

By: Hughes

S.B. No. 1936

A BILL TO BE ENTITLED

AN ACT

relating to the beginning and ending possession times in certain standard possession orders in a suit affecting the parent-child relationship.

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

SECTION 1. Subchapter F, Chapter 153, Family Code, is amended by adding Section 153.3171 to read as follows:

Sec. 153.3171. BEGINNING AND ENDING POSSESSION TIMES FOR PARENTS WHO RESIDE 50 MILES OR LESS APART. (a) Except as provided by Subsection (b), if the possessory conservator resides not more than 50 miles from the primary residence of the child, the court shall alter the standard possession order under Sections 153.312, 153.314, and 153.315 to provide that the conservator has the right to possession of the child as if the conservator had made the elections for alternative beginning and ending possession times under Sections 153.317(a)(1)(C), (2)(C), (3), (4), (5), (6), (7)(C), and (8).

(b) Subsection (a) does not apply if:

(1) the possessory conservator declines one or more of the alternative beginning and ending possession times under Subsection (a) in a written document filed with the court or through an oral statement made in open court on the record;

(2) the court is denying, restricting, or limiting the possessory conservator's possession of or access to the child in

1 the best interest of the child under Section 153.004; or

2 (3) the court finds that one or more of the alternative
3 beginning and ending possession times under Subsection (a) are not
4 in the best interest of the child, including:

5 (A) because the distances between residences
6 make the possession schedule described by Subsection (a) unworkable
7 or inappropriate considering the circumstances of the parties or
8 the area in which the parties reside;

9 (B) because before the filing of the suit, the
10 possessory conservator did not frequently and continuously
11 exercise the rights and duties of a parent with respect to the
12 child; or

13 (C) for any other reason the court considers
14 relevant.

15 (c) On the request of a party, the court shall make findings
16 of fact and conclusions of law regarding the order under this
17 section.

18 SECTION 2. Subchapter B, Chapter 231, Family Code, is
19 amended by adding Section 231.1211 to read as follows:

20 Sec. 231.1211. INFORMATIONAL MATERIALS ON STANDARD
21 POSSESSION ORDER. (a) The Title IV-D agency shall create
22 informational materials that describe the possession schedule
23 under the standard possession order under Subchapter F, Chapter
24 153, including any alternate schedules or elections available to
25 conservators.

26 (b) The Title IV-D agency shall make the informational
27 materials described by Subsection (a) available on the agency's

1 Internet website and distribute printed copies of those materials
2 on request.

3 SECTION 3. The enactment of this Act does not constitute a
4 material and substantial change of circumstances sufficient to
5 warrant modification of a court order or portion of a decree that
6 provides for the possession of or access to a child rendered before
7 the effective date of this Act.

8 SECTION 4. The change in law made by this Act applies to a
9 suit affecting the parent-child relationship that is pending in a
10 trial court on the effective date of this Act or that is filed on or
11 after the effective date of this Act.

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