

BILL ANALYSIS

Senate Research Center
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H.B. 3783
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many states have enacted laws to ban "reunification therapy," an unproven and controversial industry that allegedly rebuilds relationships between children and their "estranged parent." In actuality this practice allows a parent to abuse family court proceedings to obtain orders that allow a court-ordered professional to remove children from their primary caretaker. This often includes requiring the primary caregiver, and their family, to cease all contact with their children. This process is widely regarded as a form of coercive control and abuse and involves transporting children, often involving physical restraints and coercion, to "reunification camps," a multi-million dollar industry, and invokes tactics that prohibit primary caretakers, who have not had their rights as a parent removed or challenged in court, from accessing or obtaining information about their children. This causes lifelong trauma to children and families.

Proven family therapy techniques are well-documented and can be effective in rebuilding familial relationships. Courts should not be limited in their ability to order family therapy; however, unproven and abusive techniques should not be allowed under state law.

H.B. 3783 prohibits a family court from ordering any form of counseling in which the person conducting the counseling requires: the isolation of the child, including by prohibiting or preventing the child from contacting a parent or other family member; a child to stay overnight or for multiple days in an out-of-state location or other location; the transportation of the child by force, threats or coercion; the temporary or permanent change in the periods of possession of or access to the child; or, the use of force, threats of force, coercion, or verbal abuse against a child.

H.B. 3783 also requires a mental health professional providing counseling to have training in the dynamics of family violence and requires the court to consider the history of domestic violence or sexual abuse in determining whether to order family counseling, and prohibits the court from ordering any victim to participate in any type of counseling with the offending party.

H.B. 3783 amends current law relating to court-ordered counseling in certain suits affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.010, Family Code, by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Authorizes the court, subject to Subsections (c) and (d), if the court finds at the time of a hearing that the parties have a history of conflict in resolving an issue of conservatorship or possession of or access to the child, to order a party to participate in counseling with a mental health professional who has certain qualifications, including having training in the dynamics of family violence, rather than domestic violence, if the court determines that training is relevant to the type of counseling needed. Deletes existing text authorizing the court if the court finds at the time of a hearing that the

parties have a history of conflict in resolving an issue of conservatorship or possession of or access to the child, to order a party to pay the cost of counseling. Makes nonsubstantive changes.

(c) Requires the court, in determining whether to order a party to participate in counseling under Subsection (a), to consider evidence of family violence or sexual abuse in accordance with Section 153.004 (History of Domestic Violence or Sexual Abuse). Prohibits the court, if credible evidence of family violence or sexual abuse is presented, from ordering counseling in which a victim of the violence or abuse participates in counseling sessions together with the perpetrator of the violence or abuse.

(d) Prohibits a court from ordering a party to participate in counseling under Subsection (a) in which the person conducting the counseling requires the isolation of a child who is the subject of the suit from the child's family, school, religious community, other community, or other sources of support, including by prohibiting or preventing the child from contacting a parent or other family member; a child who is the subject of the suit to stay overnight or for multiple days in an out-of-state location or other location, regardless of whether the child is accompanied by a parent or other family member; the transportation of a child who is the subject of the suit to a location by force, threat of force, undue coercion, or other action that places the child's safety at risk; a temporary or permanent change in the periods of possession of or access to a child who is the subject of the suit to which a conservator of the child would otherwise be entitled; or the use of force, threat of force, undue coercion, or verbal abuse against a child who is the subject of the suit.

SECTION 2. Makes application of Section 153.010 (Order for Family Counseling), Family Code, as amended by this Act, prospective.

SECTION 3. Provides that the change in law made by this Act to Section 153.010, Family Code, constitutes a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2025.