

## **BILL ANALYSIS**

H.B. 1404  
By: Sheffield  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Prior legislation added provisions related to conservatorship in the Family Code to protect military parents deployed on active duty. Despite this effort, vague statutory language requires a parent to prove a material and substantial change when deployment is the reason for a requested change in conservatorship.

H.B. 1404 will enable a conservator to make a change in conservatorship without having to go through the lengthy process of proving material and substantial change when deployment is the primary cause. In addition, it specifies that a nonparent who is chosen to take the place of the parent during deployment can maintain the same rights as the parent during the deployment without being required to pay child support.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1404 amends the Family Code, in provisions relating to a temporary order for possession or access to a child in a suit affecting the parent-child relationship for a conservator who is ordered to military duty, to clarify that the conservator may file for the order without the necessity of showing a material and substantial change of circumstances other than military deployment, military mobilization, or temporary military duty. The bill clarifies that the person appointed as a designated person in such a temporary order is not required to pay child support if the designated person is a nonparent. The bill clarifies that statutory provisions granting a person the same rights and duties of a nonparent appointed as sole managing conservator, if the person is temporarily designated to exercise the exclusive right to designate the primary residence of the child during the military deployment, military mobilization, or temporary military duty of the conservator who otherwise has that exclusive right, apply to a nonparent so designated.

H.B. 1404 repeals Section 153.706, Family Code, relating to justification for a modification of the child support obligations of a party to a suit affecting the parent-child relationship based on a change in circumstances resulting from a temporary order rendered in respect to conservatorship, possession, and access during a conservator's military duty.

### **EFFECTIVE DATE**

September 1, 2011.