

## **BILL ANALYSIS**

H.B. 3414  
By: Sanford  
Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

There are concerns that there are too few possession order options in a suit affecting the parent-child relationship from which parents and the judge may choose in determining the best possession for the child. H.B. 3414 seeks to offer an additional option by providing for alternative equal access times of possession under a standard possession order.

### **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**

H.B. 3414 amends the Family Code to authorize a conservator under a standard possession order in a suit affecting the parent-child relationship to elect to increase the times of possession of a child with respect to an order for parents who reside 100 miles or less apart, for a weekend possession extended by a holiday, and for holiday possession unaffected by distance by requesting an alternative equal access standard possession order before or at the time the order is rendered, unless the court finds the order or an election under that order is not in the child's best interest. The bill authorizes such an election to be made in a written document filed with the court or through an oral statement made in open court on the record and requires the court, if such an election is made, to alter the standard possession order to provide for increased times of possession as a result of that conservator's election under one of certain arrangements as specified by the bill.

H.B. 3414 sets out requirements relating to the number of days granted to parents for possession of the child under the elected arrangement and makes the statutorily prescribed holiday and vacation schedules applicable to the elected arrangement. The bill authorizes the parents to modify the elected arrangement or the holiday and vacation schedule by mutual agreement and subjects a period of possession that begins or ends on a Friday or a Sunday under an elected arrangement to the weekend possession period extended by a holiday. The bill establishes that its enactment 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 bill's effective date.

### **EFFECTIVE DATE**

September 1, 2019.