

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 14, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: SB1936** by Hughes (relating to the beginning and ending possession times in certain standard possession orders in a suit affecting the parent-child relationship.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Family Code to provide, in certain suits affecting the parent-child relationship, that if the possessory conservator resides less than 50 miles from the child's primary residence, the court must alter the standard possession order under Family Code 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 has made the elections for alternative beginning and ending possession times under certain provisions of Section 153.317.

The bill would provide that the requirement to alter the standard possession order does not apply if the possessory conservator declines one or more of the alternative beginning and ending possession times in a written document filed with the court or through an oral statement made in open court on the record, if the court is denying, restricting, or limiting the possessory conservator's possession of or access to the child in the best interest of the child, or if the court finds that one or more of the alternative beginning and ending possession times are not in the best interest of the child. The bill would require the court, on the request of a party, to make findings of fact and conclusions of law regarding the order.

The bill would amend the Family Code to require the state's Title IV-D agency, the Office of the Attorney General (OAG), to create informational materials describing the possession schedule under certain provisions of Chapter 153. The bill would require these materials to be made available on the agency's Internet website and to distribute printed copies of those materials on request.

Based on the analysis of the Office of Court Administration and OAG, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 302 Office of the Attorney General

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