

## **BILL ANALYSIS**

S.B. 279  
By: Nelson  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, a court may modify an existing order providing for the conservatorship of a child if the appointed conservator voluntarily relinquishes primary care and possession of the child to another person for at least six months. This law does not protect military parents who are deployed on active duty from a court modifying the order due to the conservator's absence.

S.B. 279 provides that a military conservator's deployment may not be used to justify modification of a court order providing for the conservatorship of a child. This bill protects the rights of a military conservator and prevents a court from using the military conservator's absence during deployment against him or her during child custody proceedings.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1. Amends Chapter 151, Family Code, by adding Section 151.004, as follows:

Sec. 151.004. PROHIBITION AGAINST CERTAIN ORDERS DURING PARENT'S MILITARY DEPLOYMENT. Prohibits a court from rendering an order affecting the terms of a parent's possession of or access to the parent's child on the sole grounds that the parent has voluntarily abandoned or left the child or has otherwise voluntarily relinquished the primary care and possession of the child if the parent has temporarily relinquished the primary care and possession of the child to another person during a period in which the parent:

- (1) is ordered to duty as a member of the armed forces of the United States, the Texas National Guard, or the National Guard of another state without the option of being accompanied by the child; and
- (2) is serving in a location where access to the child is not reasonably possible.

SECTION 2. Provides that the changes in law made by this Act apply to a suit affecting the parent-child relationship that is pending in a trial court on the effective date of this Act or filed on or after that date.

SECTION 3. Effective date: September 1, 2009.

### **EFFECTIVE DATE**

September 1, 2009.