

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

1 ORDERED TO MILITARY SERVICE. (a) Subject to Subsection (b), a
2 conservator who is ordered to military deployment, military
3 mobilization, or temporary military duty shall notify the other
4 conservator not later than the seventh day after the date the
5 conservator receives notice of the deployment, mobilization, or
6 duty unless reasonably prevented from doing so by the circumstances
7 of the conservator's military service. If the circumstances of the
8 conservator's military service prevent the conservator from giving
9 notification within the seven days, the conservator shall give the
10 notification as soon as reasonably possible.

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

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

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

25 (a) If [~~On~~] a [~~motion by the~~] conservator [~~who~~] has been
26 ordered to military deployment, military mobilization, or
27 temporary military duty and the conservator's military duties have

1 a material effect on the conservator's ability to appear in person
2 at any hearing in a suit affecting the parent-child relationship,
3 on motion of any party or on the court's own motion, the court
4 shall~~[, for good cause shown,]~~ hold an expedited hearing ~~[if the~~
5 ~~court finds that the conservator's military duties have a material~~
6 ~~effect on the conservator's ability to appear in person at a~~
7 ~~regularly scheduled hearing].~~

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

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

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

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