87R20809 MLH-D

By:  White H.B. No. 4381

Substitute the following for H.B. No. 4381:

By:  Swanson C.S.H.B. No. 4381

A BILL TO BE ENTITLED

AN ACT

relating to requiring 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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 102.009, Family Code, is amended by adding Subsection (f) to read as follows:

(f)  If the petition requests the establishment or modification of periods of possession of or access to a child, the citation must include notice of the options for periods of possession of or access to a child under a standard possession order under Subchapter F, Chapter 153, including notice that:

(1)  a conservator may elect one or more of the alternative beginning and ending possession times provided under Section 153.317, which the court must enter into the possession order unless the court finds that the election is not in the best interest of the child; and

(2)  an election described by Subdivision (1) 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.

SECTION 2.  Section 102.0091, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  A waiver filed in 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 alternative beginning and ending possession times provided under Section 153.317.

SECTION 3.  Section 154.022, Civil Practice and Remedies Code, is amended by adding Subsection (a-1) to read as follows:

(a-1)  If a pending dispute concerns the establishment or modification of periods of possession of or access to a child, the notification must include notice of the alternative beginning and ending times for possession of or access to a child under Section 153.317, Family Code.

SECTION 4.  The changes in law made by this Act apply only to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before that date is governed by the law in effect on the date the suit was filed, and that law is continued in effect for that purpose.

SECTION 5.  This Act takes effect September 1, 2021.