



To: Texas Judges Who Hear CPS Cases

From: The Honorable Robin Sage, Jurist in Residence, Office of Court Administration

Date: December 16, 2013

RE: Family Visitation in CPS Cases

As judges in Child Protective Services cases, we all see the benefits of family visitation in that it helps maintain the bond between children and parents, motivates parents to comply with services, improves parenting skills, reduces separation trauma, promotes child and parent well-being, provides the opportunity for family assessment, and promotes family reunification. Last Spring, the Children's Commission hosted a Round Table on family visitation, bringing together judges, attorneys, DFPS, CASA, parents, foster parents, and former foster youth to discuss Texas' current DFPS policies and practices regarding visitation. Also, during the past legislative session, Senate Bill 352 was passed requiring DFPS to develop visitation plans and file them with the court. This JIR letter provides information regarding family visitation that may be of use to courts in regard to the new legislation and visitation plans.

Q: What does the new legislation require?

A: DFPS must develop a temporary visitation schedule prior to the Adversary Hearing and must develop a visitation plan within 30 days of being named the child's Temporary Managing Conservator (TMC), if the permanency plan is reunification. The visitation plan must be filed with the court 10 days prior to the Status Hearing.

Q: What should I consider when making orders regarding visitation?

A: Courts must now render an order regarding visitation that the court determines is appropriate. Most importantly, if the court orders *no visitation*, the court must find that visitation is not in the child's best interest and must state in the order: 1) the reasons why visitation is prohibited; and 2) the specific steps the parents must take to be allowed visitation with their child.

Q: May courts modify the Visitation Plan and when must courts review it?

A: Yes. Courts may modify the plan at the Status Hearing and parents may request that the court review and/or modify an original or amended visitation plan. Courts must review visitation plans at each permanency hearing held under Texas Family Code §263.306.

Q: How do I learn more about the Round Table Report on Family Visitation?

A: A very helpful chart that may assist in determining the level of supervision or appropriate location can be linked to here: [Visitation Chart](#). Also, please see the report issued after the Round Table, entitled *Family Visitation in Child Protective Services Cases*. The report includes an overview of the policy and practice discussions as well as the results of survey responses from over 800 stakeholders from DFPS, CASA, child placing agencies, judges, attorneys and parents. Link here: [Family Visitation in CPS Cases](#).