

By: Lucio III

H.B. No. 844

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the standard possession order in a suit affecting the
3 parent-child relationship.

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

5 SECTION 1. Section 153.316, Family Code, is amended to read
6 as follows:

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

11 (1) the managing conservator shall surrender the child
12 to the possessory conservator at the beginning of each period of the
13 possessory conservator's possession at the residence of the
14 managing conservator;

15 (2) if the possessory conservator elects to begin a
16 period of possession at the time the child's school is regularly
17 dismissed, the managing conservator shall surrender the child to
18 the possessory conservator at the beginning of each period of
19 possession at the school in which the child is enrolled;

20 (3) the possessory conservator shall be ordered to do
21 one of the following:

22 (A) the possessory conservator shall surrender
23 the child to the managing conservator at the end of each period of
24 possession at the residence of the possessory conservator; or

1 (B) the possessory conservator shall return the
2 child to the residence of the managing conservator at the end of
3 each period of possession, except that the order shall provide that
4 the possessory conservator shall surrender the child to the
5 managing conservator at the end of each period of possession at the
6 residence of the possessory conservator if:

7 (i) at the time the original order or a
8 modification of an order establishing terms and conditions of
9 possession or access the possessory conservator and the managing
10 conservator lived in the same county, the possessory conservator's
11 county of residence remains the same after the rendition of the
12 order, and the managing conservator's county of residence changes,
13 effective on the date of the change of residence by the managing
14 conservator; or

15 (ii) the possessory conservator and
16 managing conservator lived in the same residence at any time during
17 a six-month period preceding the date on which a suit for
18 dissolution of the marriage was filed and the possessory
19 conservator's county of residence remains the same and the managing
20 conservator's county of residence changes after they no longer live
21 in the same residence, effective on the date the order is rendered;

22 (4) if the possessory conservator elects to end a
23 period of possession at the time the child's school resumes, the
24 possessory conservator shall surrender the child to the managing
25 conservator at the end of each period of possession at the school in
26 which the child is enrolled;

27 (5) each conservator shall return with the child the

1 personal effects that the child brought at the beginning of the
2 period of possession;

3 (6) either parent may designate a competent adult to
4 pick up and return the child, as applicable; a parent or a
5 designated competent adult shall be present when the child is
6 picked up or returned;

7 (7) a parent shall give notice to the person in
8 possession of the child on each occasion that the parent will be
9 unable to exercise that parent's right of possession for a
10 specified period;

11 (8) written notice, including notice provided by
12 electronic mail or facsimile, shall be deemed to have been timely
13 made if received or, if applicable, postmarked before or at the time
14 that notice is due; and

15 (9) if a conservator's time of possession of a child
16 ends at the time school resumes and for any reason the child is not
17 or will not be returned to school, the conservator in possession of
18 the child shall immediately notify the school and the other
19 conservator that the child will not be or has not been returned to
20 school.

21 SECTION 2. Section 153.317(a), Family Code, is amended to
22 read as follows:

23 (a) If elected by a conservator, the court shall alter the
24 standard possession order under Sections 153.312, 153.314, and
25 153.315 to provide for one or more of the following alternative
26 beginning and ending possession times for the described periods of
27 possession, unless the court finds that the election is not in the

1 best interest of the child:

2 (1) for weekend periods of possession under Section
3 153.312(a)(1) during the regular school term:

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 resumes
7 after the weekend; or

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

10 (2) for Thursday periods of possession under Section
11 153.312(a)(2):

12 (A) beginning at the time the child's school is
13 regularly dismissed; ~~or~~

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

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

18 (3) for spring vacation periods of possession under
19 Section 153.312(b)(1), beginning at the time the child's school is
20 dismissed for those vacations;

21 (4) for Christmas school vacation periods of
22 possession under Section 153.314(1), beginning at the time the
23 child's school is dismissed for the vacation;

24 (5) for Thanksgiving holiday periods of possession
25 under Section 153.314(3), beginning at the time the child's school
26 is dismissed for the holiday;

27 (6) for Father's Day periods of possession under

1 Section 153.314(5), ending at 8 a.m. on the Monday after Father's
2 Day weekend;

3 (7) for Mother's Day periods of possession under
4 Section 153.314(6):

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

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

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

11 (8) for weekend periods of possession that are
12 extended under Section 153.315(b) by a student holiday or teacher
13 in-service day that falls on a Friday, beginning at the time the
14 child's school is regularly dismissed on Thursday.

15 SECTION 3. Sections 153.316 and 153.317, Family Code, as
16 amended by this Act, apply only to a court order providing for
17 possession of or access to a child rendered on or after the
18 effective date of this Act. A court order rendered before the
19 effective date of this Act is governed by the law in effect on the
20 date the order was rendered, and the former law is continued in
21 effect for that purpose.

22 SECTION 4. This Act takes effect September 1, 2013.