

## **BILL ANALYSIS**

Senate Research Center  
86R883 KSD-F

H.B. 555  
By: Thompson, Senfronia (Rodríguez)  
State Affairs  
5/16/2019  
Engrossed

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

Under current law, the rights and duties of a person named sole managing conservator are listed in two parts of the Family Code, but the statute is silent as to which parent has the right to control the child's passport. This creates ambiguities regarding the right of the sole managing conservator to travel with the child, or authorize the child to travel, internationally. This ambiguity can also create unnecessary conflicts between sole managing conservators and the other parent.

H.B. 555 recognizes that control of the child's travel is consistent with the status of being a sole managing conservator and clarifies that, absent a contrary court order, the sole managing conservator's role includes applying for, maintaining, and possessing the child's passport.

H.B. 555 amends current law relating to certain rights of the sole managing conservator of a child in relation to the child's passport.

### **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 153.132, Family Code, as follows:

Sec. 153.132. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE MANAGING CONSERVATOR. Provides that, unless limited by court order, a parent appointed as sole managing conservator of a child has the rights and duties provided by Subchapter B (Parent Appointed as Conservator; in General) and the following exclusive rights:

- (1)–(7) Makes no changes to these subdivisions;
- (8)–(9) Makes nonsubstantive changes to these subdivisions; and
- (10) the right to apply for a passport for the child, renew the child's passport, and maintain possession of the child's passport.

SECTION 2. Amends Section 153.371, Family Code, as follows:

Sec. 153.371. RIGHTS AND DUTIES OF NONPARENT APPOINTED AS SOLE MANAGING CONSERVATOR. Provides that, unless limited by court order or other provisions of this chapter, a nonparent, a licensed child-placing agency, or the Department of Family and Protective Services appointed as a managing conservator of the child has the following rights and duties:

- (1)–(9) makes no changes to these subdivisions;
- (10)–(11) makes nonsubstantive changes to these subdivisions; and

(12) the right to apply for a passport for the child, renew the child's passport, and maintain possession of the child's passport.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2019.