

By: West

S.B. No. 1246

A BILL TO BE ENTITLED

AN ACT

relating to possession of or access to a child.

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

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

Sec. 153.316. GENERAL TERMS AND CONDITIONS. The court shall 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) the managing conservator shall surrender the child to the possessory conservator at the beginning of each period of the possessory conservator's possession at the residence of the managing conservator;

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

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

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

(B) the possessory conservator shall return the

child to the residence of the managing conservator at the end of each period of possession, except that the order shall provide that the possessory conservator shall surrender the child to the managing conservator at the end of each period of possession at the residence of the possessory conservator if:

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

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

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

(5) each conservator shall return with the child the personal effects that the child brought at the beginning of the

1 period of possession;

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

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

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

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

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

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

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

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

(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):

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

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

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

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

(6) for Father's Day periods of possession under Section 153.314(5), ending at 8 a.m. on the Monday after Father's

1 Day weekend;

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

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

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

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

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

14 SECTION 3. Section 153.3162, Family Code, is repealed.

15 SECTION 4. 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 5. This Act takes effect September 1, 2013.