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SECTION 1. Subchapter D, Chapter 107, Family Code, is amended by adding Section 107.0501 to read as follows:

Sec. 107.0501. DEFINITIONS. In this subchapter:

(1) "Social study" means an evaluative process through which information and recommendations regarding adoption of a child, conservatorship of a child, or possession of or access to a child may be made to a court, the parties, and the parties' attorneys. The term does not include services provided in accordance with the Interstate Compact on the Placement of Children adopted under Subchapter B, Chapter 162, or an evaluation conducted in accordance with Section 262.114 by an employee of or contractor with the Department of Family and Protective Services.

(2) "Social study evaluator" means an individual who conducts a social study under this subchapter.

SECTION 2. Section 107.051, Family Code, is amended to read as follows:

Sec. 107.051. ORDER FOR SOCIAL STUDY. (a) The court may order the preparation of a social study into the circumstances and condition of:

(1) a ~~the~~ child who is the subject of a suit or a party to a suit; and

(2) ~~of~~ the home of any person requesting ~~managing~~ conservatorship of, ~~of~~ possession of, or access to a ~~the~~ child.

(b) The social study may be made by a private entity, a

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person appointed by the court, a domestic relations office, or a state agency, including the Department of Family and Protective ~~[and Regulatory]~~ Services if the department is a party to the suit.

(c) In a suit in which adoption is requested or conservatorship of, possession of, or access to a [the] child is an issue and in which a social study has been ordered and the Department of Family and Protective ~~[and Regulatory]~~ Services is not a party, the court shall appoint a private agency, ~~[or]~~ another person, or [including] a domestic relations office~~[s]~~ to conduct the social study.

(d) Except as provided by Section 107.0511(b), each individual who conducts a social study must be qualified under Section 107.0511.

SECTION 3. Subchapter D, Chapter 107, Family Code, is amended by amending Section 107.0511 and adding Sections 107.0512, 107.0513, 107.0514, 107.0515, and 107.0519 to read as follows:

Sec. 107.0511. SOCIAL STUDY EVALUATOR: MINIMUM QUALIFICATIONS. (a) In this section:

(1) "Full-time experience" means a period during which an individual works at least 30 hours per week.

(2) "Human services field of study" means a field of study designed to prepare an individual in the disciplined application of counseling, family therapy, psychology, or social work values, principles, and methods.

(b) The minimum qualifications prescribed by this

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SECTION 3. Subchapter D, Chapter 107, Family Code, is amended by amending Section 107.0511 and adding Sections 107.0512, 107.0513, 107.0514, 107.0515, and 107.0519 to read as follows:

Sec. 107.0511. SOCIAL STUDY EVALUATOR: MINIMUM QUALIFICATIONS. (a) In this section:

(1) "Full-time experience" means a period during which an individual works at least 30 hours per week.

(2) "Human services field of study" means a field of study designed to prepare an individual in the disciplined application of counseling, family therapy, psychology, or social work values, principles, and methods.

(b) The minimum qualifications prescribed by this

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section do not apply to an individual conducting a social study:

(1) in connection with a suit pending before a court located in a county with a population of less than 500,000;

(2) in connection with an adoption governed by rules adopted under Section 107.0519(a);

(3) as an employee or other authorized representative of a licensed child-placing agency; or

(4) as an employee or other authorized representative of the Department of Family and Protective Services.

(c) The executive commissioner of the Health and Human Services Commission shall adopt rules prescribing the minimum qualifications that an individual described by Subsection (b)(3) or (4) must possess in order to conduct a social study under this subchapter.

(d) To be qualified to conduct a social study under this subchapter, an individual must:

(1) have a bachelor's degree from an accredited college or university in a human services field of study and a license to practice in this state as a social worker, professional counselor, marriage and family therapist, or psychologist and:

(A) have two years of full-time experience or equivalent part-time experience under professional supervision during which the individual performed functions involving the evaluation of physical, intellectual, social, and psychological functioning and needs and the potential of the social and physical environment, both

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section do not apply to an individual conducting a social study:

(1) in connection with a suit pending before a court located in a county with a population of less than 500,000;

(2) in connection with an adoption governed by rules adopted under Section 107.0519(a);

(3) as an employee or other authorized representative of a licensed child-placing agency; or

(4) as an employee or other authorized representative of the Department of Family and Protective Services.

(c) The executive commissioner of the Health and Human Services Commission shall adopt rules prescribing the minimum qualifications that an individual described by Subsection (b)(3) or (4) must possess in order to conduct a social study under this subchapter.

(d) To be qualified to conduct a social study under this subchapter, an individual must:

(1) have a bachelor's degree from an accredited college or university in a human services field of study and a license to practice in this state as a social worker, professional counselor, marriage and family therapist, or psychologist and:

(A) have two years of full-time experience or equivalent part-time experience under professional supervision during which the individual performed functions involving the evaluation of physical, intellectual, social, and psychological functioning and needs and the potential of the social and physical environment, both

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present and prospective, to meet those needs; and
(B) have participated in the performance of at least 10 court-ordered social studies under the supervision of an individual qualified under this section;
(2) meet the requirements of Subdivision (1)(A) and be practicing under the direct supervision of an individual qualified under this section in order to complete at least 10 court-ordered social studies under supervision; or
(3) be employed by a domestic relations office, provided that the individual conducts social studies relating only to families ordered by a court to participate in social studies conducted by the office.
(e) If an individual meeting the requirements of this section is not available in the county served by the court, the court may authorize an individual determined by the court to be otherwise qualified to conduct the social study.
(f) In addition to the qualifications prescribed by this section, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct a social study under this subchapter.
Sec. 107.0512. SOCIAL STUDY EVALUATOR; CONFLICTS OF INTEREST AND BIAS. (a) A social study evaluator who has a conflict of interest with any party in a disputed suit or who may be biased on the basis of previous knowledge, other than knowledge obtained in a court-ordered evaluation, shall:
(1) decline to conduct a social study for the suit; or
(2) disclose any issue or concern to the court before

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present and prospective, to meet those needs; and
(B) have participated in the performance of at least 10 court-ordered social studies under the supervision of an individual qualified under this section;
(2) meet the requirements of Subdivision (1)(A) and be practicing under the direct supervision of an individual qualified under this section in order to complete at least 10 court-ordered social studies under supervision; or
(3) be employed by a domestic relations office, provided that the individual conducts social studies relating only to families ordered by a court to participate in social studies conducted by the office.
(e) If an individual meeting the requirements of this section is not available in the county served by the court, the court may authorize an individual determined by the court to be otherwise qualified to conduct the social study.
(f) In addition to the qualifications prescribed by this section, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct a social study under this subchapter.
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(1) decline to conduct a social study for the suit; or
(2) disclose any issue or concern to the court before

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accepting the appointment or assignment.

(b) A social study evaluator who has previously conducted a social study for a suit may conduct all subsequent evaluations in the suit unless the court finds that the evaluator is biased.

(c) This section does not prohibit a court from appointing an employee of the Department of Family and Protective Services to conduct a social study in a suit in which adoption is requested or possession of or access to a child is an issue and in which the department is a party or has an interest.

Sec. 107.0513. GENERAL PROVISIONS APPLICABLE TO CONDUCT OF SOCIAL STUDY AND PREPARATION OF REPORT. (a) Unless otherwise directed by a court or prescribed by a provision of this title, a social study evaluator's actions in conducting a social study shall be in conformance with the professional standard of care applicable to the evaluator's licensure and any administrative rules, ethical standards, or guidelines adopted by the state agency that licenses the evaluator.

(b) In addition to the requirements prescribed by this subchapter, a court may impose requirements or adopt local rules applicable to a social study or a social study evaluator.

(c) A social study evaluator shall follow evidence-based practice methods and make use of current best evidence in making assessments and recommendations.

(d) A social study evaluator shall disclose to each attorney of record any communication regarding a

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accepting the appointment or assignment.

(b) A social study evaluator who has previously conducted a social study for a suit may conduct all subsequent evaluations in the suit unless the court finds that the evaluator is biased.

(c) This section does not prohibit a court from appointing an employee of the Department of Family and Protective Services to conduct a social study in a suit in which adoption is requested or possession of or access to a child is an issue and in which the department is a party or has an interest.

Sec. 107.0513. GENERAL PROVISIONS APPLICABLE TO CONDUCT OF SOCIAL STUDY AND PREPARATION OF REPORT. (a) Unless otherwise directed by a court or prescribed by a provision of this title, a social study evaluator's actions in conducting a social study shall be in conformance with the professional standard of care applicable to the evaluator's licensure and any administrative rules, ethical standards, or guidelines adopted by the state agency that licenses the evaluator.

(b) In addition to the requirements prescribed by this subchapter, a court may impose requirements or adopt local rules applicable to a social study or a social study evaluator.

(c) A social study evaluator shall follow evidence-based practice methods and make use of current best evidence in making assessments and recommendations.

(d) A social study evaluator shall disclose to each attorney of record any communication regarding a

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substantive issue between the evaluator and an attorney of record representing a party in a disputed suit. This subsection does not apply to a communication between a social study evaluator and an attorney ad litem or amicus attorney.

(e) To the extent possible, a social study evaluator shall verify each statement of fact pertinent to a social study and shall note the sources of verification and information in the report.

(f) A social study evaluator shall state the basis for the evaluator's conclusions or recommendations in the report. A social study evaluator who has evaluated only one side of a disputed case shall refrain from making a recommendation regarding conservatorship of a child or possession of or access to a child, but may state whether the party evaluated appears to be suitable for conservatorship.

(g) Each social study subject to this subchapter must be conducted in compliance with this subchapter, regardless of whether the study is conducted:

(1) by a single social study evaluator or multiple evaluators working separately or together; or

(2) within a county served by the court with continuing jurisdiction or at a geographically distant location.

(h) A social study report must include the name, license number, and basis for qualification under Section 107.0511 of each social study evaluator who conducted any portion of the social study.

Sec. 107.0514. ELEMENTS OF SOCIAL STUDY. (a) The basic elements of a social study under this

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substantive issue between the evaluator and an attorney of record representing a party in a disputed suit. This subsection does not apply to a communication between a social study evaluator and an attorney ad litem or amicus attorney.

(e) To the extent possible, a social study evaluator shall verify each statement of fact pertinent to a social study and shall note the sources of verification and information in the report.

(f) A social study evaluator shall state the basis for the evaluator's conclusions or recommendations in the report. A social study evaluator who has evaluated only one side of a disputed case shall refrain from making a recommendation regarding conservatorship of a child or possession of or access to a child, but may state whether the party evaluated appears to be suitable for conservatorship.

(g) Each social study subject to this subchapter must be conducted in compliance with this subchapter, regardless of whether the study is conducted:

(1) by a single social study evaluator or multiple evaluators working separately or together; or

(2) within a county served by the court with continuing jurisdiction or at a geographically distant location.

(h) A social study report must include the name, license number, and basis for qualification under Section 107.0511 of each social study evaluator who conducted any portion of the social study.

Sec. 107.0514. ELEMENTS OF SOCIAL STUDY. (a) The basic elements of a social study under this

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subchapter consist of:

- (1) a personal interview of each party to the suit;
 - (2) an interview, conducted in a developmentally appropriate manner, of each child at issue in the suit who is at least four years of age;
 - (3) observation of each child at issue in the suit, regardless of the age of the child;
 - (4) the obtaining of information from relevant collateral sources;
 - (5) evaluation of the home environment of each party seeking conservatorship of a child at issue in the suit or possession of or access to the child, unless the condition of the home environment is identified as not being in dispute in the court order requiring the social study;
 - (6) for each individual residing in a residence subject to the social study, consideration of any criminal history information and any contact with the Department of Family and Protective Services or a law enforcement agency regarding abuse or neglect; and
 - (7) assessment of the relationship between each child at issue in the suit and each party seeking possession of or access to the child.
- (b) The additional elements of a social study under this subchapter consist of:
- (1) balanced interviews and observation of each child at issue in the suit so that a child who is interviewed or observed while in the care of one party to the suit is also interviewed or observed while in the care of each other party to the suit;
 - (2) an interview of each individual residing in a

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subchapter consist of:

- (1) a personal interview of each party to the suit;
 - (2) an interview, conducted in a developmentally appropriate manner, of each child at issue in the suit who is at least four years of age;
 - (3) observation of each child at issue in the suit, regardless of the age of the child;
 - (4) the obtaining of information from relevant collateral sources;
 - (5) evaluation of the home environment of each party seeking conservatorship of a child at issue in the suit or possession of or access to the child, unless the condition of the home environment is identified as not being in dispute in the court order requiring the social study;
 - (6) for each individual residing in a residence subject to the social study, consideration of any criminal history information and any contact with the Department of Family and Protective Services or a law enforcement agency regarding abuse or neglect; and
 - (7) assessment of the relationship between each child at issue in the suit and each party seeking possession of or access to the child.
- (b) The additional elements of a social study under this subchapter consist of:
- (1) balanced interviews and observation of each child at issue in the suit so that a child who is interviewed or observed while in the care of one party to the suit is also interviewed or observed while in the care of each other party to the suit;
 - (2) an interview of each individual residing in a

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residence subject to the social study; and
(3) evaluation of the home environment of each party seeking conservatorship of a child at issue in the suit or possession of or access to the child, regardless of whether the home environment is in dispute.

(c) A social study evaluator may not offer an opinion regarding conservatorship of a child at issue in a suit or possession of or access to the child unless each basic element of a social study under Subsection (a) has been completed. A social study evaluator shall identify in the report any additional element of a social study under Subsection (b) that was not completed and shall explain the reasons that the element was not completed.

Sec. 107.0515. REPORTS OF CERTAIN PLACEMENTS FOR ADOPTION. A social study evaluator shall report to the Department of Family and Protective Services any adoptive placement that appears to have been made by someone other than a licensed child-placing agency or the child's parents or managing conservator.

Sec. 107.0519. PRE-ADOPTIVE SOCIAL STUDY [HOME SCREENING]. (a) This section does not apply to a **suit brought** by a licensed child-placing agency or the Department of Family and Protective Services. The procedures required in **a suit brought** by a licensed child-placing agency or the Department of Family and Protective Services are governed by rules adopted by the executive commissioner of the Health and Human Services Commission, including rules adopted under Chapter 42, Human Resources Code [~~In this section,~~

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residence subject to the social study; and
(3) evaluation of the home environment of each party seeking conservatorship of a child at issue in the suit or possession of or access to the child, regardless of whether the home environment is in dispute.

(c) A social study evaluator may not offer an opinion regarding conservatorship of a child at issue in a suit or possession of or access to the child unless each basic element of a social study under Subsection (a) has been completed. A social study evaluator shall identify in the report any additional element of a social study under Subsection (b) that was not completed and shall explain the reasons that the element was not completed.

Sec. 107.0515. REPORTS OF CERTAIN PLACEMENTS FOR ADOPTION. A social study evaluator shall report to the Department of Family and Protective Services any adoptive placement that appears to have been made by someone other than a licensed child-placing agency or the child's parents or managing conservator.

Sec. 107.0519. PRE-ADOPTIVE SOCIAL STUDY [HOME SCREENING]. (a) This section does not apply to a **study prepared** by a licensed child-placing agency or the Department of Family and Protective Services. The procedures required in **relation to a study prepared** by a licensed child-placing agency or the Department of Family and Protective Services are governed by rules adopted by the executive commissioner of the Health and Human Services Commission, including rules adopted under Chapter 42, Human Resources Code [~~In this~~

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"department" means the Department of Protective and Regulatory Services].

(b) A pre-adoptive social study [~~home screening~~] shall be conducted as provided by this section to evaluate each party in a proceeding described by Subsection (c) who requests termination of the parent-child relationship or an adoption.

(c) The social study [~~Except for a suit brought by a licensed child placing agency or the department, the home screening~~] under this section shall be filed in any suit for:

(1) termination of the parent-child relationship in which a person other than a parent may be appointed managing conservator of a child; or

(2) an adoption.

(d) The social study [~~Other than in a suit in which a licensed child placing agency or the department is appointed managing conservator of the child, the home screening~~] under this section must be filed with the court before the court may sign the final order for termination of the parent-child relationship.

(e) The costs of a social study [~~home screening~~] in a suit for adoption under this section shall be paid by the prospective adoptive parent.

(f) Unless otherwise agreed to by the court, the social study [~~home screening~~] under this section must comply with the minimum requirements for the study [~~screening~~] under rules adopted by the executive commissioner of the Health and Human Services Commission [~~Board of Protective and Regulatory Services~~].

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~~section, "department" means the Department of Protective and Regulatory Services].~~

(b) A pre-adoptive social study [~~home screening~~] shall be conducted as provided by this section to evaluate each party in a proceeding described by Subsection (c) who requests termination of the parent-child relationship or an adoption.

(c) The social study [~~Except for a suit brought by a licensed child placing agency or the department, the home screening~~] under this section shall be filed in any suit for:

(1) termination of the parent-child relationship in which a person other than a parent may be appointed managing conservator of a child; or

(2) an adoption.

(d) The social study [~~Other than in a suit in which a licensed child placing agency or the department is appointed managing conservator of the child, the home screening~~] under this section must be filed with the court before the court may sign the final order for termination of the parent-child relationship.

(e) The costs of a social study [~~home screening~~] in a suit for adoption under this section shall be paid by the prospective adoptive parent.

(f) Unless otherwise agreed to by the court, the social study [~~home screening~~] under this section must comply with the minimum requirements for the study [~~screening~~] under rules adopted by the executive commissioner of the Health and Human Services Commission [~~Board of Protective and Regulatory Services~~].

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(g) In a suit filed after the child begins residence in the prospective adoptive home [~~stepparent adoption~~], the pre-adoptive social study [~~home screening~~] under this section and the post-placement adoptive social study [~~report~~] under Section 107.052 may be combined in a single report. Under this subsection, the pre-adoptive social study will be completed after the child is placed in the home.

SECTION 4. Section 107.052, Family Code, is amended to read as follows:

Sec. 107.052. POST-PLACEMENT ADOPTIVE SOCIAL STUDY AND REPORT. (a) In a proceeding in which a pre-adoptive social study [~~home screening~~] is required by Section 107.0519 [~~107.0511~~] for an adoption, a post-placement adoptive social study [~~report~~] must be conducted and a report filed with the court before the court may render a final order in the adoption. (b) Unless otherwise agreed to by the court, the post-placement adoptive social study [~~report~~] must comply with the minimum requirements for the study [~~report~~] under rules adopted by the executive commissioner of the Health and Human Services Commission [~~Board of Protective and Regulatory Services~~].

SECTION 5. Section 107.056, Family Code, is amended to read as follows:

Sec. 107.056. PREPARATION FEE. If the court orders

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(g) In a suit filed after the child begins residence in the prospective adoptive home [~~stepparent adoption~~], the pre-adoptive social study [~~home screening~~] under this section and the post-placement adoptive social study [~~report~~] under Section 107.052 may be combined in a single report. Under this subsection, the pre-adoptive social study will be completed after the child is placed in the home.

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a social study to be conducted [~~and a report to be prepared~~], the court shall award the agency or other person a reasonable fee for the preparation of the study that shall be imposed in the form of a money judgment [~~taxed as costs~~] and paid directly to the agency or other person. The person or agency may enforce the judgment [~~order~~] for the fee by any means available under law for civil judgments.

SECTION 6. Section 162.003, Family Code, is amended to read as follows:

Sec. 162.003. PRE-ADOPTIVE [~~HOME SCREENING~~] AND POST-PLACEMENT SOCIAL STUDIES [~~REPORT~~]. In a suit for adoption, [a] pre-adoptive [~~home screening~~] and post-placement social studies [~~report~~] must be conducted as provided in Chapter 107.

No equivalent provision.

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Same as House version.

SECTION 7. Section 203.004(a), Family Code, is amended to read as follows:

- (a) A domestic relations office may:
 - (1) collect and disburse child support payments that are ordered by a court to be paid through a domestic relations registry;
 - (2) maintain records of payments and disbursements made under Subdivision (1);
 - (3) file a suit, including a suit to:
 - (A) establish paternity;
 - (B) enforce a court order for child support or for

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possession of and access to a child; and
(C) modify or clarify an existing child support order;
(4) provide an informal forum in which alternative dispute resolution [:-
[~~(A) mediation~~] is used to resolve disputes [~~in an action~~]
under this code [~~Subdivision (3)~~]; or
[~~(B) an agreed repayment schedule for delinquent child support is negotiated as an alternative to filing a suit to enforce a court order for child support under Subdivision (3)~~];
(5) prepare a court-ordered social study under Chapter 107;
(6) represent a child as an amicus attorney, an attorney ad litem, or a guardian ad litem in a suit in which:
(A) termination of the parent-child relationship is sought; or
(B) conservatorship of or access to a child is contested;
(7) serve as a friend of the court;
(8) provide predivorce counseling ordered by a court;
(9) provide community supervision services under Chapter 157;
(10) provide information to assist a party in understanding, complying with, or enforcing the party's duties and obligations under Subdivision (3);
(11) provide, directly or through a contract, visitation services, including supervision of court-ordered visitation, visitation exchange, or other similar services;
[and]
(12) issue an administrative writ of withholding under Subchapter F, Chapter 158; and

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(13) provide parenting coordinator services under Chapter 153.

No equivalent provision.

SECTION 8. Section 203.005(a), Family Code, is amended to read as follows:

(a) The administering entity may authorize a domestic relations office to assess and collect:

(1) an initial operations fee not to exceed \$15 to be paid to the domestic relations office on the filing of a suit;

(2) in a county that has a child support enforcement cooperative agreement with the Title IV-D agency, an initial child support service fee not to exceed \$36 to be paid to the domestic relations office on the filing of a suit;

(3) a reasonable application fee to be paid by an applicant requesting services from the office;

(4) a reasonable attorney's fee and court costs incurred or ordered by the court;

(5) a monthly service fee not to exceed \$3 to be paid annually in advance by a managing conservator and possessory conservator for whom the domestic relations office provides child support services;

(6) community supervision fees as provided by Chapter 157 if community supervision officers are employed by the domestic relations office;

(7) a reasonable fee for preparation of a court-ordered social study;

(8) in a county that provides visitation services under Sections 153.014 and 203.004 a reasonable fee to be paid

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to the domestic relations office at the time the visitation services are provided; ~~and~~

(9) a fee to reimburse the domestic relations office for a fee required to be paid under Section 158.503(d) for filing an administrative writ of withholding;

(10) a reasonable fee for parenting coordinator services;
and

(11) a reasonable fee for alternative dispute resolution services.

No equivalent provision.

SECTION 9. Sections 203.007(a) and (b), Family Code, are amended to read as follows:

(a) A domestic relations office may obtain the records described by Subsections (b), (c), (d), and (e) that relate to a person who has:

(1) been ordered to pay child support;

(2) been designated as a ~~possessory~~ conservator ~~or managing conservator~~ of a child;

(3) been designated to be the father of a child; ~~or~~

(4) executed an acknowledgment of paternity;

(5) court-ordered possession of a child; or

(6) filed suit to adopt a child.

(b) A domestic relations office is entitled to obtain from the Department of Public Safety records that relate to:

(1) a person's date of birth;

(2) a person's most recent address;

(3) a person's current driver's license status;

(4) motor vehicle accidents involving a person; ~~and~~

(5) reported traffic-law violations of which a person has

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been convicted; and
(6) a person's criminal history record information.

No equivalent provision.

SECTION 10. Section 411.1285(a), Government Code, is amended to read as follows:

(a) A domestic relations office created under Chapter 203, Family Code, is entitled to obtain from the department criminal history record information that relates to a person who is a party to a proceeding in which the domestic relations office is providing services permitted under Chapter 203, Family Code ~~[has been: (1) appointed guardian ad litem for a child; or (2) ordered to conduct a social study under Subchapter D, Chapter 107, Family Code].~~

SECTION 7. Notwithstanding Section 107.0511(d)(1)(B), Family Code, as added by this Act, an individual who on or before the effective date of this Act completed at least 10 social studies ordered by a court in suits affecting the parent-child relationship is not required to comply with the supervision requirements imposed by that paragraph to be qualified to conduct a social study under Subchapter D, Chapter 107, Family Code, as amended by this Act.

SECTION 11. Same as House version.

SECTION 8. The changes in law made by this Act to Subchapter D, Chapter 107, Family Code, and Section

SECTION 12. Same as House version.

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162.003, Family Code, apply to a suit affecting the parent-child relationship that is 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 the law in effect on the date the suit is filed, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2007.

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SECTION 13. Same as House version.

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