

BILL ANALYSIS

C.S.H.B. 3783

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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee that many states have enacted laws to ban "reunification therapy," considered by many to be an unproven and controversial industry that allegedly rebuilds relationships between children and their estranged parent, that allows a court-ordered professional to remove children from their primary caretaker. Further, this process can include requiring the primary caregiver and their family to cease all contact with their child, the transporting of a child to these reunification camps by use of physical restraints and coercion, and invoking tactics that prohibit primary caretakers, who have not had their rights as a parent removed or challenged in court, from accessing or obtaining information about their children, which can cause lifelong trauma to children and families.

C.S.H.B. 3783 seeks to address this issue by prohibiting a court in certain suits affecting the parent-child relationship from ordering any form of counseling in which the person conducting the counseling requires, among other conditions, the isolation of a child from the child's family, community, or support sources or subjects the child to threats of or the use of force, verbal abuse, or undue coercion. The bill additionally requires a mental health professional providing counseling to have training in the dynamics of family violence if determined to be relevant to the type of counseling needed and requires the court to consider evidence of family violence or sexual abuse in determining whether to order family counseling. The bill does not seek to limit courts in their ability to order family therapy, but only prohibit unproven and abusive techniques under this practice.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3783 amends the Family Code to change the nature of the training that a mental health professional must possess, if determined by the court to be relevant to the type of counseling needed, to qualify to give counseling to a party under a court order in a suit affecting the parent-child relationship wherein the parties are found to have a history of conflict in resolving an issue of conservatorship or possession of or access to a child from training in domestic violence to training in the dynamics of family violence. The bill also removes the authorization for the court to order that a party in such a suit pay the cost of counseling.

C.S.H.B. 3783 requires the court, in determining whether to order a party to participate in such counseling, to consider evidence of family violence or sexual abuse in accordance with applicable state law relating to a history of domestic violence or sexual abuse and prohibits the court, if credible evidence of family violence or sexual abuse is presented, from ordering counseling in which a victim of the violence or abuse participates in counseling sessions together with the perpetrator of the violence or abuse. The bill prohibits a court from ordering a party to participate in counseling in which the person conducting the counseling requires the following:

- the isolation of a child who is the subject of the suit from the child's family, school, religious community, other community, or other sources of support, including by prohibiting or preventing the child from contacting a parent or other family member;
- a child who is the subject of the suit to stay overnight or for multiple days in an out-of-state location or other location, regardless of whether the child is accompanied by a parent or other family member;
- the transportation of a child who is the subject of the suit to a location by force, threat of force, undue coercion, or other action that places the child's safety at risk;
- a temporary or permanent change in the periods of possession of or access to a child who is the subject of the suit to which a conservator of the child would otherwise be entitled; or
- the use of force, threat of force, undue coercion, or verbal abuse against a child who is the subject of the suit.

C.S.H.B. 3783 applies to a suit affecting the parent-child relationship that is pending in a trial court on the bill's effective date or filed on or after that date. The bill's provisions expressly constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3783 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and substitute change the nature of the training required of a mental health professional to give counseling to a party under an applicable court order from training in domestic violence to training in the dynamics of family violence, the introduced removed the specification that this requirement applies if the court determines that the training is relevant to the type of counseling needed, whereas the substitute does not remove that specification.

While both the introduced and the substitute prohibit a court from ordering a victim to participate in counseling with the perpetrator if there is evidence of violence or sexual abuse, the substitute specified such evidence is credible evidence of family violence or sexual abuse that is presented, whereas the introduced did not. Additionally, while the introduced and the substitute prohibit a court from ordering a party to the suit to participate in counseling that includes certain conditions, the conditions in each version differ as follows:

- whereas the introduced prohibited any form of counseling that includes a no-contact order with the child's aligned parent or any family members, the substitute prohibits counseling that requires the isolation of an applicable child from the child's family, school, religious community, other community, or other sources of support, including by prohibiting or preventing the child from contacting a parent or other family member;
- whereas the introduced prohibited any form of counseling that includes an overnight, out-of-state, or multi-day stay for the child, the substitute prohibits counseling in which

the child who is the subject of the suit is required to stay overnight or for multiple days in an out-of-state location or other location, regardless of whether the child is accompanied by a parent or other family member;

- whereas the introduced prohibited any form of counseling that includes a transfer of physical or legal custody of the child, the substitute prohibits counseling that requires a temporary or permanent change in the periods of possession of or access to the applicable child to which a conservator of the child would otherwise be entitled;
- whereas the introduced prohibited any form of counseling that includes the use of private transporters or private transportation agents who engage in the use of force, threats of force, physical obstruction, or any circumstances that place the child's safety at risk, the substitute prohibits counseling that requires the transportation of the applicable child to a location by force, threat of force, undue coercion, or other action that places the child's safety at risk; and
- whereas the introduced prohibited any form of counseling that includes the use of threats of physical force, undue coercion, verbal abuse, or the isolation of the child from the child's family, community, education, religion or other sources of support, the substitute prohibits counseling that requires the use of force, threat of force, undue coercion, or verbal abuse against the applicable child.