

By: Isett

H.B. No. 409

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an award of additional periods of possession of or
3 access to a child for certain conservators who have returned from
4 active military deployment.

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

6 SECTION 1. Subchapter F, Chapter 153, Family Code, is
7 amended by adding Section 153.3162 to read as follows:

8 Sec. 153.3162. ADDITIONAL PERIODS OF POSSESSION OR ACCESS
9 AFTER CONCLUSION OF MILITARY DEPLOYMENT. (a) In this section,
10 "conservator" means:

11 (1) a possessory conservator of a child; or

12 (2) a joint managing conservator of a child without
13 the exclusive right to designate the primary residence of the
14 child.

15 (b) Not later than the 90th day after the date a conservator
16 who is a member of the armed services concludes the conservator's
17 active military deployment, the conservator may petition the court
18 to:

19 (1) compute the periods of possession of or access to
20 the child to which the conservator would have otherwise been
21 entitled during the conservator's deployment; and

22 (2) award the conservator additional periods of
23 possession of or access to the child to compensate for the periods
24 described by Subdivision (1).

1 (c) If a conservator petitions the court under Subsection
2 (b), the court:

3 (1) shall compute the periods of possession or access
4 to the child described by Subsection (b)(1); and

5 (2) may award to the conservator additional periods of
6 possession of or access to the child for a length of time and under
7 terms the court considers reasonable, if the court determines that:

8 (A) the conservator was deployed in a location
9 where access to the child was not reasonably possible; and

10 (B) the award of additional periods of possession
11 of or access to the child is in the best interest of the child.

12 (d) In making the determination under Subsection (c)(2),
13 the court:

14 (1) shall consider:

15 (A) the periods of possession of or access to the
16 child to which the conservator would otherwise have been entitled
17 during the conservator's deployment, as computed under Subsection
18 (c)(1);

19 (B) whether the court provided in an order under
20 Section 153.3161 that a person exercise limited possession of the
21 child during the conservator's deployment; and

22 (C) any other factor the court considers
23 appropriate; and

24 (2) is not required to award additional periods of
25 possession of or access to the child that equals the possession or
26 access to which the conservator would have been entitled during the
27 conservator's deployment, as computed under Subsection (c)(1).

1 (e) After the conservator has exercised all additional
2 periods of possession or access awarded under this section, the
3 rights of all affected parties are governed by the terms of any
4 court order applicable when the conservator is not deployed.

5 SECTION 2. Section 153.3162, Family Code, as added by this
6 Act, applies to a suit affecting the parent-child relationship, or
7 an action to modify an order in a suit affecting the parent-child
8 relationship, pending in a trial court on the effective date of this
9 Act or filed on or after that date.

10 SECTION 3. This Act takes effect September 1, 2009.