

By: Sanford, Flynn

H.B. No. 3414

A BILL TO BE ENTITLED

AN ACT

relating to alternative equal access 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 ALTERNATIVE EQUAL ACCESS STANDARD POSSESSION ORDER. (a) Unless the court finds that an alternative equal access standard possession order under Section 153.318, 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 alternative equal access standard possession order under Section 153.318.

(b) A conservator must make an election under Subsection (a) before or at the time a possession order is rendered.

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

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

SECTION 2. Subchapter F, Chapter 153, Family Code, is amended by adding Section 153.318 to read as follows:

Sec. 153.318. ALTERNATIVE EQUAL ACCESS POSSESSION ORDER.

1 (a) If elected by a conservator under Section 153.3115 and subject
2 to the limitations prescribed by that section, the court shall
3 alter the standard possession order under Sections 153.312,
4 153.314, and 153.315 to provide for increased times of possession
5 as a result of that conservator's election under one of the
6 following arrangements:

7 (1) an arrangement under which each parent has
8 possession of the child for one week at a time, alternating weeks of
9 possession with the other parent;

10 (2) an arrangement under which possession of the child
11 alternates between the parents for succeeding two-day alternating
12 periods followed by alternating five-day periods; or

13 (3) an arrangement under which each parent has
14 possession of the child under a schedule specified by the court or
15 agreed to by the parties, provided that the schedule provides the
16 child, as reasonably as possible, approximately equal access to
17 both conservators.

18 (b) If under an arrangement elected under Subsection (a),
19 one parent is granted possession of the child for a greater number
20 of days than the other parent in a year, the other parent must be
21 granted possession of the child for that same number of days in the
22 following year.

23 (c) The holiday and vacation schedules prescribed by this
24 subchapter apply to an arrangement elected under Subsection (a).

25 (d) The parents may modify an arrangement elected under
26 Subsection (a) or the holiday or vacation schedule by mutual
27 agreement.

1 (e) A period of possession that begins or ends on a Friday or
2 a Sunday under an arrangement elected under Subsection (b) is
3 subject to the possession period extensions provided by Section
4 [153.315](#).

5 SECTION 3. The enactment of this Act does not constitute a
6 material and substantial change of circumstances sufficient to
7 warrant modification of a court order or portion of a decree that
8 provides for the possession of or access to a child rendered before
9 the effective date of this Act.

10 SECTION 4. The change in law made by this Act applies to a
11 suit affecting the parent-child relationship that is pending in a
12 trial court on the effective date of this Act or that is filed on or
13 after the effective date of this Act.

14 SECTION 5. This Act takes effect September 1, 2019.