

1-1 By: Lucio S.B. No. 220
1-2 (In the Senate - Filed January 12, 2007; January 30, 2007,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 February 26, 2007, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; February 26, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the use of electronic communication by a conservator of
1-9 a child to facilitate communication with the child.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter A, Chapter 153, Family Code, is
1-12 amended by adding Section 153.015 to read as follows:

1-13 Sec. 153.015. ELECTRONIC COMMUNICATION WITH CHILD BY
1-14 CONSERVATOR. (a) In this section, "electronic communication"
1-15 means any communication facilitated by the use of any wired or
1-16 wireless technology via the Internet or any other electronic media.
1-17 The term includes communication facilitated by the use of a
1-18 telephone, electronic mail, instant messaging, videoconferencing,
1-19 or webcam.

1-20 (b) If a conservator of a child requests the court to order
1-21 periods of electronic communication with the child under this
1-22 section, the court may award the conservator reasonable periods of
1-23 electronic communication with the child to supplement the
1-24 conservator's periods of possession of the child. In determining
1-25 whether to award electronic communication, the court shall
1-26 consider:

1-27 (1) whether electronic communication is in the best
1-28 interest of the child;

1-29 (2) whether equipment necessary to facilitate the
1-30 electronic communication is reasonably available to all parties
1-31 subject to the order; and

1-32 (3) any other factor the court considers appropriate.

1-33 (c) If a court awards a conservator periods of electronic
1-34 communication with a child under this section, each conservator
1-35 subject to the court's order shall:

1-36 (1) provide the other conservator with the e-mail
1-37 address and other electronic communication access information of
1-38 the child;

1-39 (2) notify the other conservator of any change in the
1-40 e-mail address or other electronic communication access
1-41 information not later than 24 hours after the date the change takes
1-42 effect; and

1-43 (3) if necessary equipment is reasonably available,
1-44 accommodate electronic communication with the child, with the same
1-45 privacy, respect, and dignity accorded all other forms of access,
1-46 at a reasonable time and for a reasonable duration subject to any
1-47 limitation provided by the court in the court's order.

1-48 (d) The court may not consider the availability of
1-49 electronic communication as a factor in:

1-50 (1) computing the amount of child support to be
1-51 ordered;

1-52 (2) rendering an order granting periods of possession
1-53 of the child; or

1-54 (3) considering a request by the managing conservator
1-55 of the child to relocate the primary residence of the child.

1-56 (e) In a suit in which the court's order contains provisions
1-57 related to a finding of family violence in the suit, including
1-58 supervised visitation, the court may award periods of electronic
1-59 communication under this section only if:

1-60 (1) the award and terms of the award are mutually
1-61 agreed to by the parties; and

1-62 (2) the terms of the award:

1-63 (A) are printed in the court's order in
1-64 boldfaced, capitalized type; and

2-1 (B) include any specific restrictions relating
2-2 to family violence or supervised visitation, as applicable,
2-3 required by other law to be included in a possession or access
2-4 order.

2-5 SECTION 2. This Act takes effect September 1, 2007, and
2-6 applies to a suit affecting the parent-child relationship filed
2-7 before, on, or after that date.

2-8

* * * * *