

BILL ANALYSIS

Senate Research Center
83R1539 KKA-D

H.B. 845
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Jurisprudence
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The current Family Code provides for standard provisions in a court order for possession or access to a child by a parent or other responsible person. H.B. 845 revises certain requirements for delivery of notices related to such orders, allows for greater options for the beginning and ending times of certain periods of possession or access, and repeals a largely redundant provision of current law.

H.B. 845 amends current law relating to possession of or access to a child.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.316, Family Code, as follows:

Sec. 153.316. GENERAL TERMS AND CONDITIONS. Requires a court to order the following general terms and conditions of possession of a child to apply without regard to the distance between the residence of a parent and the child:

- (1)-(7) Makes no change to these subdivisions;
- (8) written notice, including notice provided by electronic mail or facsimile, require to be deemed to have been timely made if received or, if applicable, postmarked before or at the time that the notice is due; and
- (9) Makes no change to this subdivision

SECTION 2. Amends Section 153.317(a), Family Code, as follows:

(a) Requires a court, if elected by a conservator, to alter the standard possession order under Sections 153.312 (Parents Who Reside 100 Miles or Less Apart), 153.314 (Holiday Possession Unaffected by Distance Parents Reside Apart), and 153.315 (Weekend Possession Extended by Holiday) to provide for one or more of the following alternative beginning and ending possession times for the described periods of possession, unless the court finds that the election is not in the best interest of the child:

(1) for weekend periods of possession under Section 153.312(a)(1) (relating to requiring the possessory conservator to have the right to possession of the child on weekends throughout the year beginning at 6 p.m. on the first, third, and fifth Friday of each month and ending at 6 p.m. on the following Sunday) during the regular school term:

- (A) beginning at the time the child's school is regularly dismissed;
- (B) ending at the time the child's school resumes after the weekend; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B);

(2) for Thursday periods of possession under Section 153.312(a)(2) (relating to requiring the possessory conservator to have the right to possession of the child on Thursdays of each week during the regular school term beginning at 6 p.m. and ending at 8 p.m., unless the court finds that visitation under this subdivision is not in the best interest of the child):

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

(B) ending at the time the child's school resumes on Friday; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B);

(3)-(6) Makes no change to these subdivisions;

(7) for Mother's Day periods of possession under Section 153.314(6) (relating to providing that, superseding conflicting weekend or Thursday periods of possession, the mother, if a conservator, is required to have possession of the child during a certain period of time under certain circumstances):

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

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

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B); or

(8) Makes no change to this subdivision.

Makes nonsubstantive changes.

SECTION 3. Repealer: Section 153.3162 (Additional Periods of Possession or Access After Conclusion of Military Deployment), Family Code.

SECTION 4. Provides that Sections 153.316 and 153.317 (Alternative Beginning and Ending Possession Times), Family Code, as amended by this Act, apply only to a court order providing for possession of or access to a child rendered on or after the effective date of this Act. Provides that a court order rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 2013.