

By: Dutton

H.B. No. 947

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the periods of possession of a child to which the  
3 child's managing conservator is entitled under a standard  
4 possession order.

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

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

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

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

19 (2) if a possessory conservator:

20 (A) gives the managing conservator written  
21 notice by April 1 of each year specifying an extended period or  
22 periods of summer possession, the possessory conservator shall have  
23 possession of the child for 30 days beginning not earlier than the  
24 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, after receiving notice under Subdivision  
10 (2)(A), the managing conservator gives the possessory conservator  
11 written notice by April 15 of each year, the managing conservator  
12 shall have possession of the child on any one weekend beginning  
13 Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during  
14 one period of possession by the possessory conservator under  
15 Subdivision (2)(A), provided that the managing conservator picks up  
16 the child from the possessory conservator and returns the child to  
17 that same place; and

18 (4) if the managing conservator gives the possessory  
19 conservator written notice by April 15 of each year or gives the  
20 possessory conservator 14 days' written notice on or after April 16  
21 of each year, the managing conservator may designate one weekend  
22 beginning not earlier than the day after the child's school is  
23 dismissed for the summer vacation and ending not later than seven  
24 days before school resumes at the end of the summer vacation, during  
25 which an otherwise scheduled weekend period of possession by the  
26 possessory conservator will not take place, provided that the  
27 weekend designated does not interfere with the possessory

1 conservator's period or periods of extended summer possession or  
2 with Father's Day if the possessory conservator is the father of the  
3 child.

4         SECTION 2. The change in law made by this Act to Section  
5 153.312, Family Code, applies only to a court order providing for  
6 possession of or access to a child rendered on or after the  
7 effective date of this Act. A court order rendered before the  
8 effective date of this Act is governed by the law in effect on the  
9 date the order was rendered, and the former law is continued in  
10 effect for that purpose.

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