

1-1 By: Isett, Heflin (Senate Sponsor - Nelson) H.B. No. 409
1-2 (In the Senate - Received from the House April 27, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Veteran
1-4 Affairs and Military Installations; May 8, 2009, reported
1-5 favorably by the following vote: Yeas 5, Nays 0; May 8, 2009, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to an award of additional periods of possession of or
1-10 access to a child for certain conservators who have returned from
1-11 active military deployment.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter F, Chapter 153, Family Code, is
1-14 amended by adding Section 153.3162 to read as follows:

1-15 Sec. 153.3162. ADDITIONAL PERIODS OF POSSESSION OR ACCESS
1-16 AFTER CONCLUSION OF MILITARY DEPLOYMENT. (a) In this section,
1-17 "conservator" means:

1-18 (1) a possessory conservator of a child; or

1-19 (2) a joint managing conservator of a child without
1-20 the exclusive right to designate the primary residence of the
1-21 child.

1-22 (b) Not later than the 90th day after the date a conservator
1-23 who is a member of the armed services concludes the conservator's
1-24 active military deployment, the conservator may petition the court
1-25 to:

1-26 (1) compute the periods of possession of or access to
1-27 the child to which the conservator would have otherwise been
1-28 entitled during the conservator's deployment; and

1-29 (2) award the conservator additional periods of
1-30 possession of or access to the child to compensate for the periods
1-31 described by Subdivision (1).

1-32 (c) If a conservator petitions the court under Subsection
1-33 (b), the court:

1-34 (1) shall compute the periods of possession or access
1-35 to the child described by Subsection (b)(1); and

1-36 (2) may award to the conservator additional periods of
1-37 possession of or access to the child for a length of time and under
1-38 terms the court considers reasonable, if the court determines that:

1-39 (A) the conservator was deployed in a location
1-40 where access to the child was not reasonably possible; and

1-41 (B) the award of additional periods of possession
1-42 of or access to the child is in the best interest of the child.

1-43 (d) In making the determination under Subsection (c)(2),
1-44 the court:

1-45 (1) shall consider:

1-46 (A) the periods of possession of or access to the
1-47 child to which the conservator would otherwise have been entitled
1-48 during the conservator's deployment, as computed under Subsection
1-49 (c)(1);

1-50 (B) whether the court provided in an order under
1-51 Section 153.3161 that a person exercise limited possession of the
1-52 child during the conservator's deployment; and

1-53 (C) any other factor the court considers
1-54 appropriate; and

1-55 (2) is not required to award additional periods of
1-56 possession of or access to the child that equals the possession or
1-57 access to which the conservator would have been entitled during the
1-58 conservator's deployment, as computed under Subsection (c)(1).

1-59 (e) After the conservator has exercised all additional
1-60 periods of possession or access awarded under this section, the
1-61 rights of all affected parties are governed by the terms of any
1-62 court order applicable when the conservator is not deployed.

1-63 SECTION 2. Section 153.3162, Family Code, as added by this
1-64 Act, applies to a suit affecting the parent-child relationship, or

2-1 an action to modify an order in a suit affecting the parent-child
2-2 relationship, pending in a trial court on the effective date of this
2-3 Act or filed on or after that date.

2-4 SECTION 3. This Act takes effect September 1, 2009.

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