

1-1 By: Sheffield, et al. (Senate Sponsor - Harris) H.B. No. 1404  
1-2 (In the Senate - Received from the House April 4, 2011;  
1-3 April 14, 2011, read first time and referred to Committee on  
1-4 Jurisprudence; May 5, 2011, reported favorably by the following  
1-5 vote: Yeas 7, Nays 0; May 5, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to certain temporary orders in a suit affecting the  
1-9 parent-child relationship during a parent's military deployment.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 153.702(a) and (c), Family Code, are  
1-12 amended to read as follows:

1-13 (a) If a conservator is ordered to military deployment,  
1-14 military mobilization, or temporary military duty that involves  
1-15 moving a substantial distance from the conservator's residence so  
1-16 as to materially affect the conservator's ability to exercise the  
1-17 conservator's rights and duties in relation to a child, either  
1-18 conservator may file for an order under this subchapter without the  
1-19 necessity of showing a material and substantial change of  
1-20 circumstances other than the military deployment, military  
1-21 mobilization, or temporary military duty.

1-22 (c) A temporary order rendered by the court under this  
1-23 subchapter may grant rights to and impose duties on a designated  
1-24 person regarding the child, except that if the designated person is  
1-25 a nonparent, the court may not require the designated person to pay  
1-26 child support.

1-27 SECTION 2. Section 153.703(b), Family Code, is amended to  
1-28 read as follows:

1-29 (b) A nonparent appointed as a designated person [named] in  
1-30 a temporary order rendered under this section has the rights and  
1-31 duties of a nonparent appointed as sole managing conservator under  
1-32 Section 153.371.

1-33 SECTION 3. Section 153.706, Family Code, is repealed.

1-34 SECTION 4. The changes in law made by this Act apply to a  
1-35 motion for a temporary order under Subchapter L, Chapter 153,  
1-36 Family Code, that is pending in a trial court on the effective date  
1-37 of this Act or filed on or after that date.

1-38 SECTION 5. This Act takes effect September 1, 2011.

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