

1-1 By: Hughes S.B. No. 1936  
1-2 (In the Senate - Filed March 12, 2021; April 1, 2021, read  
1-3 first time and referred to Committee on State Affairs;  
1-4 April 14, 2021, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 14, 2021,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Hughes	X		
1-10	Birdwell	X		
1-11	Campbell	X		
1-12	Hall	X		
1-13	Lucio	X		
1-14	Nelson	X		
1-15	Powell	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1936 By: Hughes

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the beginning and ending possession times in certain  
1-22 standard possession orders in a suit affecting the parent-child  
1-23 relationship.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter F, Chapter 153, Family Code, is  
1-26 amended by adding Section 153.3171 to read as follows:

1-27 Sec. 153.3171. BEGINNING AND ENDING POSSESSION TIMES FOR  
1-28 PARENTS WHO RESIDE 50 MILES OR LESS APART. (a) Except as provided  
1-29 by Subsection (b), if the possessory conservator resides not more  
1-30 than 50 miles from the primary residence of the child, the court  
1-31 shall alter the standard possession order under Sections 153.312,  
1-32 153.314, and 153.315 to provide that the conservator has the right  
1-33 to possession of the child as if the conservator had made the  
1-34 elections for alternative beginning and ending possession times  
1-35 under Sections 153.317(a)(1)(C), (2)(C), (3), (4), (5), (6),  
1-36 (7)(C), and (8).

1-37 (b) Subsection (a) does not apply if:

1-38 (1) the possessory conservator declines one or more of  
1-39 the alternative beginning and ending possession times under  
1-40 Subsection (a) in a written document filed with the court or through  
1-41 an oral statement made in open court on the record;

1-42 (2) the court is denying, restricting, or limiting the  
1-43 possessory conservator's possession of or access to the child in  
1-44 the best interest of the child under Section 153.004; or

1-45 (3) the court finds that one or more of the alternative  
1-46 beginning and ending possession times under Subsection (a) are not  
1-47 in the best interest of the child, including:

1-48 (A) because the distances between residences  
1-49 make the possession schedule described by Subsection (a) unworkable  
1-50 or inappropriate considering the circumstances of the parties or  
1-51 the area in which the parties reside;

1-52 (B) because before the filing of the suit, the  
1-53 possessory conservator did not frequently and continuously  
1-54 exercise the rights and duties of a parent with respect to the  
1-55 child; or

1-56 (C) for any other reason the court considers  
1-57 relevant.

1-58 (c) On the request of a party, the court shall make findings  
1-59 of fact and conclusions of law regarding the order under this  
1-60 section.

2-1 SECTION 2. Subchapter B, Chapter 231, Family Code, is  
2-2 amended by adding Section 231.1211 to read as follows:

2-3 Sec. 231.1211. INFORMATIONAL MATERIALS ON STANDARD  
2-4 POSSESSION ORDER. (a) The Title IV-D agency shall create  
2-5 informational materials that describe the possession schedule  
2-6 under the standard possession order under Subchapter F, Chapter  
2-7 153, including any alternate schedules or elections available to  
2-8 conservators.

2-9 (b) The Title IV-D agency shall make the informational  
2-10 materials described by Subsection (a) available on the agency's  
2-11 Internet website and distribute printed copies of those materials  
2-12 on request.

2-13 SECTION 3. The enactment of this Act does not constitute a  
2-14 material and substantial change of circumstances sufficient to  
2-15 warrant modification of a court order or portion of a decree that  
2-16 provides for the possession of or access to a child rendered before  
2-17 the effective date of this Act.

2-18 SECTION 4. The change in law made by this Act applies to a  
2-19 suit affecting the parent-child relationship that is pending in a  
2-20 trial court on the effective date of this Act or that is filed on or  
2-21 after the effective date of this Act.

2-22 SECTION 5. This Act takes effect September 1, 2021.

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