

## **BILL ANALYSIS**

S.B. 352  
By: West  
Human Services  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Research has indicated that frequent and quality contact between children and their parents positively impacts infant and toddler brain development, promotes well-being in children, and increases the possibility of reunification if a child has been removed from the home. Interested parties assert that, if the permanency goal of a child in the temporary managing conservatorship of the Department of Family and Protective Services is reunification with a parent, frequent and quality visitations should be initiated between the child and the child's parent as early as possible after the child's removal in order to ensure appropriate attachment and bonding for the child. S.B. 352 seeks to address this issue by establishing requirements regarding parental visitations and the development of a visitation plan for certain children under the conservatorship of the state.

### **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**

S.B. 352 amends the Family Code to require the Department of Family and Protective Services (DFPS), in a suit by a governmental entity to protect the health and safety of a child, to ensure that a parent who is otherwise entitled to possession of an applicable child has an opportunity to visit the child not later than the third day after the date DFPS is named temporary managing conservator of the child unless DFPS determines that visitation is not in the child's best interest or that visitation with the parent would conflict with a court order relating to possession of or access to the child. The bill requires DFPS, before an adversary hearing in such a suit, to develop a temporary visitation schedule for the child's visits with each parent in collaboration with each parent of the child. The bill authorizes the temporary visitation schedule to conform to DFPS's minimum visitation policies and requires DFPS to consider certain factors prescribed by the bill in developing the temporary visitation schedule. The bill establishes that the schedule remains in effect until a visitation plan is developed, unless the schedule is modified by court order. The bill authorizes DFPS to include the temporary visitation schedule in any report submitted to the court before or during an adversary hearing and authorizes the court to render any necessary order regarding the temporary visitation schedule. The bill makes these provisions applicable only in regard to a child who is in the temporary managing conservatorship of DFPS for whom DFPS's goal is reunification of the child with the child's parent.

S.B. 352 requires DFPS, not later than the 30th day after the date DFPS is named temporary managing conservator of a child, to develop a visitation plan in collaboration with each parent of the child. The bill requires DFPS, in determining the frequency and circumstances of visitation, to consider the safety and best interest of the child, the child's age, the desires of each parent regarding visitation with the child, the location of each parent and the child, and the resources available to DFPS. The bill requires DFPS, not later than the 10th day before the date of a status hearing in the review of a placement of a child in DFPS care, to file with the court a copy of the visitation plan. The bill authorizes DFPS to amend the visitation plan on mutual agreement of the

child's parents and DFPS or as DFPS considers necessary to ensure the safety of the child. The bill requires an amendment to the visitation plan to be in the child's best interest and requires DFPS to file a copy of any amended visitation plan with the court. The bill prohibits a visitation plan from conflicting with a court order relating to possession of or access to the child. The bill makes these provisions applicable only in regard to a child who is in the temporary managing conservatorship of DFPS for whom DFPS's goal is reunification of the child with the child's parent.

S.B. 352 requires the court, at the first hearing in the review of a placement of a child in DFPS care held after the date an original or amended visitation plan is filed with the court, to review the visitation plan, taking into consideration the factors required to be considered by DFPS in determining the frequency and circumstances of visitation. The bill authorizes the court to modify, or order DFPS to modify, an original or amended visitation plan at any time. The bill authorizes a parent who is entitled to visitation under a visitation plan at any time to file a motion with the court to request review and modification of an original or amended visitation plan.

S.B. 352 requires the court, after reviewing an original or amended visitation plan, to render an order regarding a parent's visitation with a child that the court determines appropriate. The bill requires the court, on finding that visitation between the child and a parent is not in the child's best interest, to render an order stating the reasons for making that finding and outlining specific steps the parent must take to be allowed to have visitation with the child. The bill requires the order, if it requires supervised visitation to protect the health and safety of the child, to outline specific steps the parent must take to have the level of supervision reduced.

S.B. 352 requires the court, in each permanency hearing in a review of the placement of a child under DFPS care, to review any visitation plan or amended plan and render any orders for visitation the court determines necessary.

S.B. 352 reenacts and amends Section 411.114(a)(3), Government Code, as amended by Chapters 598 (S.B. 218), 1056 (S.B. 221), and 1082 (S.B. 1178), Acts of the 82nd Legislature, Regular Session, 2011, to entitle DFPS to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person who volunteers to supervise visitation under provisions relating to service plans and visitation plans for a child under DFPS care.

#### **EFFECTIVE DATE**

September 1, 2013.