

By: Gonzales of Williamson

H.B. No. 2531

A BILL TO BE ENTITLED

AN ACT

relating to the terms of a standard possession order in a suit affecting the parent-child relationship.

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 March 15 [~~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 and ending not later than seven days before school resumes

1 at the end of the summer vacation, to be exercised in not more than
2 two separate periods of at least seven consecutive days each, with
3 each period of possession beginning and ending at 6 p.m. on each
4 applicable day; or

5 (B) does not give the managing conservator
6 written notice by March 15 [~~April 1~~] of each year specifying an
7 extended period or periods of summer possession, the possessory
8 conservator shall have possession of the child for 30 consecutive
9 days beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31;

10 (3) if the managing conservator gives the possessory
11 conservator written notice by March 31 [~~April 15~~] of each year, the
12 managing conservator shall have possession of the child on any one
13 weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the
14 following Sunday during one period of possession by the possessory
15 conservator under Subdivision (2), provided that the managing
16 conservator picks up the child from the possessory conservator and
17 returns the child to that same place; and

18 (4) if the managing conservator gives the possessory
19 conservator written notice by March 31 [~~April 15~~] of each year or
20 gives the possessory conservator 14 days' written notice on or
21 after April 1 [~~April 16~~] of each year, the managing conservator may
22 designate one weekend beginning not earlier than the day after the
23 child's school is dismissed for the summer vacation and ending not
24 later than seven days before school resumes at the end of the summer
25 vacation, during which an otherwise scheduled weekend period of
26 possession by the possessory conservator will not take place,
27 provided that the weekend designated does not interfere with the

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

4 SECTION 2. Section 153.313, Family Code, is amended to read
5 as follows:

6 Sec. 153.313. PARENTS WHO RESIDE OVER 100 MILES APART. If
7 the possessory conservator resides more than 100 miles from the
8 residence of the child, the possessory conservator shall have the
9 right to possession of the child as follows:

10 (1) either regular weekend possession beginning on the
11 first, third, and fifth Friday as provided under the terms
12 applicable to parents who reside 100 miles or less apart or not more
13 than one weekend per month of the possessory conservator's choice
14 beginning at 6 p.m. on the day school recesses for the weekend and
15 ending at 6 p.m. on the day before school resumes after the weekend,
16 provided that the possessory conservator gives the managing
17 conservator 14 days' written or telephonic notice preceding a
18 designated weekend, and provided that the possessory conservator
19 elects an option for this alternative period of possession by
20 written notice given to the managing conservator within 90 days
21 after the parties begin to reside more than 100 miles apart, as
22 applicable;

23 (2) each year beginning at 6 p.m. on the day the child
24 is dismissed from school for the school's spring vacation and
25 ending at 6 p.m. on the day before school resumes after that
26 vacation;

27 (3) if the possessory conservator:

1 (A) gives the managing conservator written
2 notice by March 15 [~~April 1~~] of each year specifying an extended
3 period or periods of summer possession, the possessory conservator
4 shall have possession of the child for 42 days beginning not earlier
5 than the day after the child's school is dismissed for the summer
6 vacation and ending not later than seven days before school resumes
7 at the end of the summer vacation, to be exercised in not more than
8 two separate periods of at least seven consecutive days each, with
9 each period of possession beginning and ending at 6 p.m. on each
10 applicable day; or

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

16 (4) if the managing conservator gives the possessory
17 conservator written notice by March 31 [~~April 15~~] of each year the
18 managing conservator shall have possession of the child on one
19 weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the
20 following Sunday during one period of possession by the possessory
21 conservator under Subdivision (3), provided that if a period of
22 possession by the possessory conservator exceeds 30 days, the
23 managing conservator may have possession of the child under the
24 terms of this subdivision on two nonconsecutive weekends during
25 that time period, and further provided that the managing
26 conservator picks up the child from the possessory conservator and
27 returns the child to that same place; and

1 (5) if the managing conservator gives the possessory
2 conservator written notice by March 31 [~~April 15~~] of each year, the
3 managing conservator may designate 21 days beginning not earlier
4 than the day after the child's school is dismissed for the summer
5 vacation and ending not later than seven days before school resumes
6 at the end of the summer vacation, to be exercised in not more than
7 two separate periods of at least seven consecutive days each, with
8 each period of possession beginning and ending at 6 p.m. on each
9 applicable day, during which the possessory conservator may not
10 have possession of the child, provided that the period or periods so
11 designated do not interfere with the possessory conservator's
12 period or periods of extended summer possession or with Father's
13 Day if the possessory conservator is the father of the child.

14 SECTION 3. Sections 153.312 and 153.313, Family Code, as
15 amended by this Act, apply only to a court order providing for the
16 possession of or access to a child that is rendered on or after the
17 effective date of this Act. A court order rendered before the
18 effective date of this Act is governed by the law in effect on the
19 date the order was rendered, and the former law is continued in
20 effect for that purpose.

21 SECTION 4. This Act takes effect September 1, 2011.