



TEXAS BOARD
OF
PARDONS AND PAROLES

Number: BPP-POL. 145.269

Date: January 17, 2019

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Supersedes: None

BOARD POLICY

SUBJECT: POLICY STATEMENT ON IMPOSITION OF THE “NO CONTACT” SPECIAL CONDITION

PURPOSE: To establish a policy statement of the Texas Board of Pardons and Paroles regarding the imposition of no contact conditions for a child or children of a legally recognized parent or a spouse.

AUTHORITY: Texas Constitution Article 4, Section 11
Texas Government Code Section 508.221

DISCUSSION: *Child or Children* – On October 3, 2018, the Texas Court of Criminal Appeals issued an opinion requiring a state district court to provide a hearing before modifying a defendant’s community supervision conditions which prohibited her, a legally recognized parent, from contacting her own children.

Spouse – While there is no Texas case that specifically addresses the issue of whether a court can impose a condition of community supervision that prohibits a defendant from contacting a spouse, the U.S. Supreme Court has determined that marital privacy and sanctity in general has long been a constitutional right.

POLICY: *Child or Children* – It is the policy of the Texas Board of Pardons and Paroles (Board) to acknowledge a court’s legal finding in the issuance of a court order restricting contact with the child or children of a legally recognized parent prior to the imposition of the no contact condition with the child or children 17 years of age or younger for the legally recognized parent identified in the court order.

Spouse – It is the policy of the Board to acknowledge a court’s legal finding in the issuance of a protection order, restraining order, temporary orders in a divorce proceeding, or any other court order restricting contact with a spouse prior to the imposition of the no contact condition for the spouse identified in the court order.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 17TH DAY OF JANUARY, 2019.

DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)

**Signature on file.*