

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Gonzalez Toureilles

H.B. No. 1012

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

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

(4) worked as a community supervision and corrections department officer; and

(5) conducted at least 100 social studies in the

previous five years.

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

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

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

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

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

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

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

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

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

1        Sec. 153.3101. REFERENCE TO "SCHOOL" IN STANDARD POSSESSION  
2 ORDER. In a standard possession order, "school" means the primary  
3 or secondary school in which the child is enrolled or, if the child  
4 is not enrolled in a primary or secondary school, the public school  
5 district in which the child primarily resides.

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

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

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

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

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

1 ~~dismissed and end at 6 p.m. on the following Sunday]; and~~

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

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

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

21           (2) if a possessory conservator:

22           (A) gives the managing conservator written  
23 notice by April 1 of each year specifying an extended period or  
24 periods of summer possession, the possessory conservator shall have  
25 possession of the child for 30 days beginning not earlier than the  
26 day after the child's school is dismissed for the summer vacation  
27 and ending not later than seven days before school resumes at the

1 end of the summer vacation, to be exercised in not more than two  
2 separate periods of at least seven consecutive days each, with each  
3 period of possession beginning and ending at 6 p.m. on each  
4 applicable day; or

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

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

18 (4) if the managing conservator gives the possessory  
19 conservator written notice by April 15 of each year or gives the  
20 possessory conservator 14 days' written notice on or after April 16  
21 of each year, the managing conservator may designate one weekend  
22 beginning not earlier than the day after the child's school is  
23 dismissed for the summer vacation and ending not later than seven  
24 days before school resumes at the end of the summer vacation, during  
25 which an otherwise scheduled weekend period of possession by the  
26 possessory conservator will not take place, provided that the  
27 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:

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

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

16                   (4) if the managing conservator gives the possessory  
17 conservator written notice by April 15 of each year the managing  
18 conservator shall have possession of the child on one weekend  
19 beginning Friday at 6 p.m. and ending at 6 p.m. on the following  
20 Sunday during one period of possession by the possessory  
21 conservator under Subdivision (3), provided that if a period of  
22 possession by the possessory conservator exceeds 30 days, the  
23 managing conservator may have possession of the child under the  
24 terms of this subdivision on two nonconsecutive weekends during  
25 that time period, and further provided that the managing  
26 conservator picks up the child from the possessory conservator and  
27 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



1 odd-numbered years;

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

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

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

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

25 (6) if a conservator, the mother shall have possession  
26 of the child beginning at 6 p.m. on the Friday preceding Mother's  
27 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~~

1 ~~dismissed~~].

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

4       Sec. 153.317. ALTERNATIVE BEGINNING AND ENDING POSSESSION  
5 TIMES. (a) If elected by a conservator, the court shall alter the  
6 standard possession order under Sections 153.312, 153.314, and  
7 153.315 to provide for one or more of the following alternative  
8 beginning and ending possession times for the described periods of  
9 possession, unless the court finds that the election is not in the  
10 best interest of the child:

11               (1) for weekend periods of possession under Section  
12 153.312(a)(1) during the regular school term:

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

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

17               (2) for Thursday periods of possession under Section  
18 153.312(a)(2):

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

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

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

26               (4) for Christmas school vacation periods of  
27 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, on the basis of the affidavit, 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:

(1) that 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 evidence that supports the conclusion that the grandparent requesting possession of or access to the child has

1 overcome the presumption that a parent acts in the best interest of  
2 the parent's child;

3 (3) the evidence that supports the conclusion that the  
4 denial of possession of or access to the child would significantly  
5 impair the child's physical health or emotional well-being; and

6 (4) that the grandparent requesting possession of or  
7 access to the child is a parent of a parent of the child and that  
8 parent of the child:

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

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

12 (C) is dead; or

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

15 SECTION 13. Section 153.551, Family Code, is amended by  
16 amending Subsection (b) and adding Subsection (c) to read as  
17 follows:

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

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

25 SECTION 14. Section 153.605, Family Code, is amended by  
26 amending Subsection (b) and adding Subsection (d) to read as  
27 follows:

(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.

(d) A parenting coordinator may not draft a settlement agreement described by Section 154.071, Civil Practice and Remedies Code.

SECTION 15. Chapter 153, Family Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. MILITARY DUTY

Sec. 153.701. DEFINITIONS. In this subchapter:

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

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

(3) "Military mobilization" means the call-up of a



1 National Guard or Reserve service member of the armed forces of this  
2 state or the United States to extended active duty status. The term  
3 does not include National Guard or Reserve annual training.

4 (4) "Temporary military duty" means the transfer of a  
5 service member of the armed forces of this state or the United  
6 States from one military base to a different location, usually  
7 another base, for a limited time for training or to assist in the  
8 performance of a noncombat mission.

9 Sec. 153.702. TEMPORARY ORDERS. (a) If a conservator is  
10 ordered to military deployment, military mobilization, or  
11 temporary military duty that involves moving a substantial distance  
12 from the conservator's residence so as to materially affect the  
13 conservator's ability to exercise the conservator's rights and  
14 duties in relation to a child, either conservator may file for an  
15 order under this subchapter.

16 (b) The court may render a temporary order in a proceeding  
17 under this subchapter regarding:

18 (1) possession of or access to the child; or

19 (2) child support.

20 (c) A temporary order rendered by the court under this  
21 subchapter may grant rights to and impose duties on a designated  
22 person regarding the child, except the court may not require the  
23 designated person to pay child support.

24 (d) After a conservator's military deployment, military  
25 mobilization, or temporary military duty is concluded, and the  
26 conservator returns to the conservator's usual residence, the  
27 temporary orders under this section terminate and the rights of all

affected parties are governed by the terms of any court order 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.

1       Sec. 153.704. APPOINTING DESIGNATED PERSON TO EXERCISE  
2 VISITATION FOR CONSERVATOR WITH EXCLUSIVE RIGHT TO DESIGNATE  
3 PRIMARY RESIDENCE OF CHILD IN CERTAIN CIRCUMSTANCES. (a) If the  
4 court appoints the conservator without the exclusive right to  
5 designate the primary residence of the child under Section  
6 153.703(a)(1), the court may award visitation with the child to a  
7 designated person chosen by the conservator with the exclusive  
8 right to designate the primary residence of the child.

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

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

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

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

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

1 of the child; and

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

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

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

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

17 (1) the designated person under this section has the  
18 right to possession of the child for the periods and in the manner  
19 in which the conservator described by Subsection (a) would be  
20 entitled if not ordered to military deployment, military  
21 mobilization, or temporary military duty;

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

26 (3) the designated person under this section has the  
27 rights and duties of a nonparent possessory conservator under

1 Section 153.376(a) during the period that the designated person has  
2 possession of the child; and

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

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

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

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

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

25 (c) On a motion by any party, the court shall, after  
26 reasonable advance notice and for good cause shown, allow a party to  
27 present testimony and evidence by electronic means, including by

1 teleconference or through the Internet.

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

7 Sec. 153.709. ADDITIONAL PERIODS OF POSSESSION OR ACCESS.

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

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

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

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

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

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

26 (A) the conservator was on military deployment,  
27 military mobilization, or temporary military duty in a location

1 where access to the child was not reasonably possible; and

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

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

6 (1) shall consider:

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

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

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

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

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

SECTION 16. 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 17. Section 156.006, Family Code, is amended by adding Subsection (c) to read as follows:

(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 18. 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



1 (B) the date of the signing of a mediated or  
2 collaborative law settlement agreement on which the order is based;

3 (2) the child is at least 12 years of age and has filed  
4 with the court, in writing, the name of the person who is the  
5 child's preference to have the exclusive right to designate the  
6 primary residence of the child; or

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

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

17 SECTION 19. Section 156.102, Family Code, is amended by  
18 adding Subsection (d) to read as follows:

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

25 SECTION 20. Section 156.105, Family Code, is amended to  
26 read as follows:

27 Sec. 156.105. MODIFICATION OF ORDER BASED ON MILITARY DUTY

1 ~~[DEPLOYMENT]. [(a) In this section, "military deployment" means~~  
2 ~~military duty ordered for a period of more than six months during~~  
3 ~~which the person ordered to duty.~~

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

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

8 ~~[(b)]~~ The military duty of a conservator who is ordered to  
9 military deployment, military mobilization, or temporary military  
10 duty, as those terms are defined by Section 153.701, does not by  
11 itself constitute ~~[of a person who is a possessory conservator or a~~  
12 ~~joint managing conservator without the exclusive right to designate~~  
13 ~~the primary residence of the child is]~~ a material and substantial  
14 change of circumstances sufficient to justify a modification of an  
15 existing court order or portion of a decree that sets the terms and  
16 conditions for the possession of or access to a child except that  
17 the court may render a temporary order under Subchapter L, Chapter  
18 153.

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

24 SECTION 21. Sections 153.137, 153.3161, 153.552, and  
25 156.410, Family Code, are repealed.

26 SECTION 22. (a) Sections 102.0045, 153.432, 153.433,  
27 153.551, 156.002, 156.006, 156.101, 156.102, and 156.105, Family

1 Code, as amended by this Act, apply only to a suit affecting the  
2 parent-child relationship pending in a trial court on or filed on or  
3 after the effective date of this Act.

4 (b) Sections 153.311, 153.312, 153.313, 153.314, 153.315,  
5 and 153.317, Family Code, as amended by this Act, and Section  
6 153.3101, Family Code, as added by this Act, apply only to a court  
7 order providing for possession of or access to a child rendered on  
8 or after the effective date of this Act. A court order rendered  
9 before the effective date of this Act is governed by the law in  
10 effect on the date the order was rendered, and the former law is  
11 continued in effect for that purpose.

12 SECTION 23. This Act takes effect September 1, 2009.

# ADOPTED

MAY 27 2009

*Atty. Gen.*  
Secretary of the Senate

By: \_\_\_\_\_

H.B. No. 1012

Substitute the following for H.B. No. 1012:

By: *Harris*

C.S. H.B. No. 1012

## A BILL TO BE ENTITLED

### AN ACT

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

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

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

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

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

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

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

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

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

1           (4) worked as a community supervision and corrections  
2 department officer; and

3           (5) conducted at least 100 social studies in the  
4 previous five years.

5           (h) A person described by Subsection (g) who performs a  
6 social study must:

7           (1) complete at least eight hours of family violence  
8 dynamics training provided by a family violence service provider;  
9 and

10           (2) participate annually in at least 15 hours of  
11 continuing education for child custody evaluators that meets the  
12 Model Standards of Practice for Child Custody Evaluation adopted  
13 by the Association of Family and Conciliation Courts as those  
14 standards existed May 1, 2009, or a later version of those  
15 standards if adopted by rule of the executive commissioner of the  
16 Health and Human Services Commission.

17           (i) Subsections (g) and (h) and this subsection expire  
18 September 1, 2017.

19           SECTION 3. Section 153.133, Family Code, is amended by adding  
20 Subsection (c) to read as follows:

21           (c) Notwithstanding Subsection (a)(1), the court shall render  
22 an order adopting the provisions of a written agreed parenting plan  
23 appointing the parents as joint managing conservators if the  
24 parenting plan:

25           (1) meets all the requirements of Subsections (a)(2)

1 through (6); and

2 (2) provides that the child's primary residence shall be  
3 within a specified geographic area.

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

6 Sec. 153.3101. REFERENCE TO "SCHOOL" IN STANDARD POSSESSION  
7 ORDER. In a standard possession order, "school" means the primary  
8 or secondary school in which the child is enrolled or, if the child  
9 is not enrolled in a primary or secondary school, the public school  
10 district in which the child primarily resides.

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

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

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

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

25 (1) on weekends throughout the year beginning at 6 p.m.

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

9 (2) on Thursdays of each week during the regular school  
10 term beginning at 6 p.m. and ending at 8 p.m. [~~or, at the~~  
11 ~~possessory conservator's election made before or at the time of the~~  
12 ~~rendition of the original or modification order, and as specified~~  
13 ~~in the original or modification order, beginning at the time the~~  
14 ~~child's school is regularly dismissed and ending at the time the~~  
15 ~~child's school resumes], unless the court finds that visitation~~

16 under this subdivision is not in the best interest of the child.

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

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

1 the managing conservator shall have possession for the same period  
2 in odd-numbered years;

3 (2) if a possessory conservator:

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

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

19 (3) if the managing conservator gives the possessory  
20 conservator written notice by April 15 of each year, the managing  
21 conservator shall have possession of the child on any one weekend  
22 beginning Friday at 6 p.m. and ending at 6 p.m. on the following  
23 Sunday during one period of possession by the possessory  
24 conservator under Subdivision (2), provided that the managing  
25 conservator picks up the child from the possessory conservator and



1 returns the child to that same place; and

2 (4) if the managing conservator gives the possessory  
3 conservator written notice by April 15 of each year or gives the  
4 possessory conservator 14 days' written notice on or after April 16  
5 of each year, the managing conservator may designate one weekend  
6 beginning not earlier than the day after the child's school is  
7 dismissed for the summer vacation and ending not later than seven  
8 days before school resumes at the end of the summer vacation,  
9 during which an otherwise scheduled weekend period of possession by  
10 the possessory conservator will not take place, provided that the  
11 weekend designated does not interfere with the possessory  
12 conservator's period or periods of extended summer possession or  
13 with Father's Day if the possessory conservator is the father of  
14 the child.

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

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

21 (1) either regular weekend possession beginning on the  
22 first, third, and fifth Friday as provided under the terms  
23 applicable to parents who reside 100 miles or less apart or not  
24 more than one weekend per month of the possessory conservator's  
25 choice beginning at 6 p.m. on the day school recesses for the

1 weekend and ending at 6 p.m. on the day before school resumes after  
2 the weekend, provided that the possessory conservator gives the  
3 managing conservator 14 days' written or telephonic notice  
4 preceding a designated weekend, and provided that the possessory  
5 conservator elects an option for this alternative period of  
6 possession by written notice given to the managing conservator  
7 within 90 days after the parties begin to reside more than 100  
8 miles apart, as applicable;

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

13 (3) if the possessory conservator:

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

24 (B) does not give the managing conservator written  
25 notice by April 1 of each year specifying an extended period or

1 periods of summer possession, the possessory conservator shall have  
2 possession of the child for 42 consecutive days beginning at 6 p.m.  
3 on June 15 and ending at 6 p.m. on July 27;

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

16 (5) if the managing conservator gives the possessory  
17 conservator written notice by April 15 of each year, the managing  
18 conservator may designate 21 days beginning not earlier than the  
19 day after the child's school is dismissed for the summer vacation  
20 and ending not later than seven days before school resumes at the  
21 end of the summer vacation, to be exercised in not more than two  
22 separate periods of at least seven consecutive days each, with each  
23 period of possession beginning and ending at 6 p.m. on each  
24 applicable day, during which the possessory conservator may not  
25 have possession of the child, provided that the period or periods

1 so designated do not interfere with the possessory conservator's  
2 period or periods of extended summer possession or with Father's  
3 Day if the possessory conservator is the father of the child.

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

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

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

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

23 (3) the possessory conservator shall have possession of  
24 the child in odd-numbered years, beginning at 6 p.m. on the day the  
25 child is dismissed from school before Thanksgiving and ending at 6

1 p.m. on the following Sunday, and the managing conservator shall  
2 have possession for the same period in even-numbered years;

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

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

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

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

25 Sec. 153.315. WEEKEND POSSESSION EXTENDED BY HOLIDAY. (a)

1 If a weekend period of possession of the possessory conservator  
2 coincides with a student ~~[school]~~ holiday or teacher in-service day  
3 that falls on a Monday during the regular school term, as  
4 determined by the school in which the child is enrolled, or with a  
5 federal, state, or local holiday that falls on a Monday during the  
6 summer months in which school is not in session, the weekend  
7 possession shall end at 6 p.m. on [a] Monday ~~[holiday or school~~  
8 ~~holiday or shall begin at 6 p.m. Thursday for a Friday holiday or~~  
9 ~~school holiday, as applicable]~~.

10 (b) If a weekend period of possession of the possessory  
11 conservator coincides with a student holiday or teacher in-service  
12 day that falls on a Friday during the regular school term, as  
13 determined by the school in which the child is enrolled, or with a  
14 federal, state, or local holiday that falls on a Friday during the  
15 summer months in which school is not in session, the weekend  
16 possession shall begin at 6 p.m. on Thursday ~~[At the possessory~~  
17 ~~conservator's election, made before or at the time of the rendition~~  
18 ~~of the original or modification order, and as specified in the~~  
19 ~~original or modification order, periods of possession extended by a~~  
20 ~~holiday may begin at the time the child's school is regularly~~  
21 ~~dismissed]~~.

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

24 Sec. 153.317. ALTERNATIVE BEGINNING AND ENDING POSSESSION  
25 TIMES. (a) If elected by a conservator, the court shall alter the

1 standard possession order under Sections 153.312, 153.314, and  
2 153.315 to provide for one or more of the following alternative  
3 beginning and ending possession times for the described periods of  
4 possession, unless the court finds that the election is not in the  
5 best interest of the child:

6 (1) for weekend periods of possession under Section  
7 153.312(a)(1) during the regular school term:

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

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

12 (2) for Thursday periods of possession under Section  
13 153.312(a)(2):

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

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

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

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

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

1 dismissed for the holiday;  
2 (6) for Father's Day periods of possession under Section  
3 153.314(5), ending at 8 a.m. on the Monday after Father's Day  
4 weekend;  
5 (7) for Mother's Day periods of possession under Section  
6 153.314(6):  
7 (A) beginning at the time the child's school is  
8 regularly dismissed on the Friday preceding Mother's Day; or  
9 (B) ending at the time the child's school resumes  
10 after Mother's Day; or  
11 (8) for weekend periods of possession that are extended  
12 under Section 153.315(b) by a student holiday or teacher in-service  
13 day that falls on a Friday, beginning at the time the child's  
14 school is regularly dismissed on Thursday.  
15 (b) A conservator must make an election under Subsection (a)  
16 before or at the time of the rendition of a possession order. The  
17 election may be made:  
18 (1) in a written document filed with the court; or  
19 (2) through an oral statement made in open court on the  
20 record. [~~If a child is enrolled in school and the possessory~~  
21 ~~conservator elects before or at the time of the rendition of the~~  
22 ~~original or modification order, the standard order must expressly~~  
23 ~~provide that the possessory conservator's period of possession~~  
24 ~~shall begin or end, or both, at a different time expressly set in~~  
25 ~~the standard order under and within the range of alternative times~~



1 ~~provided by one or both of the following subdivisions:~~

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

8 ~~[(2) except for Thursday evening possession, instead of~~  
9 ~~a period of possession by a possessory conservator ending at 6 p.m.~~  
10 ~~on the day before school resumes, the period of possession may be~~  
11 ~~set in the standard order to end at the time school resumes.]~~

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

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

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

25 Sec. 153.433. POSSESSION OF OR ACCESS TO GRANDCHILD. (a)

1 The court may [~~shall~~] order reasonable possession of or access to a  
2 grandchild by a grandparent if:

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

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

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

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

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

18 (C) is dead; or

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

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

24 (1) at the time the relief was requested, at least one  
25 biological or adoptive parent of the child had not had that

1 parent's parental rights terminated;

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

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

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

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

14 (C) is dead; or

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

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

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

23 (1) has taken, enticed away, kept, withheld, or  
24 concealed a child in violation of another person's right of  
25 possession of or access to the child, unless the parent presents

1 evidence that the parent believed in good faith that the parent's  
2 conduct was necessary to avoid imminent harm to the child or the  
3 parent;

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

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

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

13 (A) quitting a job;

14 (B) selling a primary residence;

15 (C) terminating a lease;

16 (D) closing bank accounts;

17 (E) liquidating other assets;

18 (F) hiding or destroying documents;

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

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

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

25 (6) has a criminal history or a history of violating

1 court orders.

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

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

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

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

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

18 SUBCHAPTER K. PARENTING PLAN, [AND] PARENTING COORDINATOR, AND  
19 PARENTING FACILITATOR

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

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

25 (A) who, regardless of the title by which the

1 person is designated by the court, performs any function described  
2 by Section 153.606 in a suit; and

3 (B) who:

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

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

10 (3-a) "Parenting facilitator" means an impartial third  
11 party:

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

15 (B) who:

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

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

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

25 (a) In a suit affecting the parent-child relationship, the

1 court may, on its own motion or on a motion or agreement of the  
2 parties, appoint a parenting coordinator or assign a domestic  
3 relations office under Chapter 203 to appoint an employee or other  
4 person to serve as parenting coordinator [~~to assist the parties in~~  
5 ~~resolving parenting issues~~].

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

8 (1) the case is a high-conflict case[+] or

9 [-2+] there is good cause shown for the appointment of a  
10 parenting coordinator and the appointment is in the best interest  
11 of any minor child in the suit; and

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

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

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

24 Sec. 153.6051. APPOINTMENT OF PARENTING FACILITATOR. (a) In  
25 a suit affecting the parent-child relationship, the court may, on

1 its own motion or on a motion or agreement of the parties, appoint  
2 a parenting facilitator or assign a domestic relations office under  
3 Chapter 203 to appoint an employee or other person as a parenting  
4 facilitator.

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

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

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

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



1 facilitation.

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

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

- 9 (1) identifying disputed issues;  
10 (2) reducing misunderstandings;  
11 (3) clarifying priorities;  
12 (4) exploring possibilities for problem solving;  
13 (5) developing methods of collaboration in parenting;  
14 (6) understanding parenting plans and reaching  
15 agreements about parenting issues to be included in a parenting  
16 plan; [~~and~~]  
17 (7) complying with the court's order regarding  
18 conservatorship or possession of and access to the child;  
19 (8) implementing parenting plans;  
20 (9) obtaining training regarding problem solving,  
21 conflict management, and parenting skills; and  
22 (10) settling disputes regarding parenting issues and  
23 reaching a proposed joint resolution or statement of intent  
24 regarding those disputes.

25 (c) The parenting coordinator may not modify any order,

1 judgment, or decree. [~~If a suit is pending, any agreement made by~~  
2 ~~the parties with the assistance of the parenting coordinator must~~  
3 ~~be reduced to writing, signed by the parties and their attorneys,~~  
4 ~~if any, and filed with the court.]~~

5 (d) Meetings between the parenting coordinator and the  
6 parties may be informal and are not required to follow any specific  
7 procedures unless otherwise provided by this subchapter.

8 (f) A parenting coordinator appointed under this subchapter  
9 shall comply with the Ethical Guidelines for Mediators as adopted  
10 by the Supreme Court of Texas (Misc. Docket No. 05-9107, June 13,  
11 2005). On request by the court, the parties, or the parties'  
12 attorneys, the parenting coordinator shall sign a statement of  
13 agreement to comply with those guidelines and submit the statement  
14 to the court on acceptance of the appointment. A failure to comply  
15 with the guidelines is grounds for removal of the parenting  
16 coordinator.

17 SECTION 20. Subchapter K, Chapter 153, Family Code, is  
18 amended by adding Section 153.6061 to read as follows:

19 Sec. 153.6061. DUTIES OF PARENTING FACILITATOR. (a) The  
20 court shall specify the duties of a parenting facilitator in the  
21 order appointing the parenting facilitator. The duties of the  
22 parenting facilitator are limited to those matters described with  
23 regard to a parenting coordinator under Section 153.606(a), except  
24 that the parenting facilitator may also monitor compliance with  
25 court orders.

1        (b) A parenting facilitator appointed under this subchapter  
2 shall comply with the standard of care applicable to the  
3 professional license held by the parenting facilitator in  
4 performing the parenting facilitator's duties.

5        (c) The appointment of a parenting facilitator does not  
6 divest the court of:

7            (1) the exclusive jurisdiction to determine issues of  
8 conservatorship, support, and possession of and access to the  
9 child; and

10           (2) the authority to exercise management and control of  
11 the suit.

12        (d) The parenting facilitator may not modify any order,  
13 judgment, or decree.

14        (e) Meetings between the parenting facilitator and the  
15 parties may be informal and are not required to follow any specific  
16 procedures unless otherwise provided by this subchapter or the  
17 standards of practice of the professional license held by the  
18 parenting facilitator.

19        SECTION 21. Section 153.607, Family Code, is amended to read  
20 as follows:

21        Sec. 153.607. PRESUMPTION OF GOOD FAITH; REMOVAL OF PARENTING  
22 COORDINATOR. (a) It is a rebuttable presumption that a parenting  
23 coordinator is acting in good faith if the parenting coordinator's  
24 services have been conducted as provided by this subchapter and the  
25 Ethical Guidelines for Mediators described by Section 153.606(f).

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

4        (b) The court shall remove the parenting coordinator:

5            (1) on the request and agreement of all ~~[both]~~ parties;  
6 ~~[or]~~

7            (2) on the request of the parenting coordinator;

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

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

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

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

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

22        (c) The court shall remove the parenting facilitator:

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

24            (2) on the request of the parenting facilitator;

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

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

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

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

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

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

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

1                   (B) a mediated settlement agreement described by  
2 Section 153.0071;  
3                   (C) a collaborative law agreement described by  
4 Section 153.0072;  
5                   (D) a settlement agreement described by Section  
6 154.071, Civil Practice and Remedies Code; or  
7                   (E) a proposed court order; and  
8                   (2) incorporated into an order signed by the court.  
9           (c) A parenting coordinator or parenting facilitator may not  
10 draft a document listed in Subsection (b)(1).  
11           (d) The actions of a parenting coordinator or parenting  
12 facilitator under this section do not constitute the practice of  
13 law.  
14           (e) If the parties have been ordered by the court to attempt  
15 to settle parenting issues with the assistance of a parenting  
16 facilitator and are unable to settle those issues, the parenting  
17 facilitator may make recommendations, other than recommendations  
18 regarding the conservatorship of or possession of or access to the  
19 child, to the parties and attorneys to implement or clarify  
20 provisions of an existing court order that are consistent with the  
21 substantive intent of the court order and in the best interest of  
22 the child who is the subject of the suit. A recommendation  
23 authorized by this subsection does not affect the terms of an  
24 existing court order.

25           Sec. 153.6083. COMMUNICATIONS AND RECORDKEEPING OF PARENTING

1 FACILITATOR. (a) Notwithstanding any rule, standard of care, or  
2 privilege applicable to the professional license held by a  
3 parenting facilitator, a communication made by a participant in  
4 parenting facilitation is subject to disclosure and may be offered  
5 in any judicial or administrative proceeding, if otherwise  
6 admissible under the rules of evidence. The parenting facilitator  
7 may be required to testify in any proceeding relating to or arising  
8 from the duties of the parenting facilitator, including as to the  
9 basis for any recommendation made to the parties that arises from  
10 the duties of the parenting facilitator.

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

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

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

23 (e) A parenting facilitator shall keep parenting facilitation  
24 records from the suit until the seventh anniversary of the date the  
25 facilitator's services are terminated, unless a different retention

1 period is established by a rule adopted by the licensing authority  
2 that issues the professional license held by the parenting  
3 facilitator.

4 Sec. 153.6091. COMPENSATION OF PARENTING FACILITATOR.

5 Section 153.609 applies to the compensation of a parenting  
6 facilitator in the same manner as provided for the compensation of  
7 a parenting coordinator.

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

10 Sec. 153.610. QUALIFICATIONS OF PARENTING COORDINATOR. (a)

11 The court shall determine the required qualifications of a  
12 parenting coordinator, provided that a parenting coordinator must  
13 have experience working in a field relating to families, have  
14 practical experience with high-conflict cases or litigation between  
15 parents, and [at least]:

16 (1) hold at least:

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

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

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



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

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

5 (2) 40 classroom hours of training in dispute resolution  
6 techniques in a course conducted by an alternative dispute  
7 resolution system or other dispute resolution organization approved  
8 by the court; and

9 (3) 24 classroom hours of training in the fields of  
10 family dynamics, child development, family law and the law  
11 governing parenting coordination, and parenting coordination styles  
12 and procedures.

13 (c) In appropriate circumstances, a court may, with the  
14 agreement of the parties, appoint a person as parenting coordinator  
15 who does not satisfy the requirements of Subsection (a) or  
16 Subsection (b)(2) or (3) if the court finds that the person has  
17 sufficient legal or other professional training or experience in  
18 dispute resolution processes to serve in that capacity.

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

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

24 Sec. 153.6101. QUALIFICATIONS OF PARENTING FACILITATOR. (a)  
25 The court shall determine whether the qualifications of a proposed

1 parenting facilitator satisfy the requirements of this section. On  
2 request by a party, an attorney for a party, or any attorney for a  
3 child who is the subject of the suit, a person under consideration  
4 for appointment as a parenting facilitator in the suit shall  
5 provide proof that the person satisfies the minimum qualifications  
6 required by this section.

7 (b) A parenting facilitator must:

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

11 (2) have completed at least:

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

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

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

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

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

25 Sec. 153.6102. PARENTING FACILITATOR; CONFLICTS OF INTEREST

1 AND BIAS. (a) A person who has a conflict of interest with, or  
2 has previous knowledge of, a party or a child who is the subject of  
3 a suit must, before being appointed as parenting facilitator in a  
4 suit:

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

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

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

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

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

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

25 (1) a pecuniary relationship with an attorney, party, or

1 child in the suit;

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

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

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

13 (e) A parenting facilitator may not serve in any other  
14 professional capacity at any other time with any person who is a  
15 party to, or the subject of, the suit in which the person serves as  
16 parenting facilitator, or with any member of the family of a party  
17 or subject. A person who, before appointment as a parenting  
18 facilitator in a suit, served in any other professional capacity  
19 with a person who is a party to, or subject of, the suit, or with  
20 any member of the family of a party or subject, may not serve as  
21 parenting facilitator in a suit involving any family member who is  
22 a party to or subject of the suit. This subsection does not apply  
23 to a person whose only other service in a professional capacity  
24 with a family or any member of a family that is a party to or the  
25 subject of a suit to which this section applies is as a teacher of

1 coparenting skills in a class conducted in a group setting. For  
2 purposes of this subsection, "family" has the meaning assigned by  
3 Section 71.003.

4 (f) A parenting facilitator shall promptly and simultaneously  
5 disclose to each party's attorney, any attorney for a child who is  
6 a subject of the suit, and any party who does not have an attorney  
7 the existence and substance of any communication between the  
8 parenting facilitator and another person, including a party, a  
9 party's attorney, a child who is the subject of the suit, and any  
10 attorney for a child who is the subject of the suit, if the  
11 communication occurred outside of a parenting facilitator session  
12 and involved the substance of parenting facilitation.

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

15 SUBCHAPTER L. MILITARY DUTY

16 Sec. 153.701. DEFINITIONS. In this subchapter:

17 (1) "Designated person" means the person ordered by the  
18 court to temporarily exercise a conservator's rights, duties, and  
19 periods of possession and access with regard to a child during the  
20 conservator's military deployment, military mobilization, or  
21 temporary military duty.

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

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

6           (4) "Temporary military duty" means the transfer of a  
7 service member of the armed forces of this state or the United  
8 States from one military base to a different location, usually  
9 another base, for a limited time for training or to assist in the  
10 performance of a noncombat mission.

11       Sec. 153.702. TEMPORARY ORDERS. (a) If a conservator is  
12 ordered to military deployment, military mobilization, or temporary  
13 military duty that involves moving a substantial distance from the  
14 conservator's residence so as to materially affect the  
15 conservator's ability to exercise the conservator's rights and  
16 duties in relation to a child, either conservator may file for an  
17 order under this subchapter.

18       (b) The court may render a temporary order in a proceeding  
19 under this subchapter regarding:

20           (1) possession of or access to the child; or

21           (2) child support.

22       (c) A temporary order rendered by the court under this  
23 subchapter may grant rights to and impose duties on a designated  
24 person regarding the child, except the court may not require the  
25 designated person to pay child support.

1        (d) After a conservator's military deployment, military  
2 mobilization, or temporary military duty is concluded, and the  
3 conservator returns to the conservator's usual residence, the  
4 temporary orders under this section terminate and the rights of all  
5 affected parties are governed by the terms of any court order  
6 applicable when the conservator is not ordered to military  
7 deployment, military mobilization, or temporary military duty.

8        Sec. 153.703. APPOINTING DESIGNATED PERSON FOR CONSERVATOR  
9 WITH EXCLUSIVE RIGHT TO DESIGNATE PRIMARY RESIDENCE OF CHILD. (a)

10       If the conservator with the exclusive right to designate the  
11 primary residence of the child is ordered to military deployment,  
12 military mobilization, or temporary military duty, the court may  
13 render a temporary order to appoint a designated person to exercise  
14 the exclusive right to designate the primary residence of the child  
15 during the military deployment, military mobilization, or temporary  
16 military duty in the following order of preference:

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

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

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

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

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

7        Sec. 153.704. APPOINTING DESIGNATED PERSON TO EXERCISE  
8 VISITATION FOR CONSERVATOR WITH EXCLUSIVE RIGHT TO DESIGNATE  
9 PRIMARY RESIDENCE OF CHILD IN CERTAIN CIRCUMSTANCES. (a) If the  
10 court appoints the conservator without the exclusive right to  
11 designate the primary residence of the child under Section  
12 153.703(a)(1), the court may award visitation with the child to a  
13 designated person chosen by the conservator with the exclusive  
14 right to designate the primary residence of the child.

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

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

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



1 rendered;

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

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

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

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

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

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

25 (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

1 cause shown, hold an expedited hearing if the court finds that the  
2 conservator's military duties have a material effect on the  
3 conservator's ability to appear in person at a regularly scheduled  
4 hearing.

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

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

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

18 Sec. 153.709. ADDITIONAL PERIODS OF POSSESSION OR ACCESS.

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

24 (1) compute the periods of possession of or access to  
25 the child to which the conservator would have otherwise been

1 entitled during the conservator's deployment; and

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

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

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

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

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

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

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

19 (1) shall consider:

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

25 (B) whether the court named a designated person

1 under Section 153.705 to exercise limited possession of the child  
2 during the conservator's deployment; and

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

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

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

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

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

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

25 (b) While a suit for modification is pending, the court may

1 not render a temporary order that has the effect of changing the  
2 designation of the person who has the exclusive right to designate  
3 the primary residence of the child under the final order unless the  
4 temporary order is in the best interest of the child and:

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

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

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

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

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

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

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

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

12                   (B) the date of the signing of a mediated or  
13 collaborative law settlement agreement on which the order is based;

14           (2) the child is at least 12 years of age and has  
15 expressed to [filed with] the court in chambers as provided by  
16 Section 153.009 [in writing] the name of the person who is the  
17 child's preference to have the exclusive right to designate the  
18 primary residence of the child; or

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

23           (b) Subsection (a)(3) does not apply to a conservator who has  
24 the exclusive right to designate the primary residence of the child  
25 and who has temporarily relinquished the primary care and

1 possession of the child to another person during the conservator's  
2 military deployment, military mobilization, or temporary military  
3 duty, as those terms are defined by Section 153.701.

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

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

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

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

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

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

22 ~~[(b)]~~ The military duty of a conservator who is ordered to  
23 military deployment, military mobilization, or temporary military  
24 duty, as those terms are defined by Section 153.701, does not by  
25 itself constitute ~~[of a person who is a possessory conservator or a~~



1 ~~joint managing conservator without the exclusive right to designate~~  
2 ~~the primary residence of the child is]~~ a material and substantial  
3 change of circumstances sufficient to justify a modification of an  
4 existing court order or portion of a decree that sets the terms and  
5 conditions for the possession of or access to a child except that  
6 the court may render a temporary order under Subchapter L, Chapter  
7 153.

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

13 SECTION 31. Sections 153.008, 153.137, 153.3161, 153.552, and  
14 156.410, Family Code, are repealed.

15 SECTION 32. (a) Not later than March 1, 2011, each state  
16 agency listed in this subsection shall adopt rules establishing  
17 parenting facilitator practice standards consistent with Section  
18 153.6101, Family Code, as added by this Act, applicable to the  
19 agency's license holders who serve as parenting facilitators. The  
20 practice standards must be at least as detailed and rigorous as  
21 those contained in the report entitled "Guidelines for Parenting  
22 Coordination" developed by the Association of Family and  
23 Conciliation Courts Task Force on Parenting Coordination, dated May  
24 2005. The practice standards required by this section must contain  
25 a minimum number of hours of classroom training in the practice

1 standards that must be completed by each license holder who wishes  
2 to be eligible to serve as a parenting facilitator. This  
3 subsection applies to the:

- 4 (1) State Bar of Texas;
- 5 (2) Texas State Board of Examiners of Psychologists;
- 6 (3) Texas State Board of Examiners of Marriage and  
7 Family Therapists;
- 8 (4) Texas State Board of Examiners of Professional  
9 Counselors; and
- 10 (5) Texas State Board of Social Worker Examiners.

11 (b) Notwithstanding Section 153.6101(b), Family Code, as  
12 added by this Act, after March 1, 2011, a person who holds a  
13 license from a state agency listed in Subsection (a) of this  
14 section may not be appointed to serve as a parenting facilitator  
15 if:

16 (1) the agency has not adopted parenting facilitator  
17 practice standards as required by Subsection (a) of this section;  
18 or

19 (2) the license holder has not completed the minimum  
20 number of hours of classroom training contained in the practice  
21 standards.

22 (c) Notwithstanding any other provision of this section or  
23 any other law, a person who satisfies the qualifications to be a  
24 parenting coordinator in effect immediately before the effective  
25 date of this Act is not required to comply with the requirements

1 imposed by Section 153.610, Family Code, as amended by this Act,  
2 until September 1, 2010, to be qualified to serve as a parenting  
3 coordinator under Subchapter K, Chapter 153, Family Code, as  
4 amended by this Act, and the former law is continued in effect for  
5 that purpose.

6 (d) Notwithstanding Section 153.610, Family Code, as amended  
7 by this Act, or Section 153.6101, Family Code, as added by this  
8 Act, a person who is employed by a domestic relations office, as  
9 defined by Section 203.001, Family Code, before September 1, 2009,  
10 may serve as a parenting coordinator or parenting facilitator under  
11 Subchapter K, Chapter 153, Family Code, as amended by this Act, if,  
12 on the effective date of this Act, the person satisfies the  
13 qualifications to be a parenting coordinator under Subchapter K,  
14 Chapter 153, Family Code, in effect immediately before the  
15 effective date of this Act.

16 (e) Notwithstanding Section 153.6101(b)(1), Family Code, as  
17 added by this Act, a person who has served as parenting coordinator  
18 in a case under Subchapter K, Chapter 153, Family Code, before the  
19 effective date of this Act may be appointed to serve as parenting  
20 facilitator under Subchapter K, Chapter 153, Family Code, as  
21 amended by this Act, in another case if, on the effective date of  
22 this Act, the person satisfies all other qualifications to serve as  
23 a parenting facilitator, is enrolled in a graduate course of study  
24 at an accredited college or university, and obtains a license  
25 described by Section 153.6101(b)(1), Family Code, as added by this

1 Act, on or before September 1, 2011.

2 SECTION 33. (a) Sections 102.0045, 153.432, 153.433,  
3 153.502, 153.551, 156.002, 156.102, and 156.105, Family Code, as  
4 amended by this Act, and Sections 156.006(c) and 156.101(b), Family  
5 Code, as added by this Act, apply only to a suit affecting the  
6 parent-child relationship pending in a trial court on or filed on  
7 or after the effective date of this Act.

8 (b) Sections 153.311, 153.312, 153.313, 153.314, 153.315, and  
9 153.317, Family Code, as amended by this Act, and Section 153.3101,  
10 Family Code, as added by this Act, apply only to a court order  
11 providing for possession of or access to a child rendered on or  
12 after the effective date of this Act. A court order rendered  
13 before the effective date of this Act is governed by the law in  
14 effect on the date the order was rendered, and the former law is  
15 continued in effect for that purpose.

16 (c) Section 156.006(b), Family Code, as amended by this Act,  
17 and Section 156.101(a), Family Code, as added by this Act, apply to  
18 a suit for modification filed on or after the effective date of  
19 this Act. A suit for modification filed before that date is  
20 governed by the law in effect on the date the suit was filed, and  
21 the former law is continued in effect for that purpose.

22 SECTION 34. This Act takes effect September 1, 2009.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 27, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1012** by Gonzalez Toureilles (Relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Family Code relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship. The bill would create a new actor in suits affecting the parent-child relationship known as a "parenting facilitator." The parenting facilitator would be appointed by a court to assist parties in resolving parenting issues through non-confidential procedures. The appointment of a parenting facilitator could occur only after a hearing and after the court makes specific fact findings. The court may not appoint a parenting facilitator unless the court finds that the parties have the means to pay the fees of the parenting facilitator. A domestic relations office could be appointed to serve as a parenting facilitator if the parties have no means to pay a parenting facilitator's fees.

To the extent the bill would amend court procedures regarding terms of possession or access and appointments of parenting facilitators no significant additional workload to the courts or fiscal implication to the State is anticipated. The bill would take effect September 1, 2009.

**Local Government Impact**

To the extent the bill would increase the workloads of county domestic relations offices appointed as parenting facilitators, no significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, SD, TB, MN, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1012** by Gonzalez Toureilles (Relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
---

The bill would amend the Family Code relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship. The bill would create a new actor in suits affecting the parent-child relationship known as a "parenting facilitator." The parenting facilitator would be appointed by a court to assist parties in resolving parenting issues through non-confidential procedures. The appointment of a parenting facilitator could occur only after a hearing and after the court makes specific fact findings. The court may not appoint a parenting facilitator unless the court finds that the parties have the means to pay the fees of the parenting facilitator. A domestic relations office could be appointed to serve as a parenting facilitator if the parties have no means to pay a parenting facilitator's fees.

To the extent the bill would amend court procedures regarding terms of possession or access and appointments of parenting facilitators no significant additional workload to the courts or fiscal implication to the State is anticipated. The bill would take effect September 1, 2009.

**Local Government Impact**

To the extent the bill would increase the workloads of county domestic relations offices appointed as parenting facilitators, no significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, TB, MN, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 15, 2009**

**TO:** Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1012** by Gonzalez Toureilles (Relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
---

The bill would amend the Family Code relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship. To the extent the bill would amend court procedures regarding terms of possession or access, no additional workload to the courts or fiscal implication to the State is anticipated. The bill would take effect September 1, 2009.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, MN, TP, TB

**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

March 6, 2009

**TO:** Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1012** by Gonzalez Toureilles (Relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship.), **As Introduced**

<b>No fiscal implication to the State is anticipated.</b>
---

The bill would amend the Family Code relating to the conservatorship or possession of, or access to, a child in a suit affecting the parent-child relationship. To the extent the bill would amend court procedures regarding terms of possession or access, no additional workload to the courts or fiscal implication to the State is anticipated. The bill would take effect September 1, 2009.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JOB, TP, TB