

By: Rodríguez

S.B. No. 267

A BILL TO BE ENTITLED

AN ACT

relating to certain rights of the sole managing conservator of a child in relation to the child's passport.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 153.132, Family Code, is amended to read as follows:

Sec. 153.132. RIGHTS AND DUTIES OF PARENT APPOINTED SOLE MANAGING CONSERVATOR. Unless limited by court order, a parent appointed as sole managing conservator of a child has the rights and duties provided by Subchapter B and the following exclusive rights:

(1) the right to designate the primary residence of the child;

(2) the right to consent to medical, dental, and surgical treatment involving invasive procedures;

(3) the right to consent to psychiatric and psychological treatment;

(4) the right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child;

(5) the right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;

(6) the right to consent to marriage and to enlistment in the armed forces of the United States;

(7) the right to make decisions concerning the child's education;

(8) the right to the services and earnings of the child; ~~and~~

(9) except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government; and

(10) the right to:

(A) apply for a passport for the child;

(B) renew the child's passport; and

(C) maintain possession of the child's passport.

SECTION 2. Section 153.371, Family Code, is amended to read as follows:

Sec. 153.371. RIGHTS AND DUTIES OF NONPARENT APPOINTED AS SOLE MANAGING CONSERVATOR. 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) the right to have physical possession and to direct the moral and religious training of the child;

(2) the duty of care, control, protection, and reasonable discipline of the child;

(3) the duty to provide the child with clothing, food, shelter, education, and medical, psychological, and dental care;

1           (4) the right to consent for the child to medical,  
2 psychiatric, psychological, dental, and surgical treatment and to  
3 have access to the child's medical records;

4           (5) the right to receive and give receipt for payments  
5 for the support of the child and to hold or disburse funds for the  
6 benefit of the child;

7           (6) the right to the services and earnings of the  
8 child;

9           (7) the right to consent to marriage and to enlistment  
10 in the armed forces of the United States;

11           (8) the right to represent the child in legal action  
12 and to make other decisions of substantial legal significance  
13 concerning the child;

14           (9) except when a guardian of the child's estate or a  
15 guardian or attorney ad litem has been appointed for the child, the  
16 right to act as an agent of the child in relation to the child's  
17 estate if the child's action is required by a state, the United  
18 States, or a foreign government;

19           (10) the right to designate the primary residence of  
20 the child and to make decisions regarding the child's education;  
21 ~~[and]~~

22           (11) if the parent-child relationship has been  
23 terminated with respect to the parents, or only living parent, or if  
24 there is no living parent, the right to consent to the adoption of  
25 the child and to make any other decision concerning the child that a  
26 parent could make; and

27           (12) the right to:

1                    (A) apply for a passport for the child;

2                    (B) renew the child's passport; and

3                    (C) maintain possession of the child's passport.

4            SECTION 3. The changes in law made by this Act apply only to  
5 a suit affecting the parent-child relationship that is pending in a  
6 trial court on or filed on or after the effective date of this Act.

7            SECTION 4. This Act takes effect September 1, 2019.