

## **BILL ANALYSIS**

C.S.H.B. 252  
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Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

C.S.H.B. 252 adopts the terminology of “parenting plan” for parents in litigation regarding their rights and duties as parents and the possession time for each parent. Approximately one half of all states have adopted this improved terminology. (*Children, Courts, and Custody*, by Andrew L. Schepard, Cambridge University Press, 2004). The terminology shifts the focus of litigation to the future well being of children by having the parents provide detailed plans on how the children will be handled on a day to day basis.

C.S.H.B. 252 also authorizes the court to appoint “parenting coordinators” to assist parents in a nonjudicial manner to resolve parenting issues in certain cases. Approximately 10 states have enacted legislation or court rules authorizing parenting coordinators. The coordinators are compensated by the parties and no public funds are authorized for such appointments. Additionally, domestic relations offices may be appointed as a parenting coordinators and be awarded a fee as any other individual .

### **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.

### **ANALYSIS**

**SECTION 1.** Adds a legislative finding to the Family Code supporting amicable settlement of family disputes regarding children through the use of parenting plans and parenting coordinators.

**SECTION 2.** Amends Chapter 153, of the Family Code by adding Subchapter J, Parenting Plan and Parenting Coordinator, which adopts terminology of a parenting plan and authorizes appointment of parenting coordinators in certain parent-child cases.

Adds Section 153.601, Family Code, to define dispute resolution process, high-conflict case, parenting coordinator, and parenting plan.

Adds Section 153.602, Family Code, requiring the parties to have a parenting plan in temporary orders and if agreement cannot be reached; for the court to order a temporary parenting plan.

Adds Section 153.603, Family Code, requiring a parenting plan in all final orders setting forth the rights and duties of the parents, minimize exposure of a child to parental conflict, provisions for the ongoing needs for the child and future dispute resolution. Further provides for the parties to submit verified statement of income to assist in setting child support.

Adds Section 153.604, Family Code, to provide for modification of the parenting plan consistent with existing law for modification of a final order in a suit affecting the parent-child relationship.

Adds Section 153.605, Family Code, to authorize the appointment of a parenting coordinator to help parties resolve parental conflict regarding

children. Restricts appointment to high-conflict cases and other cases, based on a specific finding, where such appointment is in the best interest of the child.

Adds Section 153.606, Family Code, detailing the duties of the parenting coordinator and providing the coordinator, while empowered to urge cooperation by the parents, does not have the power to modify the court order. Such authority remains exclusively with the court.

Adds Section 153.607, Family Code, providing for removal of the parenting coordinator at the request of both parties or by the court.

Adds Section 153.608, Family Code, provides for the parenting coordinator to submit a report to the court on whether the coordination is succeeding or not.

Adds Section 153.609, Family Code, provides for compensation of the parenting coordinator by the parties and a prohibition on use of public funds.

Adds Section 153.610, Family Code, provides for the qualifications of the parenting coordinator. The coordinator must have a degree in counseling, education, family studies, psychology, or social work and 16 hours in a parenting coordinator course. Alternatively, a graduate degree may suffice if the degree is in a mental health profession, with an emphasis on family and children's issues.

**SECTION 3.** Amends Section 153.007 of the Family Code by inserting "agreed parenting plan" and deleting all references to "agreement." Also contains conforming amendments to adapt terminology for parenting plans.

**SECTION 4.** Amends Section 153.133 of the Family Code by inserting "parenting plan" and deleting all references to "agreement." Additionally, contain conforming amendments to adapt terminology for parenting plans.

**SECTION 5.** Amends Section 153.134(a) of the Family Code by replacing "agreement of the parents" with "agreed parenting plan." Also contains conforming amendments to adapt terminology for parenting plans.

**SECTION 6.** Subchapter J, Chapter 153, Family Code, as added by this Act, and the changes in law made by this Act to Sections 153.007, 153.133, and 153.134, Family Code, apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by Chapter 153, Family Code, as it existed before amendment by this Act, and the former law is continued in effect for that purpose.

**SECTION 7.** This Act takes effect September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 252 modifies the original H.B. 252 by deleting Section 153.601(2)(C) and (D) and Section 153.605(b)(1) and (2). Additionally, C.S.H.B. 252 provides that a temporary order that establishes a conservatorship in a suit affecting the parent-child relationship must incorporate a temporary parenting plan and Section 153.602(c) provides that at any time before the court

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orders the parties to participate in dispute resolution process under Subsection (b), a party may file a written objection to the referral of the suit to a dispute resolution process on the basis of family violence having been committed by another party against the objecting party or a child who is the subject of the suit. The court shall order appropriate measures be taken to ensure the physical and emotional safety of the party who filed the objection. The order may provide that the parties not be required to have face to face contact and that the parties be placed in separate rooms during the dispute resolution process. Under Section 153.605(c), a party may at any time prior to the appointment of a parenting coordinator file a written objection to the appointment of a parenting coordinator on the basis of family violence having been committed by another party against the objecting party or a child who is subject of the suit. After an objection is filed, a parenting coordinator may not be appointed unless, on the request of a party, a hearing is held and the court finds that a preponderance of the evidence does not support the objection. Finally, under Section 153.610(b), a parenting coordinator must complete at least eight hours of family violence dynamics training provided by a family violence service provider.