

SOCIAL STUDY

§ 107.051. ORDER FOR SOCIAL STUDY.

(a) The court may order the preparation of a social study into the circumstances and condition of the child and of the home of any person requesting managing conservatorship or possession of the child.

(b) The social study may be made by a private entity, a person appointed by the court, or a state agency, including the Department of Protective and Regulatory Services if the department is a party to the suit.

(c) In a suit in which adoption is requested or possession of or access to the child is an issue and in which the Department of Protective and Regulatory Services is not a party, the court shall appoint a private agency or another person, including a domestic relations office, to conduct the social study.

Added by Acts 1995, 74th Leg., ch. 751, § 15, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1390, § 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 133, § 2, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 488, § 1, eff. June 11, 2001.

§ 107.0511. PRE-ADOPTIVE HOME SCREENING. (a) In this section, "department" means the Department of Protective and Regulatory Services.

(b) A pre-adoptive home screening shall be conducted as provided by this section to evaluate each party in a proceeding described by Subsection (c) who requests termination of the parent-child relationship or an adoption.

(c) Except for a suit brought by a licensed child-placing agency or the department, the home screening under this section shall be filed in any suit for:

(1) termination of the parent-child relationship in which a person other than a parent may be appointed managing conservator of a child; or

(2) an adoption.

(d) Other than in a suit in which a licensed child-placing agency or the department is appointed managing conservator of the child, the home screening under this section must be filed with the court before the court may sign the final order for termination of the parent-child relationship.

(e) The costs of a home screening in a suit for adoption under this section shall be paid by the prospective adoptive parent.

(f) Unless otherwise agreed to by the court, the home screening under this section must comply with the minimum requirements for the screening under rules adopted by the Board of Protective and Regulatory Services.

(g) In a stepparent adoption, the pre-adoptive home screening under this section and the post-placement adoptive report under Section 107.052 may be combined.

Added by Acts 2001, 77th Leg., ch. 133, § 3, eff. Sept. 1, 2001.

§ 107.052. POST-PLACEMENT ADOPTIVE REPORT. (a) In a

proceeding in which a pre-adoptive home screening is required by Section 107.0511 for an adoption, a post-placement adoptive report must be conducted and filed with the court before the court may render a final order in the adoption.

(b) Unless otherwise agreed to by the court, the post-placement adoptive report must comply with the minimum requirements for the report under rules adopted by the Board of Protective and Regulatory Services.

Added by Acts 1995, 74th Leg., ch. 751, § 15, eff. Sept. 1, 1995.
Amended by Acts 2001, 77th Leg., ch. 133, § 4, eff. Sept. 1, 2001.

§ 107.053. PROSPECTIVE ADOPTIVE PARENTS TO RECEIVE COPY. In all adoptions a copy of the report shall be made available to the prospective adoptive parents prior to a final order of adoption.

Added by Acts 1995, 74th Leg., ch. 751, § 15, eff. Sept. 1, 1995.

§ 107.054. REPORT FILED WITH COURT. The agency or person making the social study shall file with the court on a date set by the court a report containing its findings and conclusions. The report shall be made a part of the record of the suit.

Added by Acts 1995, 74th Leg., ch. 751, § 15, eff. Sept. 1, 1995.

§ 107.055. INTRODUCTION OF REPORT AT TRIAL. (a) Disclosure to the jury of the contents of a report to the court of a social study is subject to the rules of evidence.
(b) In a contested case, the agency or person making the social study shall furnish copies of the report to the attorneys for the parties before the earlier of:
(1) the seventh day after the date the social study is completed; or
(2) the fifth day before the date of commencement of the trial.
(c) The court may compel the attendance of witnesses necessary for the proper disposition of the suit, including a representative of the agency making the social study, who may be compelled to testify.

Added by Acts 1995, 74th Leg., ch. 751, § 15, eff. Sept. 1, 1995.

§ 107.056. PREPARATION FEE. If the court orders a social study to be conducted and a report to be prepared, the court shall award the agency or other person a reasonable fee for the preparation of the study that shall be taxed as costs and paid directly to the agency or other person. The person or agency may enforce the order for the fee.

Added by Acts 1995, 74th Leg., ch. 751, § 15, eff. Sept. 1, 1995.