

BILL ANALYSIS

Senate Research Center
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H.B. 1135
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some custodial parents whose standard court order for possession of a child provides for the pick-up or drop-off of a child at the child's school have concerns regarding school closures resulting from the COVID-19 pandemic. Such orders do not directly address situations in which a child attends home school or attends school virtually. Accordingly, the location at which the child should be returned to the noncustodial parent is unclear. H.B. 1135 would allow a child's managing conservator to surrender the child to the possessory conservator at his or her residence, at a location both parents agreed to, or another location if disclosure of one party's address is protected from disclosure to the other party by a court order.

H.B. 1135 amends current law relating to the terms and conditions of a standard possession order in a suit affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.316, Family Code, as follows:

Sec. 153.316. GENERAL TERMS AND CONDITIONS. Requires the court to order the following general terms and conditions of possession of a child to apply without regard to the distance between the residence of a parent and the child:

- (1) makes no changes to this subdivision;
- (2) if the possessory conservator elects to begin a period of possession at the time the child's school is regularly dismissed, the managing conservator is required to surrender the child to the possessory conservator at the beginning of each period of possession at:
 - (A) creates this paragraph from existing text and makes a nonsubstantive change; or
 - (B) if the child is not physically attending school:
 - (i) the managing conservator's residence;
 - (ii) a location agreed to by all parties; or
 - (iii) a location determined by a party who, following a finding under Section 105.006(c) (relating to a finding that disclosing certain information is likely to cause the child or a conservator harassment, abuse, serious harm, injury, or family violence), is not required to disclose the party's address to the other party or is protected from the other party by an order rendered by the court;

(3) makes no changes to this subdivision;

(4) if the possessory conservator elects to end a period of possession at the time the child's school resumes, the possessory conservator is required to surrender the child to the managing conservator at the end of each period of possession at:

(A) creates this paragraph from existing text and makes a nonsubstantive change; or

(B) if the child is not physically attending school:

(i) the possessory conservator's residence;

(ii) a location agreed to by all parties; or

(iii) a location determined by a party who, following a finding under Section 105.006(c), is not required to disclose the party's address to the other party or is protected from the other party by an order rendered by the court;

(5)-(8) makes no changes to these subdivisions; and

(9) if the conservator's time of possession of a child ends at the time school is scheduled to resume and the child is not physically attending school, rather than ends at the time school resumes and for any reason the child is not or will not be returned to school, the conservator in possession of the child is required to immediately notify the other conservator, rather than to immediately notify the school and the other conservator, that the child will not be or has not been returned to school.

SECTION 2. Provides that the change in law made by this Act applies only to a court order providing for possession of or access to a child rendered on or after the effective date of this Act. Provides that a court order rendered before the effective date of this Act is governed by the law in effect on the date the order was rendered, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2021.