

1-1 By: Gonzalez Toureilles (Senate Sponsor - Harris) H.B. No. 1012  
1-2 (In the Senate - Received from the House May 1, 2009;  
1-3 May 6, 2009, read first time and referred to Committee on  
1-4 Jurisprudence; May 22, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 May 22, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1012 By: Harris

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

1-10 relating to the conservatorship or possession of, or access to, a  
1-11 child in a suit affecting the parent-child relationship.

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

1-13 SECTION 1. Section 102.0045(b), Family Code, is amended to  
1-14 read as follows:

1-15 (b) Access to a child by a sibling of the child is governed  
1-16 by the standards established by Section 153.551 [~~Subchapter J,~~  
1-17 ~~Chapter 153~~].

1-18 SECTION 2. Section 107.0511, Family Code, is amended by  
1-19 adding Subsections (g), (h), and (i) to read as follows:

1-20 (g) The minimum qualifications prescribed by this section  
1-21 do not apply to an individual who, before September 1, 2007:

1-22 (1) lived in a county that has a population of 500,000  
1-23 or more and is adjacent to two or more counties each of which has a  
1-24 population of 50,000 or more;

1-25 (2) received a four-year degree from an accredited  
1-26 institution of higher education;

1-27 (3) worked as a child protective services investigator  
1-28 for the Department of Family and Protective Services for at least  
1-29 four years;

1-30 (4) worked as a community supervision and corrections  
1-31 department officer; and

1-32 (5) conducted at least 100 social studies in the  
1-33 previous five years.

1-34 (h) A person described by Subsection (g) who performs a  
1-35 social study must:

1-36 (1) complete at least eight hours of family violence  
1-37 dynamics training provided by a family violence service provider;  
1-38 and

1-39 (2) participate annually in at least 15 hours of  
1-40 continuing education for child custody evaluators that meets the  
1-41 Model Standards of Practice for Child Custody Evaluation adopted  
1-42 by the Association of Family and Conciliation Courts as those  
1-43 standards existed May 1, 2009, or a later version of those standards  
1-44 if adopted by rule of the executive commissioner of the Health and  
1-45 Human Services Commission.

1-46 (i) Subsections (g) and (h) and this subsection expire  
1-47 September 1, 2017.

1-48 SECTION 3. Section 153.133, Family Code, is amended by  
1-49 adding Subsection (c) to read as follows:

1-50 (c) Notwithstanding Subsection (a)(1), the court shall  
1-51 render an order adopting the provisions of a written agreed  
1-52 parenting plan appointing the parents as joint managing  
1-53 conservators if the parenting plan:

1-54 (1) meets all the requirements of Subsections (a)(2)  
1-55 through (6); and

1-56 (2) provides that the child's primary residence shall  
1-57 be within a specified geographic area.

1-58 SECTION 4. Subchapter F, Chapter 153, Family Code, is  
1-59 amended by adding Section 153.3101 to read as follows:

1-60 Sec. 153.3101. REFERENCE TO "SCHOOL" IN STANDARD POSSESSION  
1-61 ORDER. In a standard possession order, "school" means the primary  
1-62 or secondary school in which the child is enrolled or, if the child  
1-63 is not enrolled in a primary or secondary school, the public school

district in which the child primarily resides.

SECTION 5. Section 153.311, Family Code, is amended to read as follows:

Sec. 153.311. MUTUAL AGREEMENT OR SPECIFIED TERMS FOR POSSESSION. The court shall specify in a standard possession order that the parties may have possession of the child at times mutually agreed to in advance by the parties and, in the absence of mutual agreement, shall have possession of the child under the specified terms set out in the standard possession order.

SECTION 6. Section 153.312, Family Code, is amended to read as follows:

Sec. 153.312. PARENTS WHO RESIDE 100 MILES OR LESS APART. (a) If the possessory conservator resides 100 miles or less from the primary residence of the child, the possessory conservator shall have the right to possession of the child as follows:

(1) on weekends throughout the year beginning at 6 p.m. on the first, third, and fifth Friday of each month and ending at 6 p.m. on the following Sunday ~~[except that, at the possessory conservator's election made before or at the time of the rendition of the original or modification order, and as specified in the original or modification order, the weekend periods of possession specified by this subdivision that occur during the regular school term shall begin at the time the child's school is regularly dismissed and end at 6 p.m. on the following Sunday];~~ and

(2) on Thursdays of each week during the regular school term beginning at 6 p.m. and ending at 8 p.m. ~~[, or, at the possessory conservator's election made before or at the time of the rendition of the original or modification order, and as specified in the original or modification order, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes],~~ unless the court finds that visitation under this subdivision is not in the best interest of the child.

(b) The following provisions govern possession of the child for vacations and certain specific holidays and supersede conflicting weekend or Thursday periods of possession. The possessory conservator and the managing conservator shall have rights of possession of the child as follows:

(1) the possessory conservator shall have possession in even-numbered years, beginning at 6 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for the same period in odd-numbered years;

(2) if a possessory conservator:

(A) gives the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 30 days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6 p.m. on each applicable day; or

(B) does not give the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 30 consecutive days beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31;

(3) if the managing conservator gives the possessory conservator written notice by April 15 of each year, the managing conservator shall have possession of the child on any one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of possession by the possessory conservator under Subdivision (2), provided that the managing conservator picks up the child from the possessory conservator and returns the child to that same place; and

(4) if the managing conservator gives the possessory conservator written notice by April 15 of each year or gives the

possessory conservator 14 days' written notice on or after April 16 of each year, the managing conservator may designate one weekend beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by the possessory conservator will not take place, provided that the weekend designated does not interfere with the possessory conservator's period or periods of extended summer possession or with Father's Day if the possessory conservator is the father of the child.

SECTION 7. Section 153.313, Family Code, is amended to read as follows:

Sec. 153.313. PARENTS WHO RESIDE OVER 100 MILES APART. If the possessory conservator resides more than 100 miles from the residence of the child, the possessory conservator shall have the right to possession of the child as follows:

(1) either regular weekend possession beginning on the first, third, and fifth Friday as provided under the terms applicable to parents who reside 100 miles or less apart or not more than one weekend per month of the possessory conservator's choice beginning at 6 p.m. on the day school recesses for the weekend and ending at 6 p.m. on the day before school resumes after the weekend, provided that the possessory conservator gives the managing conservator 14 days' written or telephonic notice preceding a designated weekend, and provided that the possessory conservator elects an option for this alternative period of possession by written notice given to the managing conservator within 90 days after the parties begin to reside more than 100 miles apart, as applicable;

(2) each year beginning at 6 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation;

(3) if the possessory conservator:

(A) gives the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 42 days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6 p.m. on each applicable day; or

(B) does not give the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 42 consecutive days beginning at 6 p.m. on June 15 and ending at 6 p.m. on July 27;

(4) if the managing conservator gives the possessory conservator written notice by April 15 of each year the managing conservator shall have possession of the child on one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of possession by the possessory conservator under Subdivision (3), provided that if a period of possession by the possessory conservator exceeds 30 days, the managing conservator may have possession of the child under the terms of this subdivision on two nonconsecutive weekends during that time period, and further provided that the managing conservator picks up the child from the possessory conservator and returns the child to that same place; and

(5) if the managing conservator gives the possessory conservator written notice by April 15 of each year, the managing conservator may designate 21 days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven consecutive days each, with each

period of possession beginning and ending at 6 p.m. on each applicable day, during which the possessory conservator may not have possession of the child, provided that the period or periods so designated do not interfere with the possessory conservator's period or periods of extended summer possession or with Father's Day if the possessory conservator is the father of the child.

SECTION 8. Section 153.314, Family Code, is amended to read as follows:

Sec. 153.314. HOLIDAY POSSESSION UNAFFECTED BY DISTANCE PARENTS RESIDE APART. The following provisions govern possession of the child for certain specific holidays and supersede conflicting weekend or Thursday periods of possession without regard to the distance the parents reside apart. The possessory conservator and the managing conservator shall have rights of possession of the child as follows:

(1) the possessory conservator shall have possession of the child in even-numbered years beginning at 6 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and the managing conservator shall have possession for the same period in odd-numbered years;

(2) the possessory conservator shall have possession of the child in odd-numbered years beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for the same period in even-numbered years;

(3) the possessory conservator shall have possession of the child in odd-numbered years, beginning at 6 p.m. on the day the child is dismissed from school before Thanksgiving and ending at 6 p.m. on the following Sunday, and the managing conservator shall have possession for the same period in even-numbered years;

(4) the parent not otherwise entitled under this standard possession order to present possession of a child on the child's birthday shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that the parent picks up the child from the residence of the conservator entitled to possession and returns the child to that same place;

(5) if a conservator, the father shall have possession of the child beginning at 6 p.m. on the Friday preceding Father's Day and ending on Father's Day at 6 p.m., provided that, if he is not otherwise entitled under this standard possession order to present possession of the child, he picks up the child from the residence of the conservator entitled to possession and returns the child to that same place; and

(6) if a conservator, the mother shall have possession of the child beginning at 6 p.m. on the Friday preceding Mother's Day and ending on Mother's Day at 6 p.m., provided that, if she is not otherwise entitled under this standard possession order to present possession of the child, she picks up the child from the residence of the conservator entitled to possession and returns the child to that same place.

SECTION 9. Section 153.315, Family Code, is amended to read as follows:

Sec. 153.315. WEEKEND POSSESSION EXTENDED BY HOLIDAY. (a) If a weekend period of possession of the possessory conservator coincides with a student [school] holiday or teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or with a federal, state, or local holiday that falls on a Monday during the summer months in which school is not in session, the weekend possession shall end at 6 p.m. on [a] Monday [holiday or school holiday or shall begin at 6 p.m. Thursday for a Friday holiday or school holiday, as applicable].

(b) If a weekend period of possession of the possessory conservator coincides with a student holiday or teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or with a federal, state, or local holiday that falls on a Friday during the summer months in which school is not in session, the weekend

possession shall begin at 6 p.m. on Thursday ~~[At the possessory conservator's election, made before or at the time of the rendition of the original or modification order, and as specified in the original or modification order, periods of possession extended by a holiday may begin at the time the child's school is regularly dismissed]~~.

SECTION 10. Section 153.317, Family Code, is amended to read as follows:

Sec. 153.317. ALTERNATIVE BEGINNING AND ENDING POSSESSION TIMES. (a) If elected by a conservator, the court shall alter the standard possession order under Sections 153.312, 153.314, and 153.315 to provide for one or more of the following alternative beginning and ending possession times for the described periods of possession, unless the court finds that the election is not in the best interest of the child:

(1) for weekend periods of possession under Section 153.312(a)(1) during the regular school term:

(A) beginning at the time the child's school is regularly dismissed; or

(B) ending at the time the child's school resumes after the weekend;

(2) for Thursday periods of possession under Section 153.312(a)(2):

(A) beginning at the time the child's school is regularly dismissed; or

(B) ending at the time the child's school resumes on Friday;

(3) for spring vacation periods of possession under Section 153.312(b)(1), beginning at the time the child's school is dismissed for those vacations;

(4) for Christmas school vacation periods of possession under Section 153.314(1), beginning at the time the child's school is dismissed for the vacation;

(5) for Thanksgiving holiday periods of possession under Section 153.314(3), beginning at the time the child's school is dismissed for the holiday;

(6) for Father's Day periods of possession under Section 153.314(5), ending at 8 a.m. on the Monday after Father's Day weekend;

(7) for Mother's Day periods of possession under Section 153.314(6):

(A) beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day; or

(B) ending at the time the child's school resumes after Mother's Day; or

(8) for weekend periods of possession that are extended under Section 153.315(b) by a student holiday or teacher in-service day that falls on a Friday, beginning at the time the child's school is regularly dismissed on Thursday.

(b) A conservator must make an election under Subsection (a) before or at the time of the rendition of a possession order. The election may be made:

(1) in a written document filed with the court; or

(2) through an oral statement made in open court on the record. ~~[If a child is enrolled in school and the possessory conservator elects before or at the time of the rendition of the original or modification order, the standard order must expressly provide that the possessory conservator's period of possession shall begin or end, or both, at a different time expressly set in the standard order under and within the range of alternative times provided by one or both of the following subdivisions:~~

~~[(1) instead of a period of possession by a possessory conservator beginning at 6 p.m. on the day school recesses, the period of possession may be set in the standard possession order to begin at the time the child's school is regularly dismissed or at any time between the time the child's school is regularly dismissed and 6 p.m.; and~~

~~[(2) except for Thursday evening possession, instead of a period of possession by a possessory conservator ending at 6~~

~~p.m. on the day before school resumes, the period of possession may be set in the standard order to end at the time school resumes.]~~

SECTION 11. Section 153.432, Family Code, is amended by adding a new Subsection (c) to read as follows:

(c) In a suit described by Subsection (a), the person filing the suit must execute and attach an affidavit on knowledge or belief that contains, along with supporting facts, the allegation that denial of possession of or access to the child by the petitioner would significantly impair the child's physical health or emotional well-being. The court shall deny the relief sought and dismiss the suit unless the court determines that the facts stated in the affidavit, if true, would be sufficient to support the relief authorized under Section 153.433.

SECTION 12. Section 153.433, Family Code, is amended to read as follows:

Sec. 153.433. POSSESSION OF OR ACCESS TO GRANDCHILD. (a) The court may ~~shall~~ order reasonable possession of or access to a grandchild by a grandparent if:

(1) at the time the relief is requested, at least one biological or adoptive parent of the child has not had that parent's parental rights terminated;

(2) the grandparent requesting possession of or access to the child overcomes the presumption that a parent acts in the best interest of the parent's child by proving by a preponderance of the evidence that denial of possession of or access to the child would significantly impair the child's physical health or emotional well-being; and

(3) the grandparent requesting possession of or access to the child is a parent of a parent of the child and that parent of the child:

(A) has been incarcerated in jail or prison during the three-month period preceding the filing of the petition;

(B) has been found by a court to be incompetent;

(C) is dead; or

(D) does not have actual or court-ordered possession of or access to the child.

(b) An order granting possession of or access to a child by a grandparent that is rendered over a parent's objections must state, with specificity that:

(1) at the time the relief was requested, at least one biological or adoptive parent of the child had not had that parent's parental rights terminated;

(2) the grandparent requesting possession of or access to the child has overcome the presumption that a parent acts in the best interest of the parent's child by proving by a preponderance of the evidence that the denial of possession of or access to the child would significantly impair the child's physical health or emotional well-being; and

(3) the grandparent requesting possession of or access to the child is a parent of a parent of the child and that parent of the child:

(A) has been incarcerated in jail or prison during the three-month period preceding the filing of the petition;

(B) has been found by a court to be incompetent;

(C) is dead; or

(D) does not have actual or court-ordered possession of or access to the child.

SECTION 13. Section 153.502, Family Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) To determine whether there is a risk of the international abduction of a child by a parent of the child, the court shall consider evidence that the parent:

(1) has taken, enticed away, kept, withheld, or concealed a child in violation of another person's right of possession of or access to the child, unless the parent presents evidence that the parent believed in good faith that the parent's conduct was necessary to avoid imminent harm to the child or the parent;

(2) has previously threatened to take, entice away, keep, withhold, or conceal a child in violation of another person's right of possession of or access to the child;

(3) lacks financial reason to stay in the United States, including evidence that the parent is financially independent, is able to work outside of the United States, or is unemployed;

(4) has recently engaged in planning activities that could facilitate the removal of the child from the United States by the parent, including:

(A) quitting a job;

(B) selling a primary residence;

(C) terminating a lease;

(D) closing bank accounts;

(E) liquidating other assets;

(F) hiding or destroying documents;

(G) applying for a passport or visa or obtaining other travel documents for the parent or the child; or

(H) applying to obtain the child's birth certificate or school or medical records;

(5) has a history of domestic violence that the court is required to consider under Section 153.004; or

(6) has a criminal history or a history of violating court orders.

(a-1) In considering evidence of planning activities under Subsection (a)(4), the court also shall consider any evidence that the parent was engaging in those activities as a part of a safety plan to flee from family violence.

SECTION 14. Section 153.551, Family Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A [The] sibling described by Subsection (a) [of a child] may request access to the child in a suit filed for the sole purpose of requesting the relief, without regard to whether the appointment of a managing conservator is an issue in the suit.

(c) The court shall order reasonable access to the child by the child's sibling described by Subsection (a) if the court finds that access is in the best interest of the child.

SECTION 15. The heading to Subchapter K, Chapter 153, Family Code, is amended to read as follows:

SUBCHAPTER K. PARENTING PLAN, ~~[AND]~~ PARENTING COORDINATOR, AND  
PARENTING FACILITATOR

SECTION 16. Section 153.601, Family Code, is amended by amending Subdivision (3) and adding Subdivision (3-a) to read as follows:

(3) "Parenting coordinator" means an impartial third party:

(A) who, regardless of the title by which the person is designated by the court, performs any function described by Section 153.606 in a suit; and

(B) who:

(i) is appointed under this subchapter by the court on its own motion or on a motion or agreement of the parties to assist parties in resolving parenting issues through confidential procedures; and

(ii) is not appointed under another statute or a rule of civil procedure.

(3-a) "Parenting facilitator" means an impartial third party:

(A) who, regardless of the title by which the person is designated by the court, performs any function described by Section 153.6061 in a suit; and

(B) who:

(i) is appointed under this subchapter by the court on its own motion or on a motion or agreement of the parties to assist parties in resolving parenting issues through procedures that are not confidential; and

(ii) is not appointed under another statute or a rule of civil procedure.

SECTION 17. Section 153.605, Family Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(a) In a suit affecting the parent-child relationship, the court may, on its own motion or on a motion or agreement of the parties, appoint a parenting coordinator or assign a domestic relations office under Chapter 203 to appoint an employee or other person to serve as parenting coordinator ~~[to assist the parties in resolving parenting issues]~~.

(b) The court may not appoint a parenting coordinator unless, after notice and hearing, the court makes a specific finding that:

(1) the case is a high-conflict case~~[-]~~ or ~~[-2-]~~ there is good cause shown for the appointment of a parenting coordinator and the appointment is in the best interest of any minor child in the suit; and

(2) the person appointed has the minimum qualifications required by Section 153.610, as documented by the person, unless those requirements have been waived by the court with the agreement of the parties in accordance with Section 153.610(c).

(d) An individual appointed as a parenting coordinator may not serve in any nonconfidential capacity in the same case, including serving as an amicus attorney, guardian ad litem, or social study evaluator under Chapter 107, as a friend of the court under Chapter 202, or as a parenting facilitator under this subchapter.

SECTION 18. Subchapter K, Chapter 153, Family Code, is amended by adding Section 153.6051 to read as follows:

Sec. 153.6051. APPOINTMENT OF PARENTING FACILITATOR. (a) In a suit affecting the parent-child relationship, the court may, on its own motion or on a motion or agreement of the parties, appoint a parenting facilitator or assign a domestic relations office under Chapter 203 to appoint an employee or other person as a parenting facilitator.

(b) The court may not appoint a parenting facilitator unless, after notice and hearing, the court makes a specific finding that:

(1) the case is a high-conflict case or there is good cause shown for the appointment of a parenting facilitator and the appointment is in the best interest of any minor child in the suit; and

(2) the person appointed has the minimum qualifications required by Section 153.6101, as documented by the person.

(c) Notwithstanding any other provision of this subchapter, a party may at any time file a written objection to the appointment of a parenting facilitator on the basis of family violence having been committed by another party against the objecting party or a child who is the subject of the suit. After an objection is filed, a parenting facilitator may not be appointed unless, on the request of a party, a hearing is held and the court finds that a preponderance of the evidence does not support the objection. If a parenting facilitator is appointed, the court shall order appropriate measures be taken to ensure the physical and emotional safety of the party who filed the objection. The order may provide that the parties not be required to have face-to-face contact and that the parties be placed in separate rooms during the parenting facilitation.

SECTION 19. Section 153.606, Family Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (f) to read as follows:

(a) The court shall specify the duties of a parenting coordinator ~~[must be specified]~~ in the order appointing the parenting coordinator. The duties of the parenting coordinator are limited to matters that will aid the parties in:

- (1) identifying disputed issues;
- (2) reducing misunderstandings;
- (3) clarifying priorities;



9-1 (4) exploring possibilities for problem solving;  
 9-2 (5) developing methods of collaboration in parenting;  
 9-3 (6) understanding parenting plans and reaching  
 9-4 agreements about parenting issues to be included in a parenting  
 9-5 plan; ~~and~~  
 9-6 (7) complying with the court's order regarding  
 9-7 conservatorship or possession of and access to the child;  
 9-8 (8) implementing parenting plans;  
 9-9 (9) obtaining training regarding problem solving,  
 9-10 conflict management, and parenting skills; and  
 9-11 (10) settling disputes regarding parenting issues and  
 9-12 reaching a proposed joint resolution or statement of intent  
 9-13 regarding those disputes.

9-14 (c) The parenting coordinator may not modify any order,  
 9-15 judgment, or decree. ~~[If a suit is pending, any agreement made by~~  
 9-16 ~~the parties with the assistance of the parenting coordinator must~~  
 9-17 ~~be reduced to writing, signed by the parties and their attorneys, if~~  
 9-18 ~~any, and filed with the court.]~~

9-19 (d) Meetings between the parenting coordinator and the  
 9-20 parties may be informal and are not required to follow any specific  
 9-21 procedures unless otherwise provided by this subchapter.

9-22 (f) A parenting coordinator appointed under this subchapter  
 9-23 shall comply with the Ethical Guidelines for Mediators as adopted  
 9-24 by the Supreme Court of Texas (Misc. Docket No. 05-9107, June 13,  
 9-25 2005). On request by the court, the parties, or the parties'  
 9-26 attorneys, the parenting coordinator shall sign a statement of  
 9-27 agreement to comply with those guidelines and submit the statement  
 9-28 to the court on acceptance of the appointment. A failure to comply  
 9-29 with the guidelines is grounds for removal of the parenting  
 9-30 coordinator.

9-31 SECTION 20. Subchapter K, Chapter 153, Family Code, is  
 9-32 amended by adding Section 153.6061 to read as follows:

9-33 Sec. 153.6061. DUTIES OF PARENTING FACILITATOR. (a) The  
 9-34 court shall specify the duties of a parenting facilitator in the  
 9-35 order appointing the parenting facilitator. The duties of the  
 9-36 parenting facilitator are limited to those matters described with  
 9-37 regard to a parenting coordinator under Section 153.606(a), except  
 9-38 that the parenting facilitator may also monitor compliance with  
 9-39 court orders.

9-40 (b) A parenting facilitator appointed under this subchapter  
 9-41 shall comply with the standard of care applicable to the  
 9-42 professional license held by the parenting facilitator in  
 9-43 performing the parenting facilitator's duties.

9-44 (c) The appointment of a parenting facilitator does not  
 9-45 divest the court of:

9-46 (1) the exclusive jurisdiction to determine issues of  
 9-47 conservatorship, support, and possession of and access to the  
 9-48 child; and

9-49 (2) the authority to exercise management and control  
 9-50 of the suit.

9-51 (d) The parenting facilitator may not modify any order,  
 9-52 judgment, or decree.

9-53 (e) Meetings between the parenting facilitator and the  
 9-54 parties may be informal and are not required to follow any specific  
 9-55 procedures unless otherwise provided by this subchapter or the  
 9-56 standards of practice of the professional license held by the  
 9-57 parenting facilitator.

9-58 SECTION 21. Section 153.607, Family Code, is amended to  
 9-59 read as follows:

9-60 Sec. 153.607. PRESUMPTION OF GOOD FAITH; REMOVAL OF  
 9-61 PARENTING COORDINATOR. (a) It is a rebuttable presumption that a  
 9-62 parenting coordinator is acting in good faith if the parenting  
 9-63 coordinator's services have been conducted as provided by this  
 9-64 subchapter and the Ethical Guidelines for Mediators described by  
 9-65 Section 153.606(f).

9-66 (a-1) Except as otherwise provided by this section, the  
 9-67 court may ~~[shall reserve the right to]~~ remove the parenting  
 9-68 coordinator in the court's discretion.

9-69 (b) The court shall remove the parenting coordinator:

(1) on the request and agreement of all ~~both~~ parties; ~~or~~

(2) on the request of the parenting coordinator;

(3) on the motion of a party, if good cause is shown;  
or

(4) if the parenting coordinator ceases to satisfy the minimum qualifications required by Section 153.610.

SECTION 22. Subchapter K, Chapter 153, Family Code, is amended by adding Sections 153.6071, 153.6081, 153.6082, 153.6083, and 153.6091 to read as follows:

Sec. 153.6071. PRESUMPTION OF GOOD FAITH; REMOVAL OF PARENTING FACILITATOR. (a) It is a rebuttable presumption that a parenting facilitator is acting in good faith if the parenting facilitator's services have been conducted as provided by this subchapter and the standard of care applicable to the professional license held by the parenting facilitator.

(b) Except as otherwise provided by this section, the court may remove the parenting facilitator in the court's discretion.

(c) The court shall remove the parenting facilitator:

(1) on the request and agreement of all parties;

(2) on the request of the parenting facilitator;

(3) on the motion of a party, if good cause is shown;  
or

(4) if the parenting facilitator ceases to satisfy the minimum qualifications required by Section 153.6101.

Sec. 153.6081. REPORT OF PARENTING FACILITATOR. A parenting facilitator shall submit a written report to the court and to the parties as ordered by the court. The report may include a recommendation described by Section 153.6082(e) and any other information required by the court, except that the report may not include recommendations regarding the conservatorship of or the possession of or access to the child who is the subject of the suit.

Sec. 153.6082. REPORT OF JOINT PROPOSAL OR STATEMENT OF INTENT; AGREEMENTS AND RECOMMENDATIONS. (a) If the parties have been ordered by the court to attempt to settle parenting issues with the assistance of a parenting coordinator or parenting facilitator and to attempt to reach a proposed joint resolution or statement of intent regarding the dispute, the parenting coordinator or parenting facilitator, as applicable, shall submit a written report describing the parties' joint proposal or statement to the parties, any attorneys for the parties, and any attorney for the child who is the subject of the suit.

(b) The proposed joint resolution or statement of intent is not an agreement unless the resolution or statement is:

(1) prepared by the parties' attorneys, if any, in a form that meets the applicable requirements of:

(A) Rule 11, Texas Rules of Civil Procedure;

(B) a mediated settlement agreement described by Section 153.0071;

(C) a collaborative law agreement described by Section 153.0072;

(D) a settlement agreement described by Section 154.071, Civil Practice and Remedies Code; or

(E) a proposed court order; and

(2) incorporated into an order signed by the court.

(c) A parenting coordinator or parenting facilitator may not draft a document listed in Subsection (b)(1).

(d) The actions of a parenting coordinator or parenting facilitator under this section do not constitute the practice of law.

(e) If the parties have been ordered by the court to attempt to settle parenting issues with the assistance of a parenting facilitator and are unable to settle those issues, the parenting facilitator may make recommendations, other than recommendations regarding the conservatorship of or possession of or access to the child, to the parties and attorneys to implement or clarify provisions of an existing court order that are consistent with the substantive intent of the court order and in the best interest of the child who is the subject of the suit. A recommendation

authorized by this subsection does not affect the terms of an existing court order.

Sec. 153.6083. COMMUNICATIONS AND RECORDKEEPING OF PARENTING FACILITATOR. (a) Notwithstanding any rule, standard of care, or privilege applicable to the professional license held by a parenting facilitator, a communication made by a participant in parenting facilitation is subject to disclosure and may be offered in any judicial or administrative proceeding, if otherwise admissible under the rules of evidence. The parenting facilitator may be required to testify in any proceeding relating to or arising from the duties of the parenting facilitator, including as to the basis for any recommendation made to the parties that arises from the duties of the parenting facilitator.

(b) A parenting facilitator shall keep a detailed record regarding meetings and contacts with the parties, attorneys, or other persons involved in the suit.

(c) A person who participates in parenting facilitation is not a patient as defined by Section 611.001, Health and Safety Code, and no record created as part of the parenting facilitation that arises from the parenting facilitator's duties is confidential.

(d) On request, records of parenting facilitation shall be made available by the parenting facilitator to an attorney for a party, an attorney for a child who is the subject of the suit, and a party who does not have an attorney.

(e) A parenting facilitator shall keep parenting facilitation records from the suit until the seventh anniversary of the date the facilitator's services are terminated, unless a different retention period is established by a rule adopted by the licensing authority that issues the professional license held by the parenting facilitator.

Sec. 153.6091. COMPENSATION OF PARENTING FACILITATOR. Section 153.609 applies to the compensation of a parenting facilitator in the same manner as provided for the compensation of a parenting coordinator.

SECTION 23. Section 153.610, Family Code, is amended to read as follows:

Sec. 153.610. QUALIFICATIONS OF PARENTING COORDINATOR. (a) The court shall determine the required qualifications of a parenting coordinator, provided that a parenting coordinator must have experience working in a field relating to families, have practical experience with high-conflict cases or litigation between parents, and ~~[at least]~~:

(1) hold at least:  
(A) a bachelor's degree in counseling, education, family studies, psychology, or social work ~~[and, unless waived by the court, complete a parenting coordinator course of at least 16 hours]~~; or

(B) ~~[(2) hold]~~ a graduate degree in a mental health profession, with an emphasis in family and children's issues; or

(2) be licensed in good standing as an attorney in this state.

(b) In addition to the qualifications prescribed by Subsection (a), a parenting coordinator must complete at least:

(1) eight hours of family violence dynamics training provided by a family violence service provider;

(2) 40 classroom hours of training in dispute resolution techniques in a course conducted by an alternative dispute resolution system or other dispute resolution organization approved by the court; and

(3) 24 classroom hours of training in the fields of family dynamics, child development, family law and the law governing parenting coordination, and parenting coordination styles and procedures.

(c) In appropriate circumstances, a court may, with the agreement of the parties, appoint a person as parenting coordinator who does not satisfy the requirements of Subsection (a) or Subsection (b)(2) or (3) if the court finds that the person has sufficient legal or other professional training or experience in

dispute resolution processes to serve in that capacity.

(d) The actions of a parenting coordinator who is not an attorney do not constitute the practice of law.

SECTION 24. Subchapter K, Chapter 153, Family Code, is amended by adding Sections 153.6101 and 153.6102 to read as follows:

Sec. 153.6101. QUALIFICATIONS OF PARENTING FACILITATOR.

(a) The court shall determine whether the qualifications of a proposed parenting facilitator satisfy the requirements of this section. On request by a party, an attorney for a party, or any attorney for a child who is the subject of the suit, a person under consideration for appointment as a parenting facilitator in the suit shall provide proof that the person satisfies the minimum qualifications required by this section.

(b) A parenting facilitator must:

(1) hold a license to practice in this state as a social worker, licensed professional counselor, licensed marriage and family therapist, psychologist, or attorney; and

(2) have completed at least:

(A) eight hours of family violence dynamics training provided by a family violence service provider;

(B) 40 classroom hours of training in dispute resolution techniques in a course conducted by an alternative dispute resolution system or other dispute resolution organization approved by the court;

(C) 24 classroom hours of training in the fields of family dynamics, child development, and family law; and

(D) 16 hours of training in the laws governing parenting coordination and parenting facilitation and the multiple styles and procedures used in different models of service.

(c) The actions of a parenting facilitator who is not an attorney do not constitute the practice of law.

Sec. 153.6102. PARENTING FACILITATOR; CONFLICTS OF INTEREST AND BIAS. (a) A person who has a conflict of interest with, or has previous knowledge of, a party or a child who is the subject of a suit must, before being appointed as parenting facilitator in a suit:

(1) disclose the conflict or previous knowledge to the court, each attorney for a party, any attorney for a child, and any party who does not have an attorney; and

(2) decline appointment in the suit unless, after the disclosure, the parties and the child's attorney, if any, agree in writing to the person's appointment as parenting facilitator.

(b) A parenting facilitator who, after being appointed in a suit, discovers that the parenting facilitator has a conflict of interest with, or has previous knowledge of, a party or a child who is the subject of the suit shall:

(1) immediately disclose the conflict or previous knowledge to the court, each attorney for a party, any attorney for a child, and any party who does not have an attorney; and

(2) withdraw from the suit unless, after the disclosure, the parties and the child's attorney, if any, agree in writing to the person's continuation as parenting facilitator.

(c) A parenting facilitator, before accepting appointment in a suit, must disclose to the court, each attorney for a party, any attorney for a child who is the subject of the suit, and any party who does not have an attorney:

(1) a pecuniary relationship with an attorney, party, or child in the suit;

(2) a relationship of confidence or trust with an attorney, party, or child in the suit; and

(3) other information regarding any relationship with an attorney, party, or child in the suit that might reasonably affect the ability of the person to act impartially during the person's service as parenting facilitator.

(d) A person who makes a disclosure required by Subsection (c) shall decline appointment as parenting facilitator unless, after the disclosure, the parties and the child's attorney, if any, agree in writing to the person's service as parenting facilitator

13-1 in the suit.

13-2 (e) A parenting facilitator may not serve in any other  
 13-3 professional capacity at any other time with any person who is a  
 13-4 party to, or the subject of, the suit in which the person serves as  
 13-5 parenting facilitator, or with any member of the family of a party  
 13-6 or subject. A person who, before appointment as a parenting  
 13-7 facilitator in a suit, served in any other professional capacity  
 13-8 with a person who is a party to, or subject of, the suit, or with any  
 13-9 member of the family of a party or subject, may not serve as  
 13-10 parenting facilitator in a suit involving any family member who is a  
 13-11 party to or subject of the suit. This subsection does not apply to a  
 13-12 person whose only other service in a professional capacity with a  
 13-13 family or any member of a family that is a party to or the subject of  
 13-14 a suit to which this section applies is as a teacher of coparenting  
 13-15 skills in a class conducted in a group setting. For purposes of  
 13-16 this subsection, "family" has the meaning assigned by Section  
 13-17 71.003.

13-18 (f) A parenting facilitator shall promptly and  
 13-19 simultaneously disclose to each party's attorney, any attorney for  
 13-20 a child who is a subject of the suit, and any party who does not have  
 13-21 an attorney the existence and substance of any communication  
 13-22 between the parenting facilitator and another person, including a  
 13-23 party, a party's attorney, a child who is the subject of the suit,  
 13-24 and any attorney for a child who is the subject of the suit, if the  
 13-25 communication occurred outside of a parenting facilitator session  
 13-26 and involved the substance of parenting facilitation.

13-27 SECTION 25. Chapter 153, Family Code, is amended by adding  
 13-28 Subchapter L to read as follows:

#### 13-29 SUBCHAPTER L. MILITARY DUTY

13-30 Sec. 153.701. DEFINITIONS. In this subchapter:

13-31 (1) "Designated person" means the person ordered by  
 13-32 the court to temporarily exercise a conservator's rights, duties,  
 13-33 and periods of possession and access with regard to a child during  
 13-34 the conservator's military deployment, military mobilization, or  
 13-35 temporary military duty.

13-36 (2) "Military deployment" means the temporary  
 13-37 transfer of a service member of the armed forces of this state or  
 13-38 the United States serving in an active-duty status to another  
 13-39 location in support of combat or some other military operation.

13-40 (3) "Military mobilization" means the call-up of a  
 13-41 National Guard or Reserve service member of the armed forces of this  
 13-42 state or the United States to extended active duty status. The term  
 13-43 does not include National Guard or Reserve annual training.

13-44 (4) "Temporary military duty" means the transfer of a  
 13-45 service member of the armed forces of this state or the United  
 13-46 States from one military base to a different location, usually  
 13-47 another base, for a limited time for training or to assist in the  
 13-48 performance of a noncombat mission.

13-49 Sec. 153.702. TEMPORARY ORDERS. (a) If a conservator is  
 13-50 ordered to military deployment, military mobilization, or  
 13-51 temporary military duty that involves moving a substantial distance  
 13-52 from the conservator's residence so as to materially affect the  
 13-53 conservator's ability to exercise the conservator's rights and  
 13-54 duties in relation to a child, either conservator may file for an  
 13-55 order under this subchapter.

13-56 (b) The court may render a temporary order in a proceeding  
 13-57 under this subchapter regarding:

13-58 (1) possession of or access to the child; or

13-59 (2) child support.

13-60 (c) A temporary order rendered by the court under this  
 13-61 subchapter may grant rights to and impose duties on a designated  
 13-62 person regarding the child, except the court may not require the  
 13-63 designated person to pay child support.

13-64 (d) After a conservator's military deployment, military  
 13-65 mobilization, or temporary military duty is concluded, and the  
 13-66 conservator returns to the conservator's usual residence, the  
 13-67 temporary orders under this section terminate and the rights of all  
 13-68 affected parties are governed by the terms of any court order  
 13-69 applicable when the conservator is not ordered to military

deployment, military mobilization, or temporary military duty.

Sec. 153.703. APPOINTING DESIGNATED PERSON FOR CONSERVATOR WITH EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD. (a) If the conservator with the exclusive right to designate the primary residence of the child is ordered to military deployment, military mobilization, or temporary military duty, the court may render a temporary order to appoint a designated person to exercise the exclusive right to designate the primary residence of the child during the military deployment, military mobilization, or temporary military duty in the following order of preference:

(1) the conservator who does not have the exclusive right to designate the primary residence of the child;

(2) if appointing the conservator described by Subdivision (1) is not in the child's best interest, a designated person chosen by the conservator with the exclusive right to designate the primary residence of the child; or

(3) if appointing the conservator described by Subdivision (1) or the person chosen under Subdivision (2) is not in the child's best interest, another person chosen by the court.

(b) A designated person named in a temporary order rendered under this section has the rights and duties of a nonparent appointed as sole managing conservator under Section 153.371.

(c) The court may limit or expand the rights of a nonparent named as a designated person in a temporary order rendered under this section as appropriate to the best interest of the child.

Sec. 153.704. APPOINTING DESIGNATED PERSON TO EXERCISE VISITATION FOR CONSERVATOR WITH EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD IN CERTAIN CIRCUMSTANCES. (a) If the court appoints the conservator without the exclusive right to designate the primary residence of the child under Section 153.703(a)(1), the court may award visitation with the child to a designated person chosen by the conservator with the exclusive right to designate the primary residence of the child.

(b) The periods of visitation shall be the same as the visitation to which the conservator without the exclusive right to designate the primary residence of the child was entitled under the court order in effect immediately before the date the temporary order is rendered.

(c) The temporary order for visitation must provide that:

(1) the designated person under this section has the right to possession of the child for the periods and in the manner in which the conservator without the exclusive right to designate the primary residence of the child is entitled under the court order in effect immediately before the date the temporary order is rendered;

(2) the child's other conservator and the designated person under this section are subject to the requirements of Section 153.316, with the designated person considered for purposes of that section to be the possessory conservator;

(3) the designated person under this section has the rights and duties of a nonparent possessory conservator under Section 153.376(a) during the period that the person has possession of the child; and

(4) the designated person under this section is subject to any provision in a court order restricting or prohibiting access to the child by any specified individual.

(d) The court may limit or expand the rights of a nonparent designated person named in a temporary order rendered under this section as appropriate to the best interest of the child.

Sec. 153.705. APPOINTING DESIGNATED PERSON TO EXERCISE VISITATION FOR CONSERVATOR WITHOUT EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD. (a) If the conservator without the exclusive right to designate the primary residence of the child is ordered to military deployment, military mobilization, or temporary military duty, the court may award visitation with the child to a designated person chosen by the conservator, if the visitation is in the best interest of the child.

(b) The temporary order for visitation must provide that:

(1) the designated person under this section has the

right to possession of the child for the periods and in the manner in which the conservator described by Subsection (a) would be entitled if not ordered to military deployment, military mobilization, or temporary military duty;

(2) the child's other conservator and the designated person under this section are subject to the requirements of Section 153.316, with the designated person considered for purposes of that section to be the possessory conservator;

(3) the designated person under this section has the rights and duties of a nonparent possessory conservator under Section 153.376(a) during the period that the designated person has possession of the child; and

(4) the designated person under this section is subject to any provision in a court order restricting or prohibiting access to the child by any specified individual.

(c) The court may limit or expand the rights of a nonparent designated person named in a temporary order rendered under this section as appropriate to the best interest of the child.

Sec. 153.706. TEMPORARY ORDER FOR CHILD SUPPORT. A temporary order rendered under this subchapter may result in a change of circumstances sufficient to justify a temporary order modifying the child support obligations of a party.

Sec. 153.707. EXPEDITED HEARING. (a) On a motion by the conservator who has been ordered to military deployment, military mobilization, or temporary military duty, the court shall, for good cause shown, hold an expedited hearing if the court finds that the conservator's military duties have a material effect on the conservator's ability to appear in person at a regularly scheduled hearing.

(b) A hearing under this section shall, if possible, take precedence over other suits affecting the parent-child relationship not involving a conservator who has been ordered to military deployment, military mobilization, or temporary military duty.

(c) On a motion by any party, the court shall, after reasonable advance notice and for good cause shown, allow a party to present testimony and evidence by electronic means, including by teleconference or through the Internet.

Sec. 153.708. ENFORCEMENT. Temporary orders rendered under this subchapter may be enforced by or against the designated person to the same extent that an order would be enforceable against the conservator who has been ordered to military deployment, military mobilization, or temporary military duty.

Sec. 153.709. ADDITIONAL PERIODS OF POSSESSION OR ACCESS.

(a) Not later than the 90th day after the date a conservator without the exclusive right to designate the primary residence of the child who is a member of the armed services concludes the conservator's military deployment, military mobilization, or temporary military duty, the conservator may petition the court to:

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

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

(b) If the conservator described by Subsection (a) petitions the court under Subsection (a), the court:

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

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

(A) the conservator was on military deployment, military mobilization, or temporary military duty in a location where access to the child was not reasonably possible; and

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

(c) In making the determination under Subsection (b)(2), the court:

(1) shall consider:

(A) the periods of possession of or access to the child to which the conservator would otherwise have been entitled during the conservator's military deployment, military mobilization, or temporary military duty, as computed under Subsection (b)(1);

(B) whether the court named a designated person under Section 153.705 to exercise limited possession of the child during the conservator's deployment; and

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

(2) is not required to award additional periods of possession of or access to the child that equals the possession or access to which the conservator would have been entitled during the conservator's military deployment, military mobilization, or temporary military duty, as computed under Subsection (b)(1).

(d) After the conservator described by Subsection (a) has exercised all additional periods of possession or access awarded under this section, the rights of all affected parties are governed by the terms of the court order applicable when the conservator is not ordered to military deployment, military mobilization, or temporary military duty.

SECTION 26. Section 156.002, Family Code, is amended by adding Subsection (c) to read as follows:

(c) The sibling of a child who is separated from the child because of the actions of the Department of Family and Protective Services may file a suit for modification requesting access to the child in the court with continuing, exclusive jurisdiction.

SECTION 27. Section 156.006, Family Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) While a suit for modification is pending, the court may not render a temporary order that has the effect of changing the designation of the person who has the exclusive right to designate the primary residence of the child under the final order unless the temporary order is in the best interest of the child and:

(1) the order is necessary because the child's present circumstances would significantly impair the child's physical health or emotional development;

(2) the person designated in the final order has voluntarily relinquished the primary care and possession of the child for more than six months [~~and the temporary order is in the best interest of the child~~]; or

(3) the child is 12 years of age or older and has expressed to [~~filed with~~] the court in chambers as provided by Section 153.009 [~~in writing~~] the name of the person who is the child's preference to have the exclusive right to designate the primary residence of the child [~~and the temporary order designating that person is in the best interest of the child~~].

(c) Subsection (b)(2) does not apply to a conservator who has the exclusive right to designate the primary residence of the child and who has temporarily relinquished the primary care and possession of the child to another person during the conservator's military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701.

SECTION 28. Section 156.101, Family Code, is amended to read as follows:

Sec. 156.101. GROUNDS FOR MODIFICATION OF ORDER ESTABLISHING CONSERVATORSHIP OR POSSESSION AND ACCESS. (a) The court may modify an order that provides for the appointment of a conservator of a child, that provides the terms and conditions of conservatorship, or that provides for the possession of or access to a child if modification would be in the best interest of the child and:

(1) the circumstances of the child, a conservator, or other party affected by the order have materially and substantially changed since the earlier of:

(A) the date of the rendition of the order; or

(B) the date of the signing of a mediated or



collaborative law settlement agreement on which the order is based;  
 (2) the child is at least 12 years of age and has expressed to ~~[filed with]~~ the court in chambers as provided by Section 153.009 ~~[, in writing,]~~ the name of the person who is the child's preference to have the exclusive right to designate the primary residence of the child; or

(3) the conservator who has the exclusive right to designate the primary residence of the child has voluntarily relinquished the primary care and possession of the child to another person for at least six months.

(b) Subsection (a)(3) does not apply to a conservator who has the exclusive right to designate the primary residence of the child and who has temporarily relinquished the primary care and possession of the child to another person during the conservator's military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701.

SECTION 29. Section 156.102, Family Code, is amended by adding Subsection (d) to read as follows:

(d) Subsection (b)(3) does not apply to a person who has the exclusive right to designate the primary residence of the child and who has temporarily relinquished the primary care and possession of the child to another person during the conservator's military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701.

SECTION 30. Section 156.105, Family Code, is amended to read as follows:

Sec. 156.105. MODIFICATION OF ORDER BASED ON MILITARY DUTY ~~[DEPLOYMENT]~~. ~~[(a) In this section, "military deployment" means military duty ordered for a period of more than six months during which the person ordered to duty:~~

~~[(1) is not provided the option of being accompanied by the person's child; and~~

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

~~[(b)]~~ The military duty of a conservator who is ordered to military deployment, military mobilization, or temporary military duty, as those terms are defined by Section 153.701, does not by itself constitute ~~[of a person who is a possessory conservator or a joint managing conservator without the exclusive right to designate the primary residence of the child is]~~ a material and substantial change of circumstances sufficient to justify a modification of an existing court order or portion of a decree that sets the terms and conditions for the possession of or access to a child except that the court may render a temporary order under Subchapter L, Chapter 153.

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

SECTION 31. Sections 153.008, 153.137, 153.3161, 153.552, and 156.410, Family Code, are repealed.

SECTION 32. (a) Not later than March 1, 2011, each state agency listed in this subsection shall adopt rules establishing parenting facilitator practice standards consistent with Section 153.6101, Family Code, as added by this Act, applicable to the agency's license holders who serve as parenting facilitators. The practice standards must be at least as detailed and rigorous as those contained in the report entitled "Guidelines for Parenting Coordination" developed by the Association of Family and Conciliation Courts Task Force on Parenting Coordination, dated May 2005. The practice standards required by this section must contain a minimum number of hours of classroom training in the practice standards that must be completed by each license holder who wishes to be eligible to serve as a parenting facilitator. This subsection applies to the:

- (1) State Bar of Texas;
- (2) Texas State Board of Examiners of Psychologists;
- (3) Texas State Board of Examiners of Marriage and

18-1 Family Therapists;

18-2 (4) Texas State Board of Examiners of Professional  
18-3 Counselors; and

18-4 (5) Texas State Board of Social Worker Examiners.

18-5 (b) Notwithstanding Section 153.6101(b), Family Code, as  
18-6 added by this Act, after March 1, 2011, a person who holds a license  
18-7 from a state agency listed in Subsection (a) of this section may not  
18-8 be appointed to serve as a parenting facilitator if:

18-9 (1) the agency has not adopted parenting facilitator  
18-10 practice standards as required by Subsection (a) of this section;  
18-11 or

18-12 (2) the license holder has not completed the minimum  
18-13 number of hours of classroom training contained in the practice  
18-14 standards.

18-15 (c) Notwithstanding any other provision of this section or  
18-16 any other law, a person who satisfies the qualifications to be a  
18-17 parenting coordinator in effect immediately before the effective  
18-18 date of this Act is not required to comply with the requirements  
18-19 imposed by Section 153.610, Family Code, as amended by this Act,  
18-20 until September 1, 2010, to be qualified to serve as a parenting  
18-21 coordinator under Subchapter K, Chapter 153, Family Code, as  
18-22 amended by this Act, and the former law is continued in effect for  
18-23 that purpose.

18-24 (d) Notwithstanding Section 153.610, Family Code, as  
18-25 amended by this Act, or Section 153.6101, Family Code, as added by  
18-26 this Act, a person who is employed by a domestic relations office,  
18-27 as defined by Section 203.001, Family Code, before September 1,  
18-28 2009, may serve as a parenting coordinator or parenting facilitator  
18-29 under Subchapter K, Chapter 153, Family Code, as amended by this  
18-30 Act, if, on the effective date of this Act, the person satisfies the  
18-31 qualifications to be a parenting coordinator under Subchapter K,  
18-32 Chapter 153, Family Code, in effect immediately before the  
18-33 effective date of this Act.

18-34 (e) Notwithstanding Section 153.6101(b)(1), Family Code, as  
18-35 added by this Act, a person who has served as parenting coordinator  
18-36 in a case under Subchapter K, Chapter 153, Family Code, before the  
18-37 effective date of this Act may be appointed to serve as parenting  
18-38 facilitator under Subchapter K, Chapter 153, Family Code, as  
18-39 amended by this Act, in another case if, on the effective date of  
18-40 this Act, the person satisfies all other qualifications to serve as  
18-41 a parenting facilitator, is enrolled in a graduate course of study  
18-42 at an accredited college or university, and obtains a license  
18-43 described by Section 153.6101(b)(1), Family Code, as added by this  
18-44 Act, on or before September 1, 2011.

18-45 SECTION 33. (a) Sections 102.0045, 153.432, 153.433,  
18-46 153.502, 153.551, 156.002, 156.102, and 156.105, Family Code, as  
18-47 amended by this Act, and Sections 156.006(c) and 156.101(b), Family  
18-48 Code, as added by this Act, apply only to a suit affecting the  
18-49 parent-child relationship pending in a trial court on or filed on or  
18-50 after the effective date of this Act.

18-51 (b) Sections 153.311, 153.312, 153.313, 153.314, 153.315,  
18-52 and 153.317, Family Code, as amended by this Act, and Section  
18-53 153.3101, Family Code, as added by this Act, apply only to a court  
18-54 order providing for possession of or access to a child rendered on  
18-55 or after the effective date of this Act. A court order rendered  
18-56 before the effective date of this Act is governed by the law in  
18-57 effect on the date the order was rendered, and the former law is  
18-58 continued in effect for that purpose.

18-59 (c) Section 156.006(b), Family Code, as amended by this Act,  
18-60 and Section 156.101(a), Family Code, as added by this Act, apply to  
18-61 a suit for modification filed on or after the effective date of this  
18-62 Act. A suit for modification filed before that date is governed by  
18-63 the law in effect on the date the suit was filed, and the former law  
18-64 is continued in effect for that purpose.

18-65 SECTION 34. This Act takes effect September 1, 2009.

18-66

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