

## **BILL ANALYSIS**

C.S.H.B. 2363

By: Peña

Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the public policy of the state is to encourage parents to share in the rights and duties of raising their children after separating or dissolving their marriage. Interested parties assert, however, that in some instances capable, responsible parents are being denied meaningful access to their children. Some studies indicate that a custodial parent is awarded custody of a child approximately 80 percent of the time while the other parent is left to try to make the most of the little time he or she has with the child. C.S.H.B. 2363 seeks to encourage judges to order parents to share equally in the rights and duties of raising their children.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2363 amends the Family Code to specify that the public policy of the state regarding the rights and duties of parents who have separated or dissolved their marriage in raising their child is to encourage the parents to share equally in those rights and duties. The bill requires a court, as an alternative to the standard possession order, to enter an order providing for equal periods of possession of a child if the court appoints the parents joint managing conservators, determines that the order would be in the best interest of the child, and determines that the distance between the residences of the parents makes compliance with an equal parenting order reasonable for the parents and the child. The bill authorizes a court to enter an equal parenting order that provides for possession by each parent under an arrangement based on alternating one-week, two-week, or four-week periods of possession or based on a schedule specified by the court that grants each parent an equal number of days of possession. The bill requires a court to provide parents with the opportunity to select by agreement one of the arrangements, subject to the court's determination that the selected arrangement is in the child's best interest, and authorizes the court to order any such arrangement if the parents do not agree.

C.S.H.B. 2363 requires a court, if the court renders an order appointing the parents joint managing conservators, to enter an equal parenting possession order, unless the court determines that order is not in the child's best interest, in which case the court may enter a standard possession order or another order regarding possession that the court determines is in the child's best interest.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2363 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 153.001(a), Family Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 153.134, Family Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Chapter 153, Family Code, is amended by adding Subchapter F-1 to read as follows: <u>SUBCHAPTER F-1. EQUAL PARENTING ORDER</u> <u>Sec. 153.351. AUTHORITY TO ENTER EQUAL PARENTING ORDER.</u> <u>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:</u> <u>(1) appoints the parents joint managing conservators under Section 153.134; and</u> <u>(2) determines that</u> <u>the order would be in the best interest of the child.</u>	SECTION 3. Chapter 153, Family Code, is amended by adding Subchapter F-1 to read as follows: <u>SUBCHAPTER F-1. EQUAL PARENTING ORDER</u> <u>Sec. 153.351. AUTHORITY TO ENTER EQUAL PARENTING ORDER.</u> <u>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:</u> <u>(1) appoints the parents joint managing conservators under Section 153.134; and</u> <u>(2) determines that:</u> <u>(A) the order would be in the best interest of the child; and</u> <u>(B) the distance between the residences of the parents makes compliance with an equal parenting order reasonable for the parents and the child.</u>
<u>Sec. 153.352. PERIODS OF POSSESSION UNDER EQUAL PARENTING ORDER.</u>	<u>Sec. 153.352. PERIODS OF POSSESSION UNDER EQUAL PARENTING ORDER.</u>
SECTION 4. The enactment of this Act does not constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the effective date of this Act.	SECTION 4. Same as introduced version.
SECTION 5. The change in law made by this Act applies to a suit affecting the parent-child relationship that is pending in a	SECTION 5. Same as introduced version.

trial court on the effective date of this Act or that is filed on or after the effective date of this Act.

SECTION 6. This Act takes effect September 1, 2015.

SECTION 6. Same as introduced version.