

BILL ANALYSIS

Senate Research Center
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S.B. 352
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Research and practice indicates 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.

To ensure appropriate attachment and bonding for children who are in the temporary managing conservatorship of the Department of Family and Protective Services (DFPS), and for whom the permanency goal is to reunify them with their parents, frequent and quality visitation, initiated early after a child is removed, should take place.

S.B. 352 calls for an initial visit between a child three years of age or younger and parent within three days of DFPS being named temporary managing conservator, if DFPS has determined that reunification is the goal. The bill also calls for visits two to three times a week, as part of a visitation plan.

As proposed, S.B. 352 amends current law relating to a visitation plan for certain children taken into possession by the Department of Family and Protective Services.

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 Subchapter B, Chapter 262, Family Code, by adding Section 262.115, as follows:

Sec. 262.115. VISITATION WITH CERTAIN CHILDREN; PLAN; GUIDELINES. (a) Defines "department" in this section.

(b) Provides that this section applies only to a child who is three years of age or younger; who has been taken into possession by the Department of Family and Protective Services (DFPS); for whom DFPS is seeking appointment as temporary managing conservator; and for whom DFPS's goal is reunification of the child with a parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is otherwise entitled to possession of the child.

(c) Requires DFPS to ensure that a parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is otherwise entitled to possession of the child has an opportunity to visit the child not later than the third day after the date of the initial hearing before a court regarding the child.

(d) Requires DFPS to file a visitation plan with the court before a full adversary hearing under Subchapter C (Adversary Hearing). Requires that the visitation plan allow a parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is otherwise entitled to possession the child to have

visitation with the child at least two times each week unless DFPS determines that visitation is not in the best interest of the child.

(e) Requires DFPS to develop guidelines to govern appropriate visitation with a child under the visitation plan.

(f) Prohibits a visitation plan under this section from conflicting with an existing order for possession of or access to the child.

SECTION 2. Amends Subchapter C, Chapter 262, Family Code, by adding Section 262.2012, as follows:

Sec. 262.2012. REVIEW OF VISITATION PLAN; ORDER. (a) Defines "department" in this section.

(b) Requires the court, at the full adversary hearing, to review DFPS's visitation plan filed under Section 262.115. Requires the court, as the court determines appropriate, to order visitation under the plan or, if the court finds that visitation under the plan is not in the child's best interest, to render an order that modifies the visitation plan or provides for no visitation with the child; states the reasons for finding that the plan is not in the child's best interest; and outlines specific steps that the parent, managing conservator, possessory conservator, guardian, caretaker, or custodian who is entitled to possession of the child is required to take to be allowed more visits with the child.

(c) Authorizes the court to require supervision of each visit as the court determines necessary to protect the health and safety of the child. Authorizes a volunteer with DFPS or an organization that provides services to children in this state to provide the supervision required by court order if the volunteer has a background and criminal history check on file with DFPS.

(d) Requires that any visitation ordered under this section comply with the guidelines adopted by DFPS under Section 262.115.

SECTION 3. Amends Section 263.202, Family Code, by adding Subsection (i), to require the court to review the court's order relating to visitation rendered under Section 262.2012 and modify the order as the court determines necessary.

SECTION 4. Amends Section 263.306(a), Family Code, as follows:

(a) Requires the court at each permanency hearing to:

(1)-(3) Makes no changes to these subdivisions;

(4) review the court's order relating to visitation rendered under Section 262.2012 and modify the order as the court determines necessary;

(5)-(12) Makes no changes to these subdivisions;

(13) if the child is committed to the Texas Juvenile Justice Department (TJJD) or released under supervision by TJJD, determine whether the child's needs for treatment, rehabilitation, and education are being met, rather than if the child is committed to the Texas Youth Commission (TYC) or released under supervision by TYC, determine whether the child's needs for treatment, rehabilitation, and education are being met; and

(14) Makes no changes to this subdivision.

Makes nonsubstantive changes.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2013.