

By: Morales of Harris, Swanson, et al.

H.B. No. 1135

A BILL TO BE ENTITLED

AN ACT

relating to the terms and conditions of a standard possession order in a suit affecting the parent-child relationship.

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

SECTION 1. Section 153.316, Family Code, is amended to read as follows:

Sec. 153.316. GENERAL TERMS AND CONDITIONS. The court shall order the following general terms and conditions of possession of a child to apply without regard to the distance between the residence of a parent and the child:

(1) the managing conservator shall surrender the child to the possessory conservator at the beginning of each period of the possessory conservator's possession at the residence of the managing conservator;

(2) if the possessory conservator elects to begin a period of possession at the time the child's school is regularly dismissed, the managing conservator shall surrender the child to the possessory conservator at the beginning of each period of possession at:

(A) the school in which the child is enrolled; or

(B) if the child is not physically attending school:

(i) the managing conservator's residence;

(ii) a location agreed to by all parties; or

1 (iii) a location determined by a party who,
2 following a finding under Section 105.006(c), is not required to
3 disclose the party's address to the other party or is protected from
4 the other party by an order rendered by the court;

5 (3) the possessory conservator shall be ordered to do
6 one of the following:

7 (A) the possessory conservator shall surrender
8 the child to the managing conservator at the end of each period of
9 possession at the residence of the possessory conservator; or

10 (B) the possessory conservator shall return the
11 child to the residence of the managing conservator at the end of
12 each period of possession, except that the order shall provide that
13 the possessory conservator shall surrender the child to the
14 managing conservator at the end of each period of possession at the
15 residence of the possessory conservator if:

16 (i) at the time the original order or a
17 modification of an order establishing terms and conditions of
18 possession or access the possessory conservator and the managing
19 conservator lived in the same county, the possessory conservator's
20 county of residence remains the same after the rendition of the
21 order, and the managing conservator's county of residence changes,
22 effective on the date of the change of residence by the managing
23 conservator; or

24 (ii) the possessory conservator and
25 managing conservator lived in the same residence at any time during
26 a six-month period preceding the date on which a suit for
27 dissolution of the marriage was filed and the possessory

1 conservator's county of residence remains the same and the managing
2 conservator's county of residence changes after they no longer live
3 in the same residence, effective on the date the order is rendered;

4 (4) if the possessory conservator elects to end a
5 period of possession at the time the child's school resumes, the
6 possessory conservator shall surrender the child to the managing
7 conservator at the end of each period of possession at:

8 (A) the school in which the child is enrolled; or

9 (B) if the child is not physically attending
10 school:

11 (i) the possessory conservator's residence;

12 (ii) a location agreed to by all parties; or

13 (iii) a location determined by a party who,

14 following a finding under Section 105.006(c), is not required to
15 disclose the party's address to the other party or is protected from
16 the other party by an order rendered by the court;

17 (5) each conservator shall return with the child the
18 personal effects that the child brought at the beginning of the
19 period of possession;

20 (6) either parent may designate a competent adult to
21 pick up and return the child, as applicable; a parent or a
22 designated competent adult shall be present when the child is
23 picked up or returned;

24 (7) a parent shall give notice to the person in
25 possession of the child on each occasion that the parent will be
26 unable to exercise that parent's right of possession for a
27 specified period;

1 (8) written notice, including notice provided by
2 electronic mail or facsimile, shall be deemed to have been timely
3 made if received or, if applicable, postmarked before or at the time
4 that notice is due; and

5 (9) if a conservator's time of possession of a child
6 ends at the time school is scheduled to resume [~~resumes~~] and [~~for~~
7 ~~any reason~~] the child is not physically attending [~~or will not be~~
8 ~~returned to~~] school, the conservator in possession of the child
9 shall immediately notify [~~the school and~~] the other conservator
10 that the child will not be or has not been returned to school.

11 SECTION 2. The change in law made by this Act applies only
12 to a court order providing for possession of or access to a child
13 rendered on or after the effective date of this Act. A court order
14 rendered before the effective date of this Act is governed by the
15 law in effect on the date the order was rendered, and the former law
16 is continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2021.