

## **BILL ANALYSIS**

H.B. 1536  
By: Reyna  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Voluntary termination of parental rights where abuse or neglect is present is an important and emotional decision that needs special consideration. Currently, if mediation occurs during the voluntary termination of a parent-child relationship, there are no guidelines in the Texas Family Code for procedures by which contact may be maintained between a child and a birth parent.

House Bill 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**

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.

### **SECTION BY SECTION ANALYSIS**

- Section 1.** Amends Section 161.206(b), Family Code to provide that 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 which provides terms regarding limited post-termination contact. On agreement by the biological parent, the Texas Department of Protective and Regulatory Service or a licensed child-placing agency, on the order of termination may include terms that allow the biological parent to receive specified information regarding the child; provide written communication to the child; and limited access to the child. These terms are only enforceable 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. Additionally, the terms of an order of termination may not be modified or require that a subsequent adoption order include terms regarding limited post termination contact.
- Section 3.** Amends Section 161.103, Family Code, by adding Subsection (h) that provides that the affidavit may not contain 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.** This Act takes effect September 1, 2003, and applies only to a suit affecting the parent-child relationship pending in a trial court or filed on or after that date. (b) A suit affecting the parent-child relationship in which a final order is rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered.

### **EFFECTIVE DATE**

September 1, 2003.