

BILL ANALYSIS

C.S.H.B. 853
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Despite often difficult circumstances, advocates suggest that encouraging consistent contact between a child and each parent during periods of possession helps to develop healthy, continuing relationships between parents and their children. A key factor in encouraging healthy attachments to the parties in a suit affecting the parent-child relationship is adequate consideration of sibling relationships in determining orders for possession of and access to young children. C.S.H.B. 853 seeks to address this issue by revising the factors to be considered by a court in a suit affecting the parent-child relationship when rendering an order for possession of a child less than three years of age and by authorizing the court to render an order for periods of possession of such a child based on the parties' agreement if it is in the child's best interest.

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

C.S.H.B. 853 amends the Family Code to revise provisions establishing the factors a court is required to consider in rendering an order for possession of a child less than three years of age. Among other updates, the bill does the following:

- requires the following to be considered:
 - the preexisting parent-child relationship, including whether there has been minimal or inconsistent contact with the child and the child's siblings, if applicable;
 - the present and proposed environments in which possession and access has occurred or is to occur; and
 - the absence of siblings during periods of possession;
- specifies that the physical, medical, behavioral, or developmental needs of the child required to be considered are the present and immediate needs of the child;
- specifies that the individuals whose impact and influence during the period of possession are required to be considered are all individuals residing with a party to the suit or having considerable interaction with the child during that period; and
- removes the required consideration of the effect on the child that may result from separation from either party.

C.S.H.B. 853 authorizes the court to render an order for periods of possession of a child less than three years of age based on the parties' agreement if the agreement is in the child's best

interest. The bill subjects a possession order for a child less than three years of age to statutory provisions relating to a request for findings when a court order varies from the standard possession order.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 853 differs from the original in minor or nonsubstantive ways to make technical corrections and to conform to certain bill drafting conventions.