

1-1 By: Lucio III (Senate Sponsor - West) H.B. No. 845
 1-2 (In the Senate - Received from the House April 22, 2013;
 1-3 April 22, 2013, read first time and referred to Committee on
 1-4 Jurisprudence; May 9, 2013, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0; May 9, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to possession of or access to a child.
 1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-19 SECTION 1. Section 153.316, Family Code, is amended to read
 1-20 as follows:
 1-21 Sec. 153.316. GENERAL TERMS AND CONDITIONS. The court
 1-22 shall order the following general terms and conditions of
 1-23 possession of a child to apply without regard to the distance
 1-24 between the residence of a parent and the child:
 1-25 (1) the managing conservator shall surrender the child
 1-26 to the possessory conservator at the beginning of each period of the
 1-27 possessory conservator's possession at the residence of the
 1-28 managing conservator;
 1-29 (2) if the possessory conservator elects to begin a
 1-30 period of possession at the time the child's school is regularly
 1-31 dismissed, the managing conservator shall surrender the child to
 1-32 the possessory conservator at the beginning of each period of
 1-33 possession at the school in which the child is enrolled;
 1-34 (3) the possessory conservator shall be ordered to do
 1-35 one of the following:
 1-36 (A) the possessory conservator shall surrender
 1-37 the child to the managing conservator at the end of each period of
 1-38 possession at the residence of the possessory conservator; or
 1-39 (B) the possessory conservator shall return the
 1-40 child to the residence of the managing conservator at the end of
 1-41 each period of possession, except that the order shall provide that
 1-42 the possessory conservator shall surrender the child to the
 1-43 managing conservator at the end of each period of possession at the
 1-44 residence of the possessory conservator if:
 1-45 (i) at the time the original order or a
 1-46 modification of an order establishing terms and conditions of
 1-47 possession or access the possessory conservator and the managing
 1-48 conservator lived in the same county, the possessory conservator's
 1-49 county of residence remains the same after the rendition of the
 1-50 order, and the managing conservator's county of residence changes,
 1-51 effective on the date of the change of residence by the managing
 1-52 conservator; or
 1-53 (ii) the possessory conservator and
 1-54 managing conservator lived in the same residence at any time during
 1-55 a six-month period preceding the date on which a suit for
 1-56 dissolution of the marriage was filed and the possessory
 1-57 conservator's county of residence remains the same and the managing
 1-58 conservator's county of residence changes after they no longer live
 1-59 in the same residence, effective on the date the order is rendered;
 1-60 (4) if the possessory conservator elects to end a
 1-61 period of possession at the time the child's school resumes, the

2-1 possessory conservator shall surrender the child to the managing
 2-2 conservator at the end of each period of possession at the school in
 2-3 which the child is enrolled;

2-4 (5) each conservator shall return with the child the
 2-5 personal effects that the child brought at the beginning of the
 2-6 period of possession;

2-7 (6) either parent may designate a competent adult to
 2-8 pick up and return the child, as applicable; a parent or a
 2-9 designated competent adult shall be present when the child is
 2-10 picked up or returned;

2-11 (7) a parent shall give notice to the person in
 2-12 possession of the child on each occasion that the parent will be
 2-13 unable to exercise that parent's right of possession for a
 2-14 specified period;

2-15 (8) written notice, including notice provided by
 2-16 electronic mail or facsimile, shall be deemed to have been timely
 2-17 made if received or, if applicable, postmarked before or at the time
 2-18 that notice is due; and

2-19 (9) if a conservator's time of possession of a child
 2-20 ends at the time school resumes and for any reason the child is not
 2-21 or will not be returned to school, the conservator in possession of
 2-22 the child shall immediately notify the school and the other
 2-23 conservator that the child will not be or has not been returned to
 2-24 school.

2-25 SECTION 2. Section 153.317(a), Family Code, is amended to
 2-26 read as follows:

2-27 (a) If elected by a conservator, the court shall alter the
 2-28 standard possession order under Sections 153.312, 153.314, and
 2-29 153.315 to provide for one or more of the following alternative
 2-30 beginning and ending possession times for the described periods of
 2-31 possession, unless the court finds that the election is not in the
 2-32 best interest of the child:

2-33 (1) for weekend periods of possession under Section
 2-34 153.312(a)(1) during the regular school term:

2-35 (A) beginning at the time the child's school is
 2-36 regularly dismissed; ~~or~~

2-37 (B) ending at the time the child's school resumes
 2-38 after the weekend; or

2-39 (C) beginning at the time described by Paragraph
 2-40 (A) and ending at the time described by Paragraph (B);

2-41 (2) for Thursday periods of possession under Section
 2-42 153.312(a)(2):

2-43 (A) beginning at the time the child's school is
 2-44 regularly dismissed; ~~or~~

2-45 (B) ending at the time the child's school resumes
 2-46 on Friday; or

2-47 (C) beginning at the time described by Paragraph
 2-48 (A) and ending at the time described by Paragraph (B);

2-49 (3) for spring vacation periods of possession under
 2-50 Section 153.312(b)(1), beginning at the time the child's school is
 2-51 dismissed for those vacations;

2-52 (4) for Christmas school vacation periods of
 2-53 possession under Section 153.314(1), beginning at the time the
 2-54 child's school is dismissed for the vacation;

2-55 (5) for Thanksgiving holiday periods of possession
 2-56 under Section 153.314(3), beginning at the time the child's school
 2-57 is dismissed for the holiday;

2-58 (6) for Father's Day periods of possession under
 2-59 Section 153.314(5), ending at 8 a.m. on the Monday after Father's
 2-60 Day weekend;

2-61 (7) for Mother's Day periods of possession under
 2-62 Section 153.314(6):

2-63 (A) beginning at the time the child's school is
 2-64 regularly dismissed on the Friday preceding Mother's Day; ~~or~~

2-65 (B) ending at the time the child's school resumes
 2-66 after Mother's Day; or

2-67 (C) beginning at the time described by Paragraph
 2-68 (A) and ending at the time described by Paragraph (B); or

2-69 (8) for weekend periods of possession that are

3-1 extended under Section 153.315(b) by a student holiday or teacher
3-2 in-service day that falls on a Friday, beginning at the time the
3-3 child's school is regularly dismissed on Thursday.

3-4 SECTION 3. Section 153.3162, Family Code, is repealed.

3-5 SECTION 4. Sections 153.316 and 153.317, Family Code, as
3-6 amended by this Act, apply only to a court order providing for
3-7 possession of or access to a child rendered on or after the
3-8 effective date of this Act. A court order rendered before the
3-9 effective date of this Act is governed by the law in effect on the
3-10 date the order was rendered, and the former law is continued in
3-11 effect for that purpose.

3-12 SECTION 5. This Act takes effect September 1, 2013.

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