

By: Gonzales of Williamson

H.B. No. 2379

A BILL TO BE ENTITLED

AN ACT

1
2 relating to periods of possession of a child under a standard
3 possession order.

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

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

7 (a) If the possessory conservator resides 100 miles or less
8 from the primary residence of the child, the possessory conservator
9 shall have the right to possession of the child ~~[as follows:~~

10 ~~[(1) on weekends]~~ throughout the year beginning at 6
11 p.m. on the first, third, and fifth Wednesday ~~[Friday]~~ of each month
12 and ending at 6 p.m. on the following Sunday ~~[, and~~

13 ~~[(2) on Thursdays of each week during the regular~~
14 ~~school term beginning at 6 p.m. and ending at 8 p.m., unless the~~
15 ~~court finds that visitation under this subdivision is not in the~~
16 ~~best interest of the child].~~

17 SECTION 2. Section 153.313, Family Code, is amended to read
18 as follows:

19 Sec. 153.313. PARENTS WHO RESIDE OVER 100 MILES APART. If
20 the possessory conservator resides more than 100 miles from the
21 residence of the child, the possessory conservator shall have the
22 right to possession of the child as follows:

23 (1) either:

24 (A) on weekends throughout the year ~~[regular~~

1 ~~weekend possession]~~ beginning at 6 p.m. on the first, third, and
2 fifth Friday of each month and ending at 6 p.m. on the following
3 Sunday; [~~as provided under the terms applicable to parents who~~
4 ~~reside 100 miles or less apart]~~ or

5 (B) not more than one weekend per month of the
6 possessory conservator's choice beginning at 6 p.m. on the day
7 school recesses for the weekend and ending at 6 p.m. on the day
8 before school resumes after the weekend, provided that the
9 possessory conservator gives the managing conservator 14 days'
10 written or telephonic notice preceding a designated weekend, and
11 provided that the possessory conservator elects an option for this
12 alternative period of possession by written notice given to the
13 managing conservator within 90 days after the parties begin to
14 reside more than 100 miles apart, as applicable;

15 (2) each year beginning at 6 p.m. on the day the child
16 is dismissed from school for the school's spring vacation and
17 ending at 6 p.m. on the day before school resumes after that
18 vacation;

19 (3) if the 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 42 days beginning not earlier than the
24 day after the child's school is dismissed for the summer vacation
25 and ending not later than seven days before school resumes at the
26 end of the summer vacation, to be exercised in not more than two
27 separate periods of at least seven consecutive days each, with each

1 period of possession beginning and ending at 6 p.m. on each
2 applicable day; or

3 (B) does not give the managing conservator
4 written notice by April 1 of each year specifying an extended period
5 or periods of summer possession, the possessory conservator shall
6 have possession of the child for 42 consecutive days beginning at 6
7 p.m. on June 15 and ending at 6 p.m. on July 27;

8 (4) if the managing conservator gives the possessory
9 conservator written notice by April 15 of each year the managing
10 conservator shall have possession of the child on one weekend
11 beginning Friday at 6 p.m. and ending at 6 p.m. on the following
12 Sunday during one period of possession by the possessory
13 conservator under Subdivision (3), provided that if a period of
14 possession by the possessory conservator exceeds 30 days, the
15 managing conservator may have possession of the child under the
16 terms of this subdivision on two nonconsecutive weekends during
17 that time period, and further provided that the managing
18 conservator picks up the child from the possessory conservator and
19 returns the child to that same place; and

20 (5) if the managing conservator gives the possessory
21 conservator written notice by April 15 of each year, the managing
22 conservator may designate 21 days beginning not earlier than the
23 day after the child's school is dismissed for the summer vacation
24 and ending not later than seven days before school resumes at the
25 end of the summer vacation, to be exercised in not more than two
26 separate periods of at least seven consecutive days each, with each
27 period of possession beginning and ending at 6 p.m. on each

1 applicable day, during which the possessory conservator may not
2 have possession of the child, provided that the period or periods so
3 designated do not interfere with the possessory conservator's
4 period or periods of extended summer possession or with Father's
5 Day if the possessory conservator is the father of the child.

6 SECTION 3. Section 153.315(b), Family Code, is amended to
7 read as follows:

8 (b) If a weekend period of possession of the possessory
9 conservator under Section 153.313 coincides with a student holiday
10 or teacher in-service day that falls on a Friday during the regular
11 school term, as determined by the school in which the child is
12 enrolled, or with a federal, state, or local holiday that falls on a
13 Friday during the summer months in which school is not in session,
14 the weekend possession shall begin at 6 p.m. on Thursday.

15 SECTION 4. Section 153.317(a), Family Code, is amended to
16 read as follows:

17 (a) If elected by a conservator, the court shall alter the
18 standard possession order under Sections 153.312, 153.314, and
19 153.315 to provide for one or more of the following alternative
20 beginning and ending possession times for the described periods of
21 possession, unless the court finds that the election is not in the
22 best interest of the child:

23 (1) for [~~weekend~~] periods of possession under Section
24 153.312(a) [~~153.312(a)(1)~~] during the regular school term:

25 (A) beginning at the time the child's school is
26 regularly dismissed; or

27 (B) ending at the time the child's school resumes

1 after the weekend;

2 (2) [~~for Thursday periods of possession under Section~~
3 ~~153.312(a)(2):~~

4 [~~(A) beginning at the time the child's school is~~
5 ~~regularly dismissed; or~~

6 [~~(B) ending at the time the child's school~~
7 ~~resumes on Friday;~~

8 [~~(3)~~] for spring vacation periods of possession under
9 Section 153.312(b)(1), beginning at the time the child's school is
10 dismissed for those vacations;

11 (3) [~~(4)~~] for Christmas school vacation periods of
12 possession under Section 153.314(1), beginning at the time the
13 child's school is dismissed for the vacation;

14 (4) [~~(5)~~] for Thanksgiving holiday periods of
15 possession under Section 153.314(3), beginning at the time the
16 child's school is dismissed for the holiday;

17 (5) [~~(6)~~] for Father's Day periods of possession under
18 Section 153.314(5), ending at 8 a.m. on the Monday after Father's
19 Day weekend;

20 (6) [~~(7)~~] for Mother's Day periods of possession under
21 Section 153.314(6):

22 (A) beginning at the time the child's school is
23 regularly dismissed on the Friday preceding Mother's Day; or

24 (B) ending at the time the child's school resumes
25 after Mother's Day; or

26 (7) [~~(8)~~] for weekend periods of possession that are
27 extended under Section 153.315(b) by a student holiday or teacher

1 in-service day that falls on a Friday, beginning at the time the
2 child's school is regularly dismissed on Thursday.

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

9 SECTION 6. This Act takes effect September 1, 2011.