

By: Van de Putte

S.B. No. 393

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the designation of certain adults to exercise child
3 visitation and possession rights on behalf of a parent serving in
4 the armed forces and deployed outside this country.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter B, Chapter 153, Family Code, is
7 amended by adding Section 153.077 to read as follows:

8 Sec. 153.077. DESIGNATION BY MILITARY PERSONNEL OF SPOUSE
9 OR GRANDPARENT TO EXERCISE PERIODS OF POSSESSION. (a) This section
10 applies only to a parent deployed outside of the United States in a
11 foreign country as a member of the United States armed forces who
12 has been awarded periods of possession of a child as a:

13 (1) possessory conservator of the child;

14 (2) joint managing conservator of the child without
15 the exclusive right to designate the primary residence of the
16 child; or

17 (3) noncustodial parent with comparable rights by
18 virtue of an order by a court or tribunal of another state.

19 (b) A parent described by Subsection (a) may designate the
20 parent's spouse or a grandparent of the child to exercise, in the
21 manner provided by this section, possession of the child on behalf
22 of the parent during the time that the parent is deployed.

23 (c) Unless otherwise agreed in accordance with Subsection
24 (e)(3), a person designated under Subsection (b) shall have the

1 right to possession of the child on the first weekend of each month
2 beginning at 6 p.m. on the day school recesses for the weekend and
3 ending at 6 p.m. on the day before school resumes after the weekend.

4 (d) If a parent designates a person under this section:

5 (1) the other parent shall surrender the child to the
6 designated person at the beginning of each period of possession at
7 the other parent's residence;

8 (2) the designated person shall return the child to
9 the other parent's residence at the end of each period of
10 possession;

11 (3) the child's other parent and the designated person
12 are subject to the requirements of Sections 153.316(5)-(9); and

13 (4) the designated person has the rights and duties of
14 a nonparent possessory conservator under Section 153.376(a) during
15 the period that the person has possession of the child.

16 (e) A parent described by Subsection (a):

17 (1) may exercise the right provided by this section
18 regardless of whether the right is specified in the order awarding
19 periods of possession to the parent;

20 (2) must provide written notice of the designation to
21 the child's other parent; and

22 (3) may reach an agreement with the other parent for
23 alternative periods of possession by the designated person.

24 SECTION 2. Section 153.077, Family Code, as added by this
25 Act, applies to each parent appointed as a conservator of a child or
26 awarded comparable rights by a court or tribunal of another state
27 regardless of the date on which the parent was appointed as

1 conservator or awarded comparable rights.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2005.