

By: Thompson of Harris

H.B. No. 1491

A BILL TO BE ENTITLED

AN ACT

relating to the possession of a child on the child's birthday under a standard possession order in a suit affecting the parent-child relationship.

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

SECTION 1. Section 153.314, Family Code, is amended to read as follows:

Sec. 153.314. HOLIDAY POSSESSION UNAFFECTED BY DISTANCE PARENTS RESIDE APART. The following provisions govern possession of the child for certain specific holidays and supersede conflicting weekend or Thursday periods of possession without regard to the distance the parents reside apart. The possessory conservator and the managing conservator shall have rights of possession of the child as follows:

(1) the possessory conservator shall have possession of the child in even-numbered years beginning at 6 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and the managing conservator shall have possession for the same period in odd-numbered years;

(2) the possessory conservator shall have possession of the child in odd-numbered years beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for

1 the same period in even-numbered years;

2 (3) the possessory conservator shall have possession
3 of the child in odd-numbered years, beginning at 6 p.m. on the day
4 the child is dismissed from school before Thanksgiving and ending
5 at 6 p.m. on the following Sunday, and the managing conservator
6 shall have possession for the same period in even-numbered years;

7 (4) if a ~~[the]~~ parent is not otherwise entitled under
8 this standard possession order to any period of ~~[present]~~
9 possession of a child on the child's birthday, that parent shall
10 have possession of the child beginning at 6 p.m. and ending at 8
11 p.m. on that day, provided that the parent picks up the child from
12 ~~[the residence of the conservator entitled to possession]~~ and
13 returns the child to the residence of the conservator entitled to
14 possession ~~[that same place]~~;

15 (5) if a conservator, the father shall have possession
16 of the child beginning at 6 p.m. on the Friday preceding Father's
17 Day and ending on Father's Day at 6 p.m., provided that, if he is not
18 otherwise entitled under this standard possession order to present
19 possession of the child, he picks up the child from the residence of
20 the conservator entitled to possession and returns the child to
21 that same place; and

22 (6) if a conservator, the mother shall have possession
23 of the child beginning at 6 p.m. on the Friday preceding Mother's
24 Day and ending on Mother's Day at 6 p.m., provided that, if she is
25 not otherwise entitled under this standard possession order to
26 present possession of the child, she picks up the child from the
27 residence of the conservator entitled to possession and returns the

1 child to that same place.

2 SECTION 2. The change in law made by this Act to Section
3 [153.314](#), Family Code, applies only to a court order providing for
4 possession of or access to a child rendered on or after the
5 effective date of this Act. A court order rendered before the
6 effective date of this Act is governed by the law in effect on the
7 date the order was rendered, and the former law is continued in
8 effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2017.