

By: Van Arsdale

H.B. No. 2927

A BILL TO BE ENTITLED

AN ACT

relating to equal parenting orders in suits affecting the parent-child relationship.

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

SECTION 1. Section 153.001(a), Family Code, is amended to read as follows:

(a) The public policy of this state is to:

(1) assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child;

(2) provide a safe, stable, and nonviolent environment for the child; and

(3) encourage parents to share equally in the rights and duties of raising their child after the parents have separated or dissolved their marriage.

SECTION 2. Section 153.137, Family Code, is amended to read as follows:

Sec. 153.137. [~~GUIDELINES FOR THE~~] POSSESSION OF CHILD BY PARENT NAMED AS JOINT MANAGING CONSERVATOR. (a) If a court renders an order appointing the parents joint managing conservators in a proceeding in which a written agreed parenting plan for joint managing conservatorship is not filed with the court, the court may enter:

(1) a standard possession order provided by Subchapter

1 F;

2 (2) a possession order under Subchapter F-1 that  
3 provides for equal parenting; or

4 (3) another order regarding possession that the court  
5 determines is in the best interest of the child.

6 (b) The standard possession order provided by Subchapter F  
7 constitutes a presumptive minimum amount of time for possession of  
8 a child by a parent named as a joint managing conservator who is not  
9 awarded the exclusive right to designate the primary residence of  
10 the child in a suit.

11 SECTION 3. Chapter 153, Family Code, is amended by adding  
12 Subchapter F-1 to read as follows:

13 SUBCHAPTER F-1. EQUAL PARENTING ORDER

14 Sec. 153.351. AUTHORITY TO ENTER EQUAL PARENTING ORDER.  
15 Notwithstanding any other provision of this chapter, a court may,  
16 as an alternative to the standard possession order under Subchapter  
17 F, enter an order providing for periods of possession of a child in  
18 accordance with this subchapter if the court determines that the  
19 order would be in the best interest of the child.

20 Sec. 153.352. PERIODS OF POSSESSION UNDER EQUAL PARENTING  
21 ORDER. (a) Subject to Subsection (b), a court may enter an order  
22 under this subchapter that provides that each parent has the right  
23 to possession of the child under one of the following arrangements:

24 (1) an arrangement under which each parent has  
25 possession of the child for one week at a time, alternating weeks of  
26 possession with the other parent, with no modification based on  
27 holidays that occur during each week, but subject to modification

1 based on agreement by each parent;

2 (2) an arrangement under which each parent has  
3 possession of the child for two weeks at a time, alternating  
4 two-week periods of possession with the other parent, with one  
5 weeknight of possession exercised during each week of the period by  
6 the parent not otherwise in possession during that period, and  
7 subject to modification based on agreement by each parent;

8 (3) an arrangement under which each parent has  
9 possession of the child for four weeks at a time, alternating  
10 four-week periods of possession with the other parent, with one  
11 weeknight of possession exercised during each week of the period by  
12 the parent not otherwise in possession during that period, and  
13 subject to modification based on agreement by each parent; or

14 (4) an arrangement under which each parent has  
15 possession of the child under a schedule specified by the court,  
16 provided that:

17 (A) the schedule may not grant possession to a  
18 parent for a number of days each year that exceeds the number of  
19 days of possession granted to the other parent for that year by more  
20 than five days; and

21 (B) the schedule must alternate on a yearly basis  
22 the parent who is granted possession for a number of days for the  
23 year that exceeds the number of days granted to the other parent.

24 (b) A court shall provide parents with the opportunity to  
25 select by agreement one of the arrangements described by Subsection  
26 (a)(1), (2), or (3), subject to the court's determination that the  
27 selected arrangement is in the best interest of the child. If the

1 parents do not agree, the court may order any arrangement described  
2 by Subsection (a).

3 SECTION 4. Section 156.101, Family Code, is amended to read  
4 as follows:

5 Sec. 156.101. GROUNDS FOR MODIFICATION OF ORDER  
6 ESTABLISHING CONSERVATORSHIP OR POSSESSION AND ACCESS. The court  
7 may modify an order that provides for the appointment of a  
8 conservator of a child, that provides the terms and conditions of  
9 conservatorship, or that provides for the possession of or access  
10 to a child if modification would be in the best interest of the  
11 child and:

12 (1) the circumstances of the child, a conservator, or  
13 other party affected by the order have materially and substantially  
14 changed since the earlier of:

15 (A) the date of the rendition of the order; or

16 (B) the date of the signing of a mediated or  
17 collaborative law settlement agreement on which the order is based;

18 (2) the child is at least 12 years of age and has filed  
19 with the court, in writing, the name of the person who is the  
20 child's preference to have the exclusive right to designate the  
21 primary residence of the child; ~~or~~

22 (3) the conservator who has the exclusive right to  
23 designate the primary residence of the child has voluntarily  
24 relinquished the primary care and possession of the child to  
25 another person for at least six months; or

26 (4) the modification is requested by a conservator  
27 seeking entry of a possession order authorized by Subchapter F-1,

1 Chapter 153, that provides for equal parenting.

2 SECTION 5. The changes in law made by this Act to Chapter  
3 153, Family Code, apply only to a suit affecting the parent-child  
4 relationship pending before a trial court on or filed on or after  
5 the effective date of this Act.

6 SECTION 6. The changes in law made by this Act to Section  
7 156.101, Family Code, apply only to an action to modify an order in  
8 a suit affecting the parent-child relationship pending on the  
9 effective date of this Act or filed on or after that date.

10 SECTION 7. This Act takes effect September 1, 2007.