

1-1 By: Morales of Harris, et al. H.B. No. 1135
 1-2 (Senate Sponsor - Zaffirini)
 1-3 (In the Senate - Received from the House April 19, 2021;
 1-4 April 21, 2021, read first time and referred to Committee on State
 1-5 Affairs; May 21, 2021, reported favorably by the following vote:
 1-6 Yeas 8, Nays 0; May 21, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the terms and conditions of a standard possession order
 1-21 in a suit affecting the parent-child relationship.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 153.316, Family Code, is amended to read
 1-24 as follows:

1-25 Sec. 153.316. GENERAL TERMS AND CONDITIONS. The court
 1-26 shall order the following general terms and conditions of
 1-27 possession of a child to apply without regard to the distance
 1-28 between the residence of a parent and the child:

1-29 (1) the managing conservator shall surrender the child
 1-30 to the possessory conservator at the beginning of each period of the
 1-31 possessory conservator's possession at the residence of the
 1-32 managing conservator;

1-33 (2) if the possessory conservator elects to begin a
 1-34 period of possession at the time the child's school is regularly
 1-35 dismissed, the managing conservator shall surrender the child to
 1-36 the possessory conservator at the beginning of each period of
 1-37 possession at:

1-38 (A) the school in which the child is enrolled; or
 1-39 (B) if the child is not physically attending

1-40 school:

1-41 (i) the managing conservator's residence;
 1-42 (ii) a location agreed to by all parties; or
 1-43 (iii) a location determined by a party who,
 1-44 following a finding under Section 105.006(c), is not required to
 1-45 disclose the party's address to the other party or is protected from
 1-46 the other party by an order rendered by the court;

1-47 (3) the possessory conservator shall be ordered to do
 1-48 one of the following:

1-49 (A) the possessory conservator shall surrender
 1-50 the child to the managing conservator at the end of each period of
 1-51 possession at the residence of the possessory conservator; or

1-52 (B) the possessory conservator shall return the
 1-53 child to the residence of the managing conservator at the end of
 1-54 each period of possession, except that the order shall provide that
 1-55 the possessory conservator shall surrender the child to the
 1-56 managing conservator at the end of each period of possession at the
 1-57 residence of the possessory conservator if:

1-58 (i) at the time the original order or a
 1-59 modification of an order establishing terms and conditions of
 1-60 possession or access the possessory conservator and the managing
 1-61 conservator lived in the same county, the possessory conservator's

2-1 county of residence remains the same after the rendition of the
2-2 order, and the managing conservator's county of residence changes,
2-3 effective on the date of the change of residence by the managing
2-4 conservator; or

2-5 (ii) the possessory conservator and
2-6 managing conservator lived in the same residence at any time during
2-7 a six-month period preceding the date on which a suit for
2-8 dissolution of the marriage was filed and the possessory
2-9 conservator's county of residence remains the same and the managing
2-10 conservator's county of residence changes after they no longer live
2-11 in the same residence, effective on the date the order is rendered;

2-12 (4) if the possessory conservator elects to end a
2-13 period of possession at the time the child's school resumes, the
2-14 possessory conservator shall surrender the child to the managing
2-15 conservator at the end of each period of possession at:

2-16 (A) the school in which the child is enrolled; or
2-17 (B) if the child is not physically attending

2-18 school:

2-19 (i) the possessory conservator's residence;

2-20 (ii) a location agreed to by all parties; or

2-21 (iii) a location determined by a party who,

2-22 following a finding under Section 105.006(c), is not required to
2-23 disclose the party's address to the other party or is protected from
2-24 the other party by an order rendered by the court;

2-25 (5) each conservator shall return with the child the
2-26 personal effects that the child brought at the beginning of the
2-27 period of possession;

2-28 (6) either parent may designate a competent adult to
2-29 pick up and return the child, as applicable; a parent or a
2-30 designated competent adult shall be present when the child is
2-31 picked up or returned;

2-32 (7) a parent shall give notice to the person in
2-33 possession of the child on each occasion that the parent will be
2-34 unable to exercise that parent's right of possession for a
2-35 specified period;

2-36 (8) written notice, including notice provided by
2-37 electronic mail or facsimile, shall be deemed to have been timely
2-38 made if received or, if applicable, postmarked before or at the time
2-39 that notice is due; and

2-40 (9) if a conservator's time of possession of a child
2-41 ends at the time school is scheduled to resume [~~resumes~~] and [~~for~~
2-42 ~~any reason~~] the child is not physically attending [~~or will not be~~
2-43 ~~returned to~~] school, the conservator in possession of the child
2-44 shall immediately notify [~~the school and~~] the other conservator
2-45 that the child will not be or has not been returned to school.

2-46 SECTION 2. The change in law made by this Act applies only
2-47 to a court order providing for possession of or access to a child
2-48 rendered on or after the effective date of this Act. A court order
2-49 rendered before the effective date of this Act is governed by the
2-50 law in effect on the date the order was rendered, and the former law
2-51 is continued in effect for that purpose.

2-52 SECTION 3. This Act takes effect September 1, 2021.

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