

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 393
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Jurisprudence
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Committee Report (Substituted)

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 parent's 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. C.S.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), except as otherwise provided by this subsection, to designate in writing 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. Provides that this subsection does not authorize a parent to designate a person whose access to the child is prohibited or restricted by a court order.

(c) Requires a person designated under Subsection (b), unless otherwise agreed in accordance with Subsection (e)(3), 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, beginning with the first weekend that begins not earlier than the 30th day after the date on which the designating parent provides notice under Subsection (e)(2).

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

(f) Authorizes a person who receives a written designation under this section to seek a court order at any time prohibiting the designated person from exercising the right to possession on the grounds that the possession is not in the best interest of the child.

(g) Provides that after a deployment described by Subsection (a) is concluded, a designation under this section has no effect and the rights of all affected parties are governed by the terms of any court order applicable when a parent is not deployed in the manner described by Subsection (a).

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.