

By: Morales of Harris

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) the managing conservator's residence, if the school in which the child is enrolled is closed;

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

1 (A) the possessory conservator shall surrender  
2 the child to the managing conservator at the end of each period of  
3 possession at the residence of the possessory conservator; or

4 (B) the possessory conservator shall return the  
5 child to the residence of the managing conservator at the end of  
6 each period of possession, except that the order shall provide that  
7 the possessory conservator shall surrender the child to the  
8 managing conservator at the end of each period of possession at the  
9 residence of the possessory conservator if:

10 (i) at the time the original order or a  
11 modification of an order establishing terms and conditions of  
12 possession or access the possessory conservator and the managing  
13 conservator lived in the same county, the possessory conservator's  
14 county of residence remains the same after the rendition of the  
15 order, and the managing conservator's county of residence changes,  
16 effective on the date of the change of residence by the managing  
17 conservator; or

18 (ii) the possessory conservator and  
19 managing conservator lived in the same residence at any time during  
20 a six-month period preceding the date on which a suit for  
21 dissolution of the marriage was filed and the possessory  
22 conservator's county of residence remains the same and the managing  
23 conservator's county of residence changes after they no longer live  
24 in the same residence, effective on the date the order is rendered;

25 (4) if the possessory conservator elects to end a  
26 period of possession at the time the child's school resumes, the  
27 possessory conservator shall surrender the child to the managing

1 conservator at the end of each period of possession at:

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

3           (B) the possessory conservator's residence, if

4 the school in which the child is enrolled is closed;

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

8           (6) either parent may designate a competent adult to  
9 pick up and return the child, as applicable; a parent or a  
10 designated competent adult shall be present when the child is  
11 picked up or returned;

12           (7) a parent shall give notice to the person in  
13 possession of the child on each occasion that the parent will be  
14 unable to exercise that parent's right of possession for a  
15 specified period;

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

20           (9) if a conservator's time of possession of a child  
21 ends at the time school is scheduled to resume [~~resumes~~] and [~~for~~  
22 ~~any reason~~] the child is not or will not be returned to school, the  
23 conservator in possession of the child shall:

24           (A) immediately notify [~~the school and~~] the other  
25 conservator that the child will not be or has not been returned to  
26 school; and

27           (B) unless the child will not be or has not been

1 returned to school due to the school's closure, immediately notify  
2 the school that the child will not be or has not been returned to  
3 school.

4 SECTION 2. The change in law made by this Act applies only  
5 to a court order providing for possession of or access to a child  
6 rendered on or after the effective date of this Act. A court order  
7 rendered before the effective date of this Act is governed by the  
8 law in effect on the date the order was rendered, and the former law  
9 is continued in effect for that purpose.

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