

By: Carona

S.B. No. 522

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 153.134, Family Code, is amended by adding Subsection (c) to read as follows:

(c) If the court renders an order appointing the parents joint managing conservators under this section, the court shall enter a possession order under Subchapter F-1 that provides for equal parenting, unless the court determines that order is not in the best interest of the child, in which case the court may enter:

(1) a standard possession order as provided by Subchapter F; or

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

SECTION 2. Chapter 153, Family Code, is amended by adding Subchapter F-1 to read as follows:

SUBCHAPTER F-1. EQUAL PARENTING ORDER

Sec. 153.351. AUTHORITY TO ENTER EQUAL PARENTING ORDER.

Notwithstanding any other provision of this chapter, a court shall, as an alternative to the standard possession order under Subchapter F, enter an order providing for periods of possession of a child in accordance with this subchapter if the court:

(1) appoints the parents joint managing conservators

1 under Section 153.134; and

2 (2) determines that the order would be in the best
3 interest of the child.

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

8 (1) an arrangement under which each parent has
9 possession of the child for one week at a time, alternating weeks of
10 possession with the other parent, with no modification based on
11 holidays that occur during each week, but subject to modification
12 based on agreement by each parent;

13 (2) an arrangement under which each parent has
14 possession of the child for two weeks at a time, alternating
15 two-week periods of possession with the other parent, with one
16 weeknight of possession exercised during each week of the period by
17 the parent not otherwise in possession during that period, and
18 subject to modification based on agreement by each parent; or

19 (3) an arrangement under which each parent has
20 possession of the child for four weeks at a time, alternating
21 four-week periods of possession with the other parent, with one
22 weeknight of possession exercised during each week of the period by
23 the parent not otherwise in possession during that period, and
24 subject to modification based on agreement by each parent.

25 (b) A court shall provide parents with the opportunity to
26 select by agreement one of the arrangements described by Subsection
27 (a), subject to the court's determination that the selected

1 arrangement is in the best interest of the child. If the parents do
2 not agree, the court may order any arrangement described by
3 Subsection (a).

4 (c) For purposes of Subsection (a), a period of possession
5 begins when the child's school is dismissed on Friday, and the
6 period ends when the child's school is dismissed on the appropriate
7 subsequent Friday. If school is not in session on a Friday, the
8 period of possession shall begin or end, as appropriate, at 5 p.m.
9 on Friday.

10 SECTION 3. The enactment of this Act does not constitute a
11 material and substantial change of circumstances sufficient to
12 warrant modification of a court order or portion of a decree that
13 provides for the possession of or access to a child rendered before
14 the effective date of this Act.

15 SECTION 4. The change in law made by this Act applies to a
16 suit affecting the parent-child relationship that is pending in a
17 trial court on the effective date of this Act or that is filed on or
18 after the effective date of this Act.

19 SECTION 5. This Act takes effect September 1, 2011.