

- SUBJECT:** Electronic communications between a child's conservator and the child
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 5 ayes — Dutton, Bolton, Farrar, Gonzalez Toureilles, Strama
0 nays
4 absent — Eiland, Farias, Hernandez, Vaught
- SENATE VOTE:** On final passage, March 14 — 30-0, on Local and Uncontested Calendar
- WITNESSES:** (*On House companion bill, HB 3589 by Lucio:*)
For — (*Registered, but did not testify:* Laura L. Edwards)
Against — None
- BACKGROUND:** Family Code, ch. 153 governs conservatorship, possession, and access in a suit affecting the parent-child relationship.
- DIGEST:** SB 220 would add Family Code, sec. 153.015 to allow a court to award a conservator of a child, upon request, reasonable periods of electronic communication with the child to supplement the conservator's periods of possession of the child. Electronic communication would mean any communication facilitated by the use of any wired or wireless technology via the Internet or any other electronic media, and any communication using a telephone, e-mail, instant messaging, videoconferencing or webcam.
- The court would have to consider whether:
- electronic communication was in the best interest of the child;
 - equipment necessary to facilitate the electronic communication was reasonably available to all parties subject to the order; and
 - any other factor the court considered appropriate.

If a court awarded periods of electronic communication with a child, each conservator subject to the court's order would have to:

- provide the other conservator with the e-mail address and other electronic communication access information of the child;
- notify the other conservator of any change in the e-mail address or access information no later than 24 hours after the date the change took effect; and
- if necessary equipment was reasonably available, accommodate electronic communication with the child, with the same privacy, respect, and dignity afforded all other forms of access, at reasonable times and durations subject to any limitation provided in the court's order.

The court would not be able to consider the availability of electronic communication as a factor in:

- computing the amount of child support to be ordered;
- rendering an order granting periods of possession of the child; or
- considering a request by the managing conservator of the child to relocate the primary residence of the child.

In a suit containing provisions related to family violence findings, including supervised visitation, the court could award periods of electronic communication only if:

- the award and terms of the award were agreed to mutually by the parties; and
- the terms of the award were printed in the order in boldfaced, capitalized type and included any specific restrictions relating to family violence or supervised visitation required by other law to be included in a possession or access order.

The bill would take effect September 1, 2007, and would apply to a suit affecting the parent-child relationship filed at any time.

NOTES:

HB 3589 by Lucio, the identical companion bill, was considered in public hearing on April 4 and April 25 by the Juvenile Justice and Family Issues Committee.