

- SUBJECT:** Qualifications to do social studies for suits on parent-child relationship
- COMMITTEE:** Juvenile Justice and Family Issues — committee substitute recommended
- VOTE:** 7 ayes — Dutton, Eiland, Bolton, Farrar, Gonzalez Toureilles, Hernandez, Vaught
0 nays
2 absent — Farias, Strama
- WITNESSES:** For —Steve Bresnen, Texas Family Law Foundation; Cecelia Burke, Texas Association of Domestic Relations Office; Aaron Robb, Self and Licensed Professional Counselor; Trevor Townes, Harris County Domestic Relations Office; (*Registered, but did not testify:* Carol Miller, The National Association of Social Workers-Texas Chapter; Kathy Rider, The Texas Society for Clinical Social Work)

Against —None

On — (*Registered, but did not testify:* Gerry Williams, Department of Family and Protective Services)
- BACKGROUND:** Under Family Code, sec. 107.051, a court may order the preparation of a social study into the circumstances and condition of a child of the home of any person requesting managing conservatorship or possession of a child. The social study may be made by a private entity, a person appointed by the court, or a state agency, including the Department of Family and Protective Services if the department is a party of a suit.

Social studies commonly are court ordered for cases involving child custody, child abuse or neglect, and adoptions.
- DIGEST:** CSHB 772 would establish minimum qualifications for those who conducted social studies and would provide guidelines for the evaluation. The bill would define a social study as an evaluative process through which information and recommendations regarding adoptions of a child, conservatorship of a child, or possession of or access to a child could be made by a court, the parties, and the parties' attorneys. The term would

not include services provided in accordance with the Interstate Compact on the Placement of Children or an evaluation conducted by an employee or contractor of the Department of Family and Protective Services.

To be eligible to conduct a social study, a person would have to have:

- a bachelor's degree from an accredited college or university in a human services field of study (including counseling, family therapy, psychology, or social work values, principles, and methods) and a license to practice in the state as a social worker, professional counselor, marriage and family therapist, or psychologist;
- two years of full-time experience (a period of working at least 30 hours a week) or equivalent part-time experience under professional supervision, and
- have participated in the performance of at least 10 court-ordered social studies under the supervision of an individual meeting the minimum qualifications described within the bill, or be practicing under the direct supervision of a qualified individual to complete at least 10 court-ordered studies.

The bill would include a domestic relations office as an authorized entity to complete a social study. A person could be employed by a domestic relations office and conduct social studies only for families ordered to participate in studies conducted by the office.

To be qualified to conduct a social study under the bill, all individuals would have to complete at least eight hours of family violence dynamics training provided by a family violence service provider.

If a person meeting the minimum requirements was not available in the county served by the court needing a social study, the court could authorize an individual determined by the court as otherwise qualified to conduct the study.

These minimum qualifications would not apply to:

- a study for a suit pending in a county with a population of 500,000 or less;
- an adoption proceeding involving a licensed child-placing agency or the Department of Family and Protective Services;

- an employee or other authorized representative of a licensed child-placing agency; or
- an employee or other authorized representative of the Department of Family and Protective Services.

A social study evaluator with a conflict of interest with any party in a disputed suit or who was biased would have to decline to conduct the study for the suit or disclose any issue or concern to the court before accepting the appointment or assignment. A social study evaluator who had previously conducted a social study for a suit could conduct all subsequent evaluations in the suit unless a court found that the evaluator became biased.

The basic elements of a social study would include:

- a personal interview of each party to the suit;
- an interview of each child at issue in the suit who was at least four years of age;
- observation of each child at issue in the suit, regardless of age;
- relevant information received from collateral sources;
- an evaluation of the home environment of each party seeking conservatorship or possession of the child;
- an interview, including consideration of any criminal history, for each person residing in a residence subject to the study; and
- assessment of the relationship between each child at issue and each party seeking possession of or access to the child.

Unless otherwise directed by a court, a social study evaluator would conduct a social study in compliance with the professional standard of care established by the state agency that licensed the evaluator. An evaluator would follow evidence-based practice methods and make use of current best evidence in making assessments and recommendations, excluding any opinions. To the extent possible, an evaluator would verify each statement of fact pertinent to a social study and note the verifying sources in the report and state the basis for the any conclusions or recommendations made. Any substantive issues resulting from the report would be disclosed to an attorney of record representing a party in a suit.

CSHB 772 also would apply to pre-adoptive and post-placement social studies governed by Family Code, sec. 162.003.

An individual who on or before the effective date of the bill had completed 10 court-ordered social studies for suits affecting the parent-child relationship would not be required to comply with the supervision requirements in the bill.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 772 would establish uniform requirements and guidelines for social studies. It is important to provide accurate and balanced evaluations to assist a judge in making an informed decision on what placement would be in the best interest of a child. Requiring social studies to be conducted by licensed professionals would provide parents and children with the opportunity to challenge any evaluation through the applicable licensing board. Also, the minimum education and experience requirements would provide guidance to judges when appointing an evaluator, and should an individual with these qualifications not be available, the judge would have an opportunity to seek other reasonably qualified evaluators to avoid creating a backlog of child placements. The bill not only would standardize the practice of conducting social studies, but also would better protect the interests of children.

**OPPONENTS
SAY:**

CSHB 772 would remove people with longstanding experience and related qualifications from being eligible to conduct court-ordered social studies. Currently, there are individuals with substantive experience in child placements cases, but have a bachelor's degree in a discipline outside a human services field or lack a licensing qualification and therefore would become ineligible to assist courts with social study evaluations on a regular basis. Under the bill, a court would have the authority to appoint persons outside the requirements and guidelines in cases when there was no individual with the desired qualifications available, but this may or may not be of any consolation to a person who has an established career in conducting social study evaluations but fell short of these qualifications. The bill would create a situation of unsteady work for a designated group of individuals and possibly force them to seek a new field of employment.