

Amend CSHB 1864 by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

relating to possession of or access to a child in a suit affecting the parent-child relationship during military deployment of the child's parent.

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

SECTION 1. Section 153.3161, Family Code, is amended to read as follows:

Sec. 153.3161. [~~LIMITED~~] POSSESSION DURING MILITARY DEPLOYMENT. (a) In this section, "military deployment" means military duty ordered for a period of more than six months during which the person ordered to duty:

(1) is not provided the option of being accompanied by the person's child; and

(2) is serving in a location where access to the person's child is not reasonably possible.

(b) In addition to the general terms and conditions of possession required by Section 153.316, if a possessory conservator or a joint managing conservator of the child without the exclusive right to designate the primary residence of the child is currently a member of the armed forces of the state or the United States or is reasonably expected to join those forces, the court shall:

(1) permit that conservator to designate a person who may exercise [~~limited~~] possession of the child on behalf of that conservator during any period that the conservator is deployed under a military deployment [~~outside of the United States~~]; and

(2) if the conservator elects to designate a person under Subdivision (1), provide in the order for [~~limited~~] possession of the child by the designated person under those circumstances, subject to the court's determination that the [~~limited~~] possession is in the best interest of the child.

(c) [~~(b)~~] If the court determines that the [~~limited~~] possession is in the best interest of the child, the court shall provide in the order that during periods of military deployment:

(1) the designated person has the right to possession of the child for the periods and in the manner in which the deployed

conservator would be entitled to exercise possession if not deployed [on the first weekend of each month beginning at 6 p.m. on Friday and ending at 6 p.m. on Sunday];

(2) ~~[the other parent shall surrender the child to the designated person at the beginning of each period of possession at the other parent's residence,~~

~~[(3) the designated person shall return the child to the other parent's residence at the end of each period of possession,~~

~~[(4)]~~ the child's other parent and the designated person are subject to the requirements of Section 153.316, with the designated person considered for purposes of that section to be the possessory conservator [Sections 153.316(5)-(9)];

(3) ~~[(5)]~~ the designated person has the rights and duties of a nonparent possessory conservator under Section 153.376(a) during the period that the person has possession of the child; and

(4) ~~[(6)]~~ the designated person is subject to any provision in a court order restricting or prohibiting access to the child by any specified individual.

(d) ~~[(c)]~~ After the military deployment is concluded, and the deployed parent returns to that parent's usual residence, the designated person's right to ~~[limited]~~ possession under this section terminates and the rights of all affected parties are governed by the terms of any court order applicable when a parent is not deployed.

SECTION 2. Section 156.105, Family Code, is amended to read as follows:

Sec. 156.105. MODIFICATION OF ORDER BASED ON MILITARY DEPLOYMENT. (a) In this section, "military deployment" means military duty ordered for a period of more than six months during which the person ordered to duty:

(1) is not provided the option of being accompanied by the person's child; and

(2) is serving in a location where access to the person's child is not reasonably possible.

(b) The military deployment ~~[outside this country]~~ of a

person who is a possessory conservator or a joint managing conservator without the exclusive right to designate the primary residence of the child is a material and substantial change of circumstances sufficient to justify a modification of an existing court order or portion of a decree that sets the terms and conditions for the possession of or access to a child.

(c) [~~(b)~~] If the court determines that modification is in the best interest of the child, the court may modify the order or decree to provide in a manner consistent with Section 153.3161 for [~~limited~~] possession of the child during the period of the military deployment by a person designated by the deployed conservator.

SECTION 3. Section 153.3161, Family Code, as amended by this Act, applies only to a suit affecting the parent-child relationship pending in a trial court on or filed on or after the effective date of this Act.

SECTION 4. Section 156.105, Family Code, as amended by this Act, applies only to an action to modify an order in a suit affecting the parent-child relationship pending in a trial court on or filed on or after the effective date of this Act.

SECTION 5. This Act takes effect September 1, 2007.