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FACT SHEET 2021

CSSB 1349

Support Family Reunification After Involvement with DFPS

THERE IS LITTLE GUIDANCE FOR PARENTS SEEKING TO REUNIFY WITH THEIR CHILDREN AFTER INCARCERATION

Parents who experience incarceration or substance abuse disorder can have their rights and access to their children limited; instead, the Department of Family and Protective Services (DFPS) can become a child's permanent managing conservator or appoint another person. Parents receive little guidance on how to regain full custody of their children, which leaves those children languishing in foster care and in home settings that are not conducive to the growth of the parent-child relationship. Furthermore, parents are not given a legal remedy to regain custody or enforce visits without being burdened with average costs of \$5,000-\$10,000 to begin a proceeding to reinstate parental rights.

IN SHORT

CSSB 1349 will give more guidance to parents seeking to regain custody of their children following DFPS involvement, specifically by: (1) allowing parents to petition the court for a modification and/or review final order, and (2) requiring DFPS to conduct a review for placement every 6 months after a final order is issued.

KEY FINDINGS

- After DFPS initiates contact with a parent, a parent has a 12- to 18-month window in which to regain custody before a final modification order is issued. This means that, if DFPS takes custody before or during a parent's incarceration, some parents will have limited time to leave incarceration, stabilize their life, and create a safe home for their child. On the other hand, other parents will be in a stable place within that 12- to 18-month window.
- The parent is not reconsidered for permanent placement after that final order is rendered unless the parent initiates the modification suit, at great expense.
- No existing policy or service is offered to women leaving incarceration that encourages or promotes family reunification, even if they have maintained possessory rights to their children.
- Family ties are a critical element in reducing an individual's rate of recidivism.
- DFPS has a promoted goal of family reunification.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT CSSB 1349

The Texas Criminal Justice Coalition has closely examined the gaps in services offered to people before, during, and after incarceration. One missing service has the potential to have a generational impact of positive reinforcement: family reunification following DFPS involvement. This will positively impact both parents and their children, while saving costs to the state associated with serving as a conservator of children.

Parents who have worked to stabilize their lives and create a safe home for their children are currently left with little information and few options costing thousands of dollars. **CSSB 1349 simply allows more options for family reunification by requiring DFPS and courts to reconsider the parent for placement every 6 months after DFPS initiates a case resulting in the change of parent-child relationship, provided it is the best interest of the child.** This bill reinforces the value of redemption, and it creates opportunities for children to return home and thrive.