

## **BILL ANALYSIS**

S.B. 1936  
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Juvenile Justice & Family Issues  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Current law provides for standard court orders for possession of or access to a child in a suit affecting the parent-child relationship and allows for a conservator to elect one of several options to increase the conservator's time with a child in addition to the standard basic time allotted. It has been suggested that a court should be allowed to provide for alternative beginning and ending possession times in certain standard possession orders for parents who reside 50 miles or less apart. S.B. 1936 seeks to address this issue by requiring a court, under certain conditions, to alter a standard possession order to provide a possessory conservator who resides not more than 50 miles from a child's primary residence the right to possession of the child as if the conservator had made the applicable elections for 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**

S.B. 1936 amends the Family Code to require a court to alter the standard possession order for parents who reside 100 miles or less apart, for a weekend possession extended by a holiday, and for a holiday possession unaffected by distance to provide that the possessory conservator who resides not more than 50 miles from the primary residence of the child has the right to possession of the child as if the conservator had made the elections for certain alternative beginning and ending possession times. That requirement does not apply under the following circumstances:

- if the possessory conservator declines one or more of those alternative beginning and ending possession times in a written document filed with the court or through an oral statement made in open court on the record;
- if the court is denying, restricting, or limiting the possessory conservator's possession of or access to the child in the child's best interest with respect to the consideration of evidence of a history of domestic violence or sexual abuse in determining whether to appoint a party as a sole or joint managing conservator; or
- if the court finds that one or more of those alternative beginning and ending possession times are not in the best interest of the child, including for one of the following reasons:
  - because the distances between residences make the possession schedule unworkable or inappropriate considering the circumstances of the parties or the area in which the parties reside;

- because before the filing of the suit, the possessory conservator did not frequently and continuously exercise the rights and duties of a parent with respect to the child; or
- for any other reason the court considers relevant.

The bill requires the court, on the request of a party, to make findings of fact and conclusions of law regarding the order for parents who reside 50 miles or less apart.

S.B. 1936 requires the attorney general's office to create informational materials that describe the possession schedule under a standard possession order, including any alternate schedules or elections available to conservators, and to make the informational materials available on the attorney general's website and distribute printed copies of those materials on request.

S.B. 1936 establishes that its enactment does not constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the bill's effective date.

**EFFECTIVE DATE**

September 1, 2021.