

By: Dutton

H.B. No. 924

A BILL TO BE ENTITLED

AN ACT

relating to the periods of possession of a child to which the child's possessory conservator is entitled under a standard possession order.

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

SECTION 1. Section 153.312(b), Family Code, is amended to read as follows:

(b) The following provisions govern possession of the child for vacations and certain specific holidays and supersede conflicting weekend or Thursday periods of possession. The possessory conservator and the managing conservator shall have rights of possession of the child as follows:

(1) the possessory conservator shall have possession in even-numbered years, beginning at 6 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for the same period in odd-numbered years;

(2) if a possessory conservator:

(A) gives the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 30 days beginning not earlier than the day after the child's school is dismissed for the summer vacation

1 and ending not later than seven days before school resumes at the
2 end of the summer vacation, to be exercised in not more than two
3 separate periods of at least seven consecutive days each; or

4 (B) does not give the managing conservator
5 written notice by April 1 of each year specifying an extended period
6 or periods of summer possession, the possessory conservator shall
7 have possession of the child for 30 consecutive days beginning at 6
8 p.m. on July 1 and ending at 6 p.m. on July 31;

9 (3) if the possessory conservator gives the managing
10 conservator written notice by April 1 of each year specifying a
11 period or periods of summer possession in addition to the period or
12 periods of summer possession to which the conservator is entitled
13 under Subdivision (2), the possessory conservator shall have
14 possession of the child for 14 days in addition to the period or
15 periods of possession to which the conservator is entitled under
16 Subdivision (2) beginning not earlier than the day after the
17 child's school is dismissed for the summer vacation and ending not
18 later than seven days before school resumes at the end of the summer
19 vacation, to be exercised in not more than two separate periods of
20 at least seven consecutive days each;

21 (4) if the managing conservator gives the possessory
22 conservator written notice by April 15 of each year, the managing
23 conservator shall have possession of the child on any one weekend
24 beginning Friday at 6 p.m. and ending at 6 p.m. on the following
25 Sunday during one period of possession by the possessory
26 conservator under Subdivision (2), provided that the managing
27 conservator picks up the child from the possessory conservator and

1 returns the child to that same place; and

2 (5) [~~(4)~~] if the managing conservator gives the
3 possessory conservator written notice by April 15 of each year or
4 gives the possessory conservator 14 days' written notice on or
5 after April 16 of each year, the managing conservator may designate
6 one weekend beginning not earlier than the day after the child's
7 school is dismissed for the summer vacation and ending not later
8 than seven days before school resumes at the end of the summer
9 vacation, during which an otherwise scheduled weekend period of
10 possession by the possessory conservator will not take place,
11 provided that the weekend designated does not interfere with the
12 possessory conservator's period or periods of extended summer
13 possession or with Father's Day if the possessory conservator is
14 the father of the child.

15 SECTION 2. The change in law made by this Act to Section
16 153.312, Family Code, applies only to a court order providing for
17 possession of or access to a child rendered on or after the
18 effective date of this Act. A court order rendered before the
19 effective date of this Act is governed by the law in effect on the
20 date the order was rendered, and the former law is continued in
21 effect for that purpose.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.