

BILL ANALYSIS

Senate Research Center
79R4392 KKA-F

S.B. 393
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Jurisprudence
2/24/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law provides no allowances for military parents who are deployed in a foreign country to designate their parental visitation rights to other family members while they are overseas. Even though a parent does not have full custody of a child, during scheduled visits, the child has the opportunity to bond with not only his or her parent, but with the rest of the parents family. Legally, the child's custodial parent may keep the child from the other parent's family for the entire time he or she is deployed. This means that a child may be separated from stepparents, grandparents, siblings, and other family members for extended periods of time. As proposed, S.B. 393 allows a deployed military parent, while overseas, to designate a stepparent or grandparent to exercise partial visitation rights with the child so that the child can continue to be a part of the deployed parent's family.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 153, Family Code, by adding Section 153.077, as follows:

Sec. 153.077. DESIGNATION BY MILITARY PERSONNEL OF SPOUSE OR GRANDPARENT TO EXERCISE PERIODS OF POSSESSION. (a) Provides that this section applies only to a parent deployed outside of the United States in a foreign country as a member of the United States armed forces who has been awarded periods of possession of a child under certain measures.

(b) Authorizes a parent described by Subsection (a) to designate the parent's spouse or a grandparent of the child to exercise, in the manner provided by this section, possession of the child on behalf of the parent during the time that the parent is deployed.

(c) Requires a person designated under Subsection (b) to have the right to possession of the child on the first weekend of the each month 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.

(d) and (e) Set forth requirements regarding possession of a child if a parent designates a person under this section.

SECTION 2. Provides that this Act applies regardless of the date on which the parent was appointed as a conservator or awarded comparable rights.

SECTION 3. Effective date: upon passage or September 1, 2005.