

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

1
2 relating to requiring notice to parties in certain suits affecting
3 the parent-child relationship of options for periods of possession
4 of or access to a child under a standard possession order.

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

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

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

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

18 (2) an election described by Subdivision (1) may
19 enable the conservator to substantially increase the conservator's
20 periods of possession and adapt the possession schedule based on
21 the needs of the conservator and the child.

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

24 (a-1) A waiver filed in a suit in which the filed petition

1 requests the establishment or modification of periods of possession
2 of or access to a child must include an acknowledgment that the
3 waiving party is aware of the alternative beginning and ending
4 possession times provided under Section 153.317.

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

7 (a-1) If a pending dispute concerns the establishment or
8 modification of periods of possession of or access to a child, the
9 notification must include notice of the alternative beginning and
10 ending times for possession of or access to a child under Section
11 153.317, Family Code.

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

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