

1-1 By: Eltife, Van de Putte S.B. No. 999
1-2 (In the Senate - Filed February 28, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 April 16, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 16, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 999 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to possession of or access to a child in a suit affecting
1-11 the parent-child relationship during military deployment of the
1-12 child's parent.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 153.3161, Family Code, is amended to
1-15 read as follows:

1-16 Sec. 153.3161. ~~[LIMITED]~~ POSSESSION DURING MILITARY
1-17 DEPLOYMENT. (a) In this section, "military deployment" means
1-18 military duty ordered for a period of more than six months during
1-19 which the person ordered to duty:

1-20 (1) is not provided the option of being accompanied by
1-21 the person's child; and

1-22 (2) is serving in a location where access to the
1-23 person's child is not reasonably possible.

1-24 (b) In addition to the general terms and conditions of
1-25 possession required by Section 153.316, if a possessory conservator
1-26 or a joint managing conservator of the child without the exclusive
1-27 right to designate the primary residence of the child is currently a
1-28 member of the armed forces of the state or the United States or is
1-29 reasonably expected to join those forces, the court shall:

1-30 (1) permit that conservator to designate a person who
1-31 may exercise ~~[limited]~~ possession of the child on behalf of that
1-32 conservator during any period that the conservator is deployed
1-33 under a military deployment ~~[outside of the United States]; and~~

1-34 (2) if the conservator elects to designate a person
1-35 under Subdivision (1), provide in the order for ~~[limited]~~
1-36 possession of the child by the designated person under those
1-37 circumstances, subject to the court's determination that the
1-38 ~~[limited]~~ possession is in the best interest of the child.

1-39 (c) ~~[(b)]~~ If the court determines that the ~~[limited]~~
1-40 possession is in the best interest of the child, the court shall
1-41 provide in the order that during periods of military deployment:

1-42 (1) the designated person has the right to possession
1-43 of the child for the periods and in the manner in which the deployed
1-44 conservator would be entitled to exercise possession if not
1-45 deployed ~~[on the first weekend of each month beginning at 6 p.m. on~~
1-46 Friday and ending at 6 p.m. on Sunday];

1-47 (2) ~~[the other parent shall surrender the child to the~~
1-48 ~~designated person at the beginning of each period of possession at~~
1-49 ~~the other parent's residence;~~

1-50 ~~[(3) the designated person shall return the child to~~
1-51 ~~the other parent's residence at the end of each period of~~
1-52 ~~possession;~~

1-53 ~~[(4)]~~ the child's other parent and the designated
1-54 person are subject to the requirements of Section 153.316, with the
1-55 designated person considered for purposes of that section to be the
1-56 possessory conservator ~~[Sections 153.316(5)-(9)];~~

1-57 (3) ~~[(5)]~~ the designated person has the rights and
1-58 duties of a nonparent possessory conservator under Section
1-59 153.376(a) during the period that the person has possession of the
1-60 child; and

1-61 (4) ~~[(6)]~~ the designated person is subject to any
1-62 provision in a court order restricting or prohibiting access to the
1-63 child by any specified individual.

2-1 (d) [~~(e)~~] After the military deployment is concluded, and
2-2 the deployed parent returns to that parent's usual residence, the
2-3 designated person's right to [~~limited~~] possession under this
2-4 section terminates and the rights of all affected parties are
2-5 governed by the terms of any court order applicable when a parent is
2-6 not deployed.

2-7 SECTION 2. Section 156.105, Family Code, is amended to read
2-8 as follows:

2-9 Sec. 156.105. MODIFICATION OF ORDER BASED ON MILITARY
2-10 DEPLOYMENT. (a) In this section, "military deployment" means
2-11 military duty ordered for a period of more than six months during
2-12 which the person ordered to duty:

2-13 (1) is not provided the option of being accompanied by
2-14 the person's child; and

2-15 (2) is serving in a location where access to the
2-16 person's child is not reasonably possible.

2-17 (b) The military deployment [~~outside this country~~] of a
2-18 person who is a possessory conservator or a joint managing
2-19 conservator without the exclusive right to designate the primary
2-20 residence of the child is a material and substantial change of
2-21 circumstances sufficient to justify a modification of an existing
2-22 court order or portion of a decree that sets the terms and
2-23 conditions for the possession of or access to a child.

2-24 (c) [~~(b)~~] If the court determines that modification is in
2-25 the best interest of the child, the court may modify the order or
2-26 decree to provide in a manner consistent with Section 153.3161 for
2-27 [~~limited~~] possession of the child during the period of the military
2-28 deployment by a person designated by the deployed conservator.

2-29 SECTION 3. Section 153.3161, Family Code, as amended by
2-30 this Act, applies only to a suit affecting the parent-child
2-31 relationship pending in a trial court on or filed on or after the
2-32 effective date of this Act.

2-33 SECTION 4. Section 156.105, Family Code, as amended by this
2-34 Act, applies only to an action to modify an order in a suit
2-35 affecting the parent-child relationship pending in a trial court on
2-36 or filed on or after the effective date of this Act.

2-37 SECTION 5. This Act takes effect September 1, 2007.

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