

By: Reyna, Goodman

H.B. No. 1536

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain communication with and access to a child  
3 following termination of the parent-child relationship.

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

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

7 (b) Except as provided by Section 161.2061, an [An] order  
8 terminating the parent-child relationship divests the parent and  
9 the child of all legal rights and duties with respect to each other,  
10 except that the child retains the right to inherit from and through  
11 the parent unless the court otherwise provides.

12 SECTION 2. Subchapter C, Chapter 161, Family Code, is  
13 amended by adding Sections 161.2061 and 161.2062 to read as  
14 follows:

15 Sec. 161.2061. TERMS REGARDING LIMITED POST-TERMINATION  
16 CONTACT. (a) If the court finds it to be in the best interest of  
17 the child, the court may provide in an order terminating the  
18 parent-child relationship that the biological parent who filed an  
19 affidavit of voluntary relinquishment of parental rights under  
20 Section 161.103 shall have limited post-termination contact with  
21 the child as provided by Subsection (b) on the agreement of the  
22 biological parent and the Department of Protective and Regulatory  
23 Services or a licensed child-placing agency, as defined by Section  
24 101.017.

1       (b) The order of termination may include terms that allow  
2 the biological parent to:

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

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

6           (3) have limited access to the child.

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

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

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

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

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

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

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

1       (b) The inclusion of a requirement for post-termination  
2 contact described by Subsection (a) in a termination order does  
3 not:

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

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

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

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

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

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