

## **BILL ANALYSIS**

Senate Research Center  
80R6779 KKA-F

S.B. 999  
By: Eltife  
Jurisprudence  
3/30/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law allows a military parent to designate an individual to exercise limited possession over a child during a military deployment overseas. However, the law does not address mobilization or deployment within the United States, which can be for extended periods of time and at a considerable distance from home. Limited possession allows the designated individual to visit the child one weekend a month, which is below the minimum visitation guidelines set forth in the Standard Possession Order (Chapter 153, Subchapter F, Family Code).

As proposed, S.B. 999 authorizes a military parent to designate an individual to exercise limited possession of a child during a military deployment or mobilization and provides that the designation is subject to the court's discretion.

### **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 Section 153.3161, Family Code, as follows:

Sec. 153.3161. New heading: POSSESSION DURING MILITARY DEPLOYMENT OR MOBILIZATION. (a) Requires the court to permit a possessory or a joint managing conservator of a child without the exclusive right to designate the primary residence of the child who is currently a member of the armed forces of the state or the United States or is reasonably expected to join those forces to designate a person who may exercise possession, rather than limited possession, of the child on behalf of that conservator during any period that the conservator is deployed or mobilized, rather than deployed outside of the United States. Makes conforming changes.

(b) Requires the court to provide in the order, if the court determines that the possession, rather than the limited possession, is in the best interest of the child, that during periods of deployment or mobilization the designated person has the right to possession of the child for the periods and in the manner in which the deployed or mobilized conservator would be entitled to exercise possession if not deployed or mobilized, and the child's other parent and the designated person are subject to the requirements of Section 153.316, rather than Sections 153.316(5) - (9), with the designated person considered for purposes of that section to be the possessory conservator. Makes conforming changes.

(c) Makes conforming changes.

SECTION 2. Amends Section 156.105, Family Code, to make conforming changes.

SECTION 3. Provides that Section 153.3161, Family Code, as amended by this Act, applies to a suit affecting the parent-child relationship that is pending in a trial court on or filed on or after the effective date of this Act.

SECTION 4. Provides that Section 156.105, Family Code, as amended by this Act, applies to an action to modify an order in a suit affecting the parent-child relationship pending in trial court on or filed on or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2007.