

## **BILL ANALYSIS**

C.S.H.B. 4381  
By: White  
Juvenile Justice & Family Issues  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the lack of required notice to parties in certain suits affecting the parent-child relationship of options for periods of possession of or access to a child under a standard possession order. It has been suggested that, as more Texas families go through the process of divorce, the law could provide more clarity regarding the establishment or modification of those periods under such an order. C.S.H.B. 4381 seeks to provide this clarity by requiring such notice to those parties in an original suit affecting the parent-child relationship that requests the establishment or modification of periods of possession of or access to a child of those options for those periods under a standard possession order, including notice that a conservator may elect one or more alternative beginning and ending possession times.

### **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. 4381 amends the Family Code to require the citation on the filing of the petition in an original suit affecting the parent-child relationship that requests the establishment or modification of periods of possession of or access to a child to include notice of the options for periods of possession of or access to a child under a standard possession order, including notice of the following:

- a conservator may elect one or more of the statutory alternative beginning and ending possession times, which the court must enter into the possession order unless the court finds that the election is not in the child's best interest; and
- such an election may enable the conservator to substantially increase the conservator's periods of possession and adapt the possession schedule based on the needs of the conservator and the child.

A waiver of the issuance or service of citation filed in such a suit in which the filed petition requests the establishment or modification of periods of possession of or access to a child must include an acknowledgment that the waiving party is aware of the statutory alternative beginning and ending possession times.

C.S.H.B. 4381 amends the Civil Practice and Remedies Code to require the court's notification of its determination to refer for alternative dispute resolution procedures a pending dispute that concerns the establishment or modification of periods of possession of or access to a child to

include notice of the statutory alternative beginning and ending times for possession of or access to a child.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 4381 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 includes provisions not in the original that do the following:

- specify that the notice of the options for periods of possession or access under a standard possession order include certain components relating to a conservator's election of one or more alternative beginning and ending possession times; and
- require the waiver of the issuance or service of citation to include an acknowledgment that the waiving party is aware of those alternative beginning and ending possession times.

Whereas the original required the notification regarding referral to alternative dispute resolution procedures of a pending dispute that concerns the establishment or modification of periods of possession to include notice of the options for those periods under a standard possession order, the substitute requires the notification to include notice of the alternative beginning and ending times for possession or access.