

BILL ANALYSIS

C.S.H.B. 1135
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Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been reported that school closures resulting from the COVID-19 pandemic have caused concern for 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. Since such orders do not directly address situations in which a child is attending home school or attending school virtually, there are concerns about the location at which the child should be returned to a noncustodial parent. C.S.H.B. 1135 seeks to modify the terms and conditions of a standard possession order in a suit affecting the parent-child relationship to address these concerns about the location where a child is required to be surrendered to a noncustodial parent.

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. 1135 amends the Family Code to include the following among the general terms and conditions of a standard court order for possession of a child:

- if the possessory conservator elects to begin a period of possession at the time the child's school is regularly dismissed and the child is not physically attending school, the managing conservator is required to surrender the child to the possessory conservator at the beginning of each period of possession at one of the following locations:
 - the managing conservator's residence;
 - a location agreed to by all parties; or
 - a location determined by a party who is not required to disclose the party's address to the other party or is protected from the other party by a court order;
- if the possessory conservator elects to end a period of possession at the time the child's school resumes and the child is not physically attending school, the possessory conservator is required to surrender the child to the managing conservator at the beginning of each period of possession at one of the following locations:
 - the possessory conservator's residence;
 - a location agreed to by all parties; or
 - a location determined by a party who is not required to disclose the party's address to the other party or is protected from the other party by a court order;
- if a conservator's time of possession ends at the time school is scheduled to resume and the child is not physically attending school, the conservator in possession of the child is

required to immediately notify the other conservator that the child will not be or has not been returned to school.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1135 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions with respect to a school that is closed but instead includes provisions with respect to a child not physically attending school.

The substitute changes the requirements regarding the surrender of a child by the managing conservator or by the possessory conservator, as applicable, to the other conservator by expanding the locations of such surrender to include certain additional locations if the child is not physically attending school.

The substitute includes a specification that the conservator in possession of the child, if the conservator's time of possession ends at the time school is scheduled to resume and the child is not physically attending school, must immediately notify the other conservator.