

By: Dutton

H.B. No. 1807

A BILL TO BE ENTITLED

AN ACT

relating to alternative times of possession 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. Subchapter F, Chapter 153, Family Code, is amended by adding Section 153.3115 to read as follows:

Sec. 153.3115. RIGHT TO EXPANDED STANDARD POSSESSION ORDER.

(a) Unless the court finds that an expanded standard possession order under Section 153.317, or an election under that order, is not in the best interest of the child, a conservator may elect to increase the times of possession to which the conservator would otherwise be entitled under Sections 153.312, 153.314, and 153.315 by requesting an expanded standard possession order under Section 153.317.

(b) A conservator must make an election under Subsection (a):

(1) before or at the time a possession order is rendered; or

(2) if the conservators are parties to a mediated settlement agreement under Section 153.0071 or a collaborative family law settlement agreement under Chapter 15 that includes a possession order, before the conservator making the election signs that agreement.

(c) An election under Subsection (a) may be made:

- 1           (1) in a written document filed with the court; or  
2           (2) through an oral statement made in open court on the  
3 record.

4           SECTION 2. Section 153.317, Family Code, is amended to read  
5 as follows:

6           Sec. 153.317. EXPANDED STANDARD POSSESSION ORDER  
7 [ALTERNATIVE BEGINNING AND ENDING POSSESSION TIMES]. Subject to  
8 the limitations prescribed by Section 153.3115 [(a) If elected by  
9 a conservator], the court shall alter the standard possession order  
10 described by [under] Sections 153.312, 153.314, and 153.315 to  
11 provide for increased times of possession for a conservator as a  
12 result of that conservator's election of one or more of the  
13 following alternative beginning and ending possession times for the  
14 described periods of that conservator's possession~~[, unless the~~  
15 ~~court finds that the election is not in the best interest of the~~  
16 ~~child]:~~

17           (1) for weekend periods of possession under Section  
18 153.312(a)(1) during the regular school term:

19                   (A) beginning at the time the child's school is  
20 regularly dismissed;

21                   (B) ending at the time the child's school resumes  
22 after the weekend; or

23                   (C) beginning at the time described by Paragraph  
24 (A) and ending at the time described by Paragraph (B);

25           (2) for Thursday periods of possession under Section  
26 153.312(a)(2):

27                   (A) beginning at the time the child's school is

1 regularly dismissed;

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

4 (C) beginning at the time described by Paragraph  
5 (A) and ending at the time described by Paragraph (B);

6 (3) for spring vacation periods of possession under  
7 Section 153.312(b)(1):

8 (A) [ ] beginning at the time the child's school  
9 is dismissed for those vacations;

10 (B) ending at the time the child's school resumes  
11 after those vacations; or

12 (C) beginning at the time described by Paragraph  
13 (A) and ending at the time described by Paragraph (B);

14 (4) for Christmas school vacation periods of  
15 possession:

16 (A) under Section 153.314(1), beginning at the  
17 time the child's school is dismissed for the vacation; or

18 (B) under Section 153.314(2), ending at the time  
19 the child's school resumes after the vacation;

20 (5) for Thanksgiving holiday periods of possession  
21 under Section 153.314(3):

22 (A) [ ] beginning at the time the child's school  
23 is dismissed for the holiday;

24 (B) ending at the time the child's school resumes  
25 after the holiday; or

26 (C) beginning at the time described by Paragraph  
27 (A) and ending at the time described by Paragraph (B);

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

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

6           (A) beginning at the time the child's school is  
7 regularly dismissed on the Friday preceding Mother's Day;

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

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

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

16           ~~[(b) A conservator must make an election under Subsection~~  
17 ~~(a) before or at the time of the rendition of a possession~~  
18 ~~order. The election may be made:~~

19           ~~[(1) in a written document filed with the court; or~~

20           ~~[(2) through an oral statement made in open court on~~  
21 ~~the record.]~~

22           SECTION 3. The change in law made by this Act applies only  
23 to a suit affecting the parent-child relationship pending before a  
24 court on or filed on or after the effective date of this Act.

25           SECTION 4. This Act takes effect September 1, 2019.