

AN ACT

relating to additional periods of possession of or access to a child to compensate for denial of court-ordered possession or access.

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

SECTION 1. Section 157.168, Family Code, is amended to read as follows:

Sec. 157.168. ADDITIONAL PERIODS OF POSSESSION OR ACCESS. (a) Except as provided in Subsection (a-1), a [A] court may order additional periods of possession of or access to a child to compensate for the denial of court-ordered possession or access.

(a-1) Unless a party shows good cause why the order should not be rendered, a court shall order additional periods of possession of or access to a child to compensate for a denial of court-ordered possession or access that resulted from an investigation by the Department of Family and Protective Services that did not result in a finding of abuse or neglect.

(a-2) The additional periods of possession or access:

(1) must be of the same type and duration of the possession or access that was denied;

(2) may include weekend, holiday, and summer possession or access; and

(3) must occur on or before the second anniversary of the date the court finds that court-ordered possession or access has been denied.

1 (b) The person denied possession or access is entitled to
2 decide the time of the additional possession or access, subject to
3 the provisions of Subsection (a-2)(1) [~~(a)(1)~~].

4 (c) Subsection (a-1) does not:

5 (1) create a cause of action against the Department of
6 Family and Protective Services; or

7 (2) waive sovereign immunity to suit or liability.

8 SECTION 2. The enactment of this Act does not constitute a
9 material and substantial change of circumstances sufficient to
10 warrant modification of a court order or portion of a decree that
11 provides for the possession of or access to a child rendered before
12 the effective date of this Act.

13 SECTION 3. The change in law made by this Act applies only
14 to a suit affecting the parent-child relationship pending before a
15 trial court on or filed on or after the effective date of this
16 Act. A suit affecting the parent-child relationship in which a
17 final order is rendered before the effective date of this Act is
18 governed by the law in effect on the date the order was rendered,
19 and the former law is continued in effect for that purpose.

20 SECTION 4. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 718 passed the Senate on March 21, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 718 passed the House, with amendment, on May 24, 2023, by the following vote: Yeas 133, Nays 5, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor