

By: Lucio III

H.B. No. 3589

A BILL TO BE ENTITLED

AN ACT

relating to the use of electronic communication by a conservator of a child to facilitate communication with the child.

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

SECTION 1. Subchapter A, Chapter 153, Family Code, is amended by adding Section 153.015 to read as follows:

Sec. 153.015. ELECTRONIC COMMUNICATION WITH CHILD BY CONSERVATOR. (a) In this section, "electronic communication" means any communication facilitated by the use of any wired or wireless technology via the Internet or any other electronic media. The term includes communication facilitated by the use of a telephone, electronic mail, instant messaging, videoconferencing, or webcam.

(b) If a conservator of a child requests the court to order periods of electronic communication with the child under this section, the court may award the conservator reasonable periods of electronic communication with the child to supplement the conservator's periods of possession of the child. In determining whether to award electronic communication, the court shall consider:

(1) whether electronic communication is in the best interest of the child;

(2) whether equipment necessary to facilitate the electronic communication is reasonably available to all parties

1 subject to the order; and

2 (3) any other factor the court considers appropriate.

3 (c) If a court awards a conservator periods of electronic
4 communication with a child under this section, each conservator
5 subject to the court's order shall:

6 (1) provide the other conservator with the e-mail
7 address and other electronic communication access information of
8 the child;

9 (2) notify the other conservator of any change in the
10 e-mail address or other electronic communication access
11 information not later than 24 hours after the date the change takes
12 effect; and

13 (3) if necessary equipment is reasonably available,
14 accommodate electronic communication with the child, with the same
15 privacy, respect, and dignity accorded all other forms of access,
16 at a reasonable time and for a reasonable duration subject to any
17 limitation provided by the court in the court's order.

18 (d) The court may not consider the availability of
19 electronic communication as a factor in:

20 (1) computing the amount of child support to be
21 ordered;

22 (2) rendering an order granting periods of possession
23 of the child; or

24 (3) considering a request by the managing conservator
25 of the child to relocate the primary residence of the child.

26 (e) In a suit in which the court's order contains provisions
27 related to a finding of family violence in the suit, including

1 supervised visitation, the court may award periods of electronic
2 communication under this section only if:

3 (1) the award and terms of the award are mutually
4 agreed to by the parties; and

5 (2) the terms of the award:

6 (A) are printed in the court's order in
7 boldfaced, capitalized type; and

8 (B) include any specific restrictions relating
9 to family violence or supervised visitation, as applicable,
10 required by other law to be included in a possession or access
11 order.

12 SECTION 2. This Act takes effect September 1, 2007, and
13 applies to a suit affecting the parent-child relationship filed
14 before, on, or after that date.