86R9048 JSC-F

By:  Campbell S.B. No. 980

A BILL TO BE ENTITLED

AN ACT

relating to the military deployment, military mobilization, or temporary military duty of a conservator in a suit affecting the parent-child relationship.

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

SECTION 1.  Subchapter A, Chapter 153, Family Code, is amended by adding Section 153.0035 to read as follows:

Sec. 153.0035.  PROHIBITION AGAINST DISCRIMINATION BASED ON MILITARY DEPLOYMENT. (a) In determining issues of conservatorship of or possession of or access to a child, the court:

(1)  may not consider a parent's past or possible future military deployment, military mobilization, or temporary military duty as the sole determining factor in determining the best interest of the child; and

(2)  may consider any significant impact on the best interest of the child of the parent's past or possible future military deployment, military mobilization, or temporary military duty.

(b)  In this section, "military deployment," "military mobilization," and "temporary military duty" have the meanings assigned by Section 153.701.

SECTION 2.  Subchapter L, Chapter 153, Family Code, is amended by adding Section 153.7015 to read as follows:

Sec. 153.7015.  REQUIRED NOTIFICATION BY CONSERVATOR ORDERED TO MILITARY SERVICE. (a) Subject to Subsection (b), a conservator who is ordered to military deployment, military mobilization, or temporary military duty shall notify the other conservator not later than the seventh day after the date the conservator receives notice of the deployment, mobilization, or duty unless reasonably prevented from doing so by the circumstances of the conservator's military service. If the circumstances of the conservator's military service prevent the conservator from giving notification within the seven days, the conservator shall give the notification as soon as reasonably possible.

(b)  If a court order currently in effect prohibits disclosure of the address or contact information of the conservator to whom notification must be given under Subsection (a), notification may be made only to the court with continuing jurisdiction over the child. If the address of the conservator to whom notification must be given under Subsection (a) is available to the court, the court shall forward the notification to that conservator. The court shall keep confidential the address or contact information of the conservator receiving notification.

(c)  In a proceeding regarding possession of or access to a child, a court may consider the reasonableness of a conservator's efforts to comply with this section.

SECTION 3.  Section 153.707(a), Family Code, is amended to read as follows:

(a)  If [~~On~~] a [~~motion by the~~] conservator [~~who~~] has been ordered to military deployment, military mobilization, or temporary military duty and the conservator's military duties have a material effect on the conservator's ability to appear in person at any hearing in a suit affecting the parent-child relationship, on motion of any party or on the court's own motion, the court shall[~~, for good cause shown,~~] hold an expedited hearing [~~if the court finds that the conservator's military duties have a material effect on the conservator's ability to appear in person at a regularly scheduled hearing~~].

SECTION 4.  (a) Section 153.0035, Family Code, as added by this Act, applies only to an order granting conservatorship of or possession of or access to a child rendered on or after the effective date of this Act.

(b)  Section 153.7015, Family Code, as added by this Act, applies only to a conservator who receives notice of the conservator's pending military deployment, military mobilization, or temporary military duty on or after the effective date of this Act.

(c)  Section 153.707, Family Code, as amended by this Act, applies only to a motion made on or after the effective date of this Act.

SECTION 5.  This Act takes effect September 1, 2019.