

1-1 By: Reyna, Goodman (Senate Sponsor - Shapiro) H.B. No. 1536
1-2 (In the Senate - Received from the House April 7, 2003;
1-3 April 9, 2003, read first time and referred to Committee on
1-4 Jurisprudence; April 24, 2003, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; April 24, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to certain communication with and access to a child
1-9 following termination of the parent-child relationship.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 161.206(b), Family Code, is amended to
1-12 read as follows:

1-13 (b) Except as provided by Section 161.2061, an [An] order
1-14 terminating the parent-child relationship divests the parent and
1-15 the child of all legal rights and duties with respect to each other,
1-16 except that the child retains the right to inherit from and through
1-17 the parent unless the court otherwise provides.

1-18 SECTION 2. Subchapter C, Chapter 161, Family Code, is
1-19 amended by adding Sections 161.2061 and 161.2062 to read as
1-20 follows:

1-21 Sec. 161.2061. TERMS REGARDING LIMITED POST-TERMINATION
1-22 CONTACT. (a) If the court finds it to be in the best interest of
1-23 the child, the court may provide in an order terminating the
1-24 parent-child relationship that the biological parent who filed an
1-25 affidavit of voluntary relinquishment of parental rights under
1-26 Section 161.103 shall have limited post-termination contact with
1-27 the child as provided by Subsection (b) on the agreement of the
1-28 biological parent and the Department of Protective and Regulatory
1-29 Services or a licensed child-placing agency, as defined by Section
1-30 101.017.

1-31 (b) The order of termination may include terms that allow
1-32 the biological parent to:

1-33 (1) receive specified information regarding the
1-34 child;

1-35 (2) provide written communications to the child; and

1-36 (3) have limited access to the child.

1-37 (c) The terms of an order of termination regarding limited
1-38 post-termination contact may be enforced only if the party seeking
1-39 enforcement pleads and proves that, before filing the motion for
1-40 enforcement, the party attempted in good faith to resolve the
1-41 disputed matters through mediation.

1-42 (d) The terms of an order of termination under this section
1-43 are not enforceable by contempt.

1-44 (e) The terms of an order of termination regarding limited
1-45 post-termination contact may not be modified.

1-46 (f) An order under this section does not:

1-47 (1) affect the finality of a termination order; or

1-48 (2) grant standing to a parent whose parental rights
1-49 have been terminated to file any action under this title other than
1-50 a motion to enforce the terms regarding limited post-termination
1-51 contact until the court renders a subsequent adoption order with
1-52 respect to the child.

1-53 Sec. 161.2062. PROVISION FOR LIMITED CONTACT BETWEEN
1-54 BIOLOGICAL PARENT AND CHILD. (a) An order terminating the
1-55 parent-child relationship may not require that a subsequent
1-56 adoption order include terms regarding limited post-termination
1-57 contact between the child and a biological parent.

1-58 (b) The inclusion of a requirement for post-termination
1-59 contact described by Subsection (a) in a termination order does
1-60 not:

1-61 (1) affect the finality of a termination or subsequent
1-62 adoption order; or

1-63 (2) grant standing to a parent whose parental rights
1-64 have been terminated to file any action under this title after the

2-1 court renders a subsequent adoption order with respect to the
2-2 child.

2-3 SECTION 3. Section 161.103, Family Code, is amended by
2-4 adding Subsection (h) to read as follows:

2-5 (h) The affidavit may not contain terms for limited
2-6 post-termination contact between the child and the parent whose
2-7 parental rights are to be relinquished as a condition of the
2-8 relinquishment of parental rights.

2-9 SECTION 4. (a) This Act takes effect September 1, 2003, and
2-10 applies only to a suit affecting the parent-child relationship
2-11 pending in a trial court or filed on or after that date.

2-12 (b) A suit affecting the parent-child relationship in which
2-13 a final order is rendered before the effective date of this Act is
2-14 governed by the law in effect on the date the order was rendered.

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