

BILL ANALYSIS

Senate Research Center
87R18951 MLH-F

C.S.S.B. 1936
By: Hughes
State Affairs
4/12/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 1936 amends current law relating to the beginning and ending possession times in certain standard possession orders 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 Subchapter F, Chapter 153, Family Code, by adding Section 153.3171, as follows:

Sec. 153.3171. BEGINNING AND ENDING POSSESSION TIMES FOR PARENTS WHO RESIDE 50 MILES OR LESS APART. (a) Requires the court, except as provided by Subsection (b), if the possessory conservator resides not more than 50 miles from the primary residence of the child, to alter the standard possession order under Sections 153.312 (Parents Who Reside 100 Miles or Less Apart), 153.314 (Holiday Possession Unaffected by Distance Parents Reside Apart), and 153.315 (Weekend Possession Extended by Holiday) to provide that the conservator has the right to possession of the child as if the conservator had made the elections for alternative beginning and ending possession times under certain subsections.

(b) Provides that Subsection (a) does not apply if:

(1) the possessory conservator declines one or more of the alternative beginning and ending possession times under Subsection (a) in a written document filed with the court or through an oral statement made in open court on the record.

(2) the court is denying, restricting, or limiting the possessory conservator's possession of or access to the child in the best interest of the child under Section 153.004 (History of Domestic Violence or Sexual Abuse); or

(3) the court finds that one or more of the alternative beginning and ending possession times under Subsection (a) are not in the best interest of the child, including:

(A) because the distances between residences make the possession schedule described by Subsection (a) unworkable or inappropriate considering the circumstances of the parties or the area in which the parties reside;

(B) 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

(C) for any other reason the court considers relevant.

(c) Requires the court, on the request of a party, to make findings of fact and conclusions of law regarding the order under this section.

SECTION 2. Amends Subchapter B, Chapter 231, Family Code, by adding Section 231.1211, as follows:

Sec. 231.1211. INFORMATIONAL MATERIALS ON STANDARD POSSESSION ORDER. (a) Requires the Title IV-D agency to create informational materials that describe the possession schedule under the standard possession order under Subchapter F (Standard Possession Order), Chapter 153 (Conservatorship, Possession, and Access), including any alternate schedules or elections available to conservators.

(b) Requires the Title IV-D agency to make the informational materials described by Subsection (a) available on the agency's Internet website and distribute printed copies of those materials on request.

SECTION 3. Provides that the enactment of this Act 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 effective date of this Act.

SECTION 4. Provides that the change in law made by this Act applies to a suit affecting the parent-child relationship that is pending in a trial court on the effective date of this Act or that is filed on or after the effective date of this Act.

SECTION 5. Effective date: September 1, 2021.