

AN ACT

relating to the requirement that parents participate in a parenting course and counseling in certain suits involving children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 105, Family Code, is amended by adding Section 105.009 to read as follows:

Sec. 105.009. PARENT EDUCATION AND FAMILY STABILIZATION COURSE. (a) In a suit affecting the parent-child relationship, including an action to modify an order in a suit affecting the parent-child relationship providing for possession of or access to a child, the court may order the parties to the suit to attend a parent education and family stabilization course if the court determines that the order is in the best interest of the child.

(b) The parties to the suit may not be required to attend the course together. The court, on its own motion or the motion of either party, may prohibit the parties from taking the course together if there is a history of family violence in the marriage.

(c) A course under this section must be at least four hours, but not more than 12 hours, in length and be designed to educate and assist parents with regard to the consequences of divorce on parents and children. The course must include information on the following issues:

- (1) the emotional effects of divorce on parents;
- (2) the emotional and behavioral reactions to divorce by young children and adolescents;
- (3) parenting issues relating to the concerns and needs of children at different development stages;
- (4) stress indicators in young children and adolescents;
- (5) conflict management;

(6) family stabilization through development of a coparenting relationship;

(7) the financial responsibilities of parenting;

(8) family violence, spousal abuse, and child abuse and neglect; and

(9) the availability of community services and resources.

(d) A course may not be designed to provide individual mental health therapy or individual legal advice.

(e) A course satisfies the requirements of this section if it is offered by:

(1) a mental health professional who has at least a master's degree with a background in family therapy or parent education; or

(2) a religious practitioner who performs counseling consistent with the laws of this state or another person designated as a program counselor by a church or religious institution if the litigant so chooses.

(f) Information obtained in a course or a statement made by a participant to a suit during a course may not be considered in the adjudication of the suit or in any subsequent legal proceeding. Any report that results from participation in the course may not become a record in the suit unless the parties stipulate to the record in writing.

(g) The court may take appropriate action with regard to a party who fails to attend or complete a course ordered by the court under this section, including holding the party in contempt of court, striking pleadings, or invoking any sanction provided by Rule 215, Texas Rules of Civil Procedure. The failure or refusal by a party to attend or complete a course required by this section may not delay the court from rendering a judgment in a suit affecting the parent-child relationship.

(h) The course required under this section may be completed by:

(1) personal instruction;

(2) videotape instruction;

(3) instruction through an electronic medium; or

(4) a combination of those methods.

(i) On completion of the course, the course provider shall issue a certificate of completion to each participant. The certificate must state:

- (1) the name of the participant;
- (2) the name of the course provider;
- (3) the date the course was completed; and
- (4) whether the course was provided by:

- (A) personal instruction;
- (B) videotape instruction;
- (C) instruction through an electronic medium; or
- (D) a combination of those methods.

(j) The county clerk in each county may establish a registry of course providers in the county and a list of locations at which courses are provided. The clerk shall include information in the registry identifying courses that are offered on a sliding fee scale or without charge.

(k) The court may not order the parties to a suit to attend a course under this section if the parties cannot afford to take the course. If the parties cannot afford to take a course, the court may direct the parties to a course that is offered on a sliding fee scale or without charge, if a course of that type is available. A party to a suit may not be required to pay more than \$100 to attend a course ordered under this section.

(l) A person who has attended a course under this section may not be required to attend the course more than twice before the fifth anniversary of the date the person completes the course for the first time.

SECTION 2. Section 157.211, Family Code, is amended to read as follows:

Sec. 157.211. CONDITIONS OF COMMUNITY SUPERVISION. If the court places the respondent on community supervision and suspends commitment, the terms and conditions of community supervision may include the requirement that the respondent:

- (1) report to the community supervision and corrections department officer as directed;

(2) permit the community supervision and corrections department officer to visit the respondent at the respondent's home or elsewhere;

(3) obtain counseling on financial planning, budget management, conflict resolution, parenting skills, alcohol or drug abuse, or other matters causing the respondent to fail to obey the order;

(4) pay required child support and any child support arrearages; and

(5) pay court costs and attorney's fees ordered by the court.

SECTION 3. (a) This Act takes effect September 1, 1999.

(b) The change in law made by this Act applies to a suit affecting the parent-child relationship or a motion to modify an order providing for possession of or access to a child that is filed on or after the effective date of this Act. A suit or motion filed before the effective date of this Act is governed by the law in effect on the date the suit or motion was filed, and the former law is continued in effect for that purpose.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

---

President of the Senate

Speaker of the House

I certify that H.B. No. 2441 was passed by the House on May 4, 1999, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2441 on May 26, 1999, by a non-record vote.

---

Chief Clerk of the House

I certify that H.B. No. 2441 was passed by the Senate, with amendments, on May 24, 1999, by the following vote: Yeas 30, Nays 0.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

  

---

Governor