

## **BILL ANALYSIS**

Senate Research Center  
78R6297 KLA-F

H.B. 1536  
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Jurisprudence  
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Engrossed

### **DIGEST AND PURPOSE**

Currently, no guidelines exist in the Texas Family Code for procedures by which contact may be maintained between a child and a birth parent, if mediation occurs during the voluntary termination of a parent-child relationship. As proposed, H.B. 1536 encourages voluntary mediation and permits limited contact with guidelines between the biological parent and the child after the termination of the parent-child relationship.

### **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 161.206(b), Family Code, to provide that except as provided by Section 161.2061, an order terminating the parent-child relationship divests the parent and the child of all legal rights and duties with respect to each other, except that the child retains the right to inherit from and through the parent unless the court otherwise provides.

SECTION 2. Amends Subchapter C, Chapter 161, Family Code, by adding Sections 161.2061 and 161.2062, as follows:

**Sec. 161.2061. TERMS REGARDING LIMITED POST-TERMINATION CONTACT.**

(a) Authorizes the court, if the court finds it to be in the best interest of the child, to provide in an order terminating the parent-child relationship that the biological parent who filed an affidavit of voluntary relinquishment of parental rights under Section 161.103 shall have limited post-termination contact with the child as provided by Subsection (b) on the agreement of the biological parent and the Department of Protective and Regulatory Services (DPRS) or a licensed child-placing agency, as defined by Section 101.017.

(b) Authorizes the order of termination to include terms that allow the biological parent to perform certain acts.

(c) Authorizes the terms of an order of termination regarding limited post-termination contact to be enforced only if the party seeking enforcement pleads and proves that, before filing the motion for enforcement, the party attempted in good faith to resolve the disputed matters through mediation.

(d) Provides that the terms of an order of termination under this section are not enforceable by contempt.

(e) Prohibits the terms of an order of termination regarding limited post-termination contact from being modified.

(f) Provides that an order under this section does not impose certain results.

**Sec. 161.2062. PROVISION FOR LIMITED CONTACT BETWEEN BIOLOGICAL**

PARENT AND CHILD. (a) Prohibits an order terminating the parent-child relationship from requiring that a subsequent adoption order include terms regarding limited post-termination contact between the child and a biological parent.

(b) Provides that the inclusion of a requirement for post-termination contact described by Subsection (a) in a termination order does not impose certain results.

SECTION 3. Amends Section 161.103, Family Code, by adding Subsection (h), to prohibit the affidavit from containing terms for limited post-termination contact between the child and the parent whose parental rights are to be relinquished as a condition of the relinquishment of parental rights.

SECTION 4. (a) Effective date: September 1, 2003. Provides that this Act applies only to a suit affecting the parent-child relationship pending in a trial court or filed on or after that date.

(b) Provides that this Act is not retroactive.