would recommend you reject it at this point in time.

I am persuaded a proper balance of interests and just outcomes can be reached if the necessary investment of time and effort are contributed to the endeavor. I have talked with many people on both sides of this issue, and believe they are all operating in good faith. I expect that between now and next session, by working with my legislative colleagues and all the interested parties which were involved in developing this bill, the prospects for buy-in from those who now may be debating over this issue can be resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry A. Madden". The signature is written in a cursive style with a large initial "J" and "M".

Jerry A. Madden