

By: Fallon

S.B. No. 2203

A BILL TO BE ENTITLED

AN ACT

relating to equal parenting orders in suits affecting the parent-child relationship.

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

SECTION 1. Section 153.001(a), Family Code, is amended to read as follows:

(a) The public policy of this state is to:

(1) assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child;

(2) provide a safe, stable, and nonviolent environment for the child; and

(3) encourage parents to share equally in the rights and duties of raising their child after the parents have separated or dissolved their marriage.

SECTION 2. Section 153.134, Family Code, is amended by adding Subsection (c) to read as follows:

(c) If the court renders an order appointing the parents joint managing conservators under this section, it is a rebuttable presumption that an equal parenting order under Subchapter F-1 is in the best interest of the child. If the court finds that an equal parenting order under Subchapter F-1 is not in the best interest of the child, the court may enter:

(1) a standard possession order as provided by

1 Subchapter F; or

2 (2) another order regarding possession that the court
3 determines is in the best interest of the child.

4 SECTION 3. Chapter 153, Family Code, is amended by adding
5 Subchapter F-1 to read as follows:

6 SUBCHAPTER F-1. EQUAL PARENTING ORDER

7 Sec. 153.351. AUTHORITY TO ENTER EQUAL PARENTING ORDER.

8 Notwithstanding any other provision of this chapter, a court shall,
9 as an alternative to the standard possession order under Subchapter
10 F, enter an order providing for periods of possession of a child in
11 accordance with this subchapter if the court:

12 (1) appoints the parents joint managing conservators
13 under Section 153.134; and

14 (2) does not find that the order would not be in the
15 best interest of the child.

16 Sec. 153.352. PERIODS OF POSSESSION UNDER EQUAL PARENTING
17 ORDER. (a) Subject to Subsection (b), a court may enter an order
18 under this subchapter that provides that each parent has the right
19 to possession of the child under a schedule specified by the court,
20 provided that:

21 (1) the schedule may not grant possession to a parent
22 for a number of days each year that exceeds the number of days of
23 possession granted to the other parent for that year by more than
24 five days; and

25 (2) the schedule must alternate on a yearly basis the
26 parent who is granted possession for a number of days for the year
27 that exceeds the number of days granted to the other parent.

1 (b) A court shall provide parents with the opportunity to
2 select by agreement a schedule for possession described by
3 Subsection (a), subject to the court's finding that the proposed
4 schedule is in the best interest of the child. If the parents do not
5 agree, the court may order possession under any schedule described
6 by Subsection (a).

7 SECTION 4. The enactment of this Act does not constitute a
8 material and substantial change of circumstances sufficient to
9 warrant modification of a court order or portion of a decree that
10 provides for the possession of or access to a child rendered before
11 the effective date of this Act.

12 SECTION 5. The change in law made by this Act applies to a
13 suit affecting the parent-child relationship that is pending in a
14 trial court on the effective date of this Act or that is filed on or
15 after the effective date of this Act.

16 SECTION 6. This Act takes effect September 1, 2019.