

AN ACT

relating to certain communication with and access to a child following termination of the parent-child relationship.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 161.206(b), Family Code, is amended to read as follows:

(b) Except as provided by Section 161.2061, an [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. Subchapter C, Chapter 161, Family Code, is amended by adding Sections 161.2061 and 161.2062 to read as follows:

Sec. 161.2061. TERMS REGARDING LIMITED POST-TERMINATION CONTACT. (a) If the court finds it to be in the best interest of the child, the court may 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.

(b) The order of termination may include terms that allow

1 the biological parent to:

2 (1) receive specified information regarding the
3 child;

4 (2) provide written communications to the child; and

5 (3) have limited access to the child.

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

11 (d) The terms of an order of termination under this section
12 are not enforceable by contempt.

13 (e) The terms of an order of termination regarding limited
14 post-termination contact may not be modified.

15 (f) An order under this section does not:

16 (1) affect the finality of a termination order; or

17 (2) grant standing to a parent whose parental rights
18 have been terminated to file any action under this title other than
19 a motion to enforce the terms regarding limited post-termination
20 contact until the court renders a subsequent adoption order with
21 respect to the child.

22 Sec. 161.2062. PROVISION FOR LIMITED CONTACT BETWEEN
23 BIOLOGICAL PARENT AND CHILD. (a) An order terminating the
24 parent-child relationship may not require that a subsequent
25 adoption order include terms regarding limited post-termination
26 contact between the child and a biological parent.

27 (b) The inclusion of a requirement for post-termination

1 contact described by Subsection (a) in a termination order does
2 not:

3 (1) affect the finality of a termination or subsequent
4 adoption order; or

5 (2) grant standing to a parent whose parental rights
6 have been terminated to file any action under this title after the
7 court renders a subsequent adoption order with respect to the
8 child.

9 SECTION 3. Section 161.103, Family Code, is amended by
10 adding Subsection (h) to read as follows:

11 (h) The affidavit may not contain terms for limited
12 post-termination contact between the child and the parent whose
13 parental rights are to be relinquished as a condition of the
14 relinquishment of parental rights.

15 SECTION 4. (a) This Act takes effect September 1, 2003, and
16 applies only to a suit affecting the parent-child relationship
17 pending in a trial court or filed on or after that date.

18 (b) A suit affecting the parent-child relationship in which
19 a final order is rendered before the effective date of this Act is
20 governed by the law in effect on the date the order was rendered.

President of the Senate

Speaker of the House

I certify that H.B. No. 1536 was passed by the House on April 3, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 1536 on May 22, 2003, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1536 was passed by the Senate, with amendments, on May 21, 2003, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor