

BILL ANALYSIS

Senate Research Center
80R3744 KSD-D

S.B. 220
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Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Virtual visitation by means of video conferencing and other electronic communication is currently allowed for non-custodial parents in cases of divorce or separation but there are no provisions guiding or limiting its use. This lack may make judges less likely to award virtual visitation as a means of keeping children in touch with a non-custodial parent. Furthermore, because virtual visitation is a relatively new concept, courts are not always aware of the benefits it can offer to families.

As proposed, S.B. 220 facilitates video conferencing and other electronic communication as a means of supplementing in-person time between a child and a non-custodial parent in cases of divorce or separation. S.B. 220 creates firm guidelines for courts to follow when awarding virtual visitation to ensure that the best interests of a child are served.

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 A, Chapter 153, Family Code, by adding Section 153.015, as follows:

Sec. 153.015. ELECTRONIC COMMUNICATION WITH CHILD BY CONSERVATOR. (a) Defines "electronic communication."

(b) Authorizes the court to grant electronic communication as a supplement to periods of child custody or visitation if requested by a child's conservator. Requires a court considering electronic communication privileges to take into account the child's best interests, the availability of necessary equipment to all parties involved, and any other factor the court deems necessary.

(c) Requires each conservator subject to a court order granting electronic communication privileges to provide the other conservator all of the child's electronic communication access information (information), notify the other conservator within 24 hours of any changes in the information, and accommodate electronic communication in the same manner as all other types of access and as provided by the court's order.

(d) Prohibits the court from considering the availability of electronic communication when determining the amount of child support, the period of child custody or visitation, or requests to relocate a child's primary residence.

(e) Authorizes the court to allow electronic communication in matters associated with family violence only if all parties agree to the terms of the award and the terms include specific restrictions relating to family violence or supervised visitation, as applicable, and are printed in the court order in a certain manner.

SECTION 2. Effective date: September 1, 2007.

Provides that this Act applies to a suit affecting the parent-child relationship filed before, on, or after the effective date of this Act.