

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), (8), and (9).

(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. Section 153.317(a), Family Code, is amended to
19 read as follows:

20 (a) If elected by a conservator, the court shall alter the
21 standard possession order under Sections 153.312, 153.314, and
22 153.315 to provide for one or more of the following alternative
23 beginning and ending possession times for the described periods of
24 possession, unless the court finds that the election is not in the
25 best interest of the child:

26 (1) for weekend periods of possession under Section
27 153.312(a)(1) during the regular school term:

1 (A) beginning at the time the child's school is
2 regularly dismissed;

3 (B) ending at the time the child's school resumes
4 after the weekend; or

5 (C) beginning at the time described by Paragraph
6 (A) and ending at the time described by Paragraph (B);

7 (2) for Thursday periods of possession under Section
8 [153.312\(a\)\(2\)](#):

9 (A) beginning at the time the child's school is
10 regularly dismissed;

11 (B) ending at the time the child's school resumes
12 on Friday; or

13 (C) beginning at the time described by Paragraph
14 (A) and ending at the time described by Paragraph (B);

15 (3) for spring vacation periods of possession under
16 Section [153.312\(b\)\(1\)](#), beginning at the time the child's school is
17 dismissed for those vacations;

18 (4) for Christmas school vacation periods of
19 possession under Section [153.314\(1\)](#), beginning at the time the
20 child's school is dismissed for the vacation;

21 (5) for Thanksgiving holiday periods of possession
22 under Section [153.314\(3\)](#), beginning at the time the child's school
23 is dismissed for the holiday;

24 (6) for Father's Day periods of possession under
25 Section [153.314\(5\)](#), ending at 8 a.m. on the Monday after Father's
26 Day weekend;

27 (7) for Mother's Day periods of possession under

1 Section 153.314(6):

2 (A) beginning at the time the child's school is
3 regularly dismissed on the Friday preceding Mother's Day;

4 (B) ending at the time the child's school resumes
5 after Mother's Day; or

6 (C) beginning at the time described by Paragraph
7 (A) and ending at the time described by Paragraph (B); ~~or~~

8 (8) for weekend periods of possession that are
9 extended under Section 153.315(b) by a student holiday or teacher
10 in-service day that falls on a Friday, beginning at the time the
11 child's school is regularly dismissed on Thursday; or

12 (9) for weekend periods of possession that are
13 extended under Section 153.315(a) by a student holiday or teacher
14 in-service day that falls on a Monday, ending at 8 a.m. Tuesday.

15 SECTION 3. Subchapter B, Chapter 231, Family Code, is
16 amended by adding Section 231.1211 to read as follows:

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

23 (b) The Title IV-D agency shall make the informational
24 materials described by Subsection (a) available on the agency's
25 Internet website and distribute printed copies of those materials
26 on request.

27 SECTION 4. The enactment of this Act does not constitute a

1 material and substantial change of circumstances sufficient to
2 warrant modification of a court order or portion of a decree that
3 provides for the possession of or access to a child rendered before
4 the effective date of this Act.

5 SECTION 5. The change in law made by this Act applies to a
6 suit affecting the parent-child relationship that is pending in a
7 trial court on the effective date of this Act or that is filed on or
8 after the effective date of this Act.

9 SECTION 6. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1936 passed the Senate on April 23, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1936 passed the House, with amendment, on May 26, 2021, by the following vote: Yeas 144, Nays 1, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor