

SENATE AMENDMENTS

2nd Printing

By: Dutton

H.B. No. 3203

A BILL TO BE ENTITLED

1 AN ACT

2 relating to alternative times of possession under a standard
3 possession order in a suit affecting the parent-child relationship.

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

5 SECTION 1. Section 153.317(a), Family Code, is amended to
6 read as follows:

7 (a) If elected by a conservator, the court shall alter the
8 standard possession order under Sections 153.312, 153.314, and
9 153.315 to provide for one or more of the following alternative
10 beginning and ending possession times for the described periods of
11 possession, unless the court finds that the election is not in the
12 best interest of the child:

13 (1) for weekend periods of possession under Section
14 153.312(a)(1) during the regular school term:

15 (A) beginning at the time the child's school is
16 regularly dismissed;

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

19 (C) beginning at the time described by Paragraph
20 (A) and ending at the time described by Paragraph (B);

21 (2) for Thursday periods of possession under Section
22 153.312(a)(2):

23 (A) beginning at the time the child's school is
24 regularly dismissed;

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

3 (C) beginning at the time described by Paragraph
4 (A) and ending at the time described by Paragraph (B);

5 (3) for spring vacation periods of possession under
6 Section 153.312(b)(1), beginning at the time the child's school is
7 dismissed for those vacations;

8 (4) for Christmas school vacation periods of
9 possession under Section 153.314(1), beginning at the time the
10 child's school is dismissed for the vacation;

11 (5) for Thanksgiving holiday periods of possession
12 under Section 153.314(3), beginning at the time the child's school
13 is dismissed for the holiday;

14 (6) for Father's Day periods of possession under
15 Section 153.314(5), ending at 8 a.m. on the Monday after Father's
16 Day weekend;

17 (7) for Mother's Day periods of possession under
18 Section 153.314(6):

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

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

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

25 (8) for weekend periods of possession that are
26 extended under Section 153.315(b) by a student holiday or teacher
27 in-service day that falls on a Friday, beginning at the time the

1 child's school is regularly dismissed on Thursday; or
2 (9) for weekend periods of possession that are
3 extended under Section 153.315(a) by a student holiday or teacher
4 in-service day that falls on a Monday, ending at 8 a.m. Tuesday.

5 SECTION 2. The enactment of this Act does not constitute a
6 material and substantial change of circumstances sufficient to
7 warrant modification of a court order or portion of a decree that
8 provides for the possession of or access to a child rendered before
9 the effective date of this Act.

10 SECTION 3. The change in law made by this Act applies to a
11 suit affecting the parent-child relationship that is pending in a
12 trial court on the effective date of this Act or that is filed on or
13 after the effective date of this Act.

14 SECTION 4. This Act takes effect September 1, 2021.

ADOPTED

MAY 25 2021

Lacey Law
Secretary of the Senate

By: Bryan Hughes

H.B. No. 3203

Substitute the following for H.B. No. 3203 :

By: Bryan Hughes

C.S.H.B. No. 3203

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the standard possession order and alternative
3 possession times in a suit affecting the parent-child relationship.

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

5 SECTION 1. Section 153.317(a), Family Code, is amended to
6 read as follows:

7 (a) If elected by a conservator, the court shall alter the
8 standard possession order under Sections 153.312, 153.314, and
9 153.315 to provide for one or more of the following alternative
10 beginning and ending possession times for the described periods of
11 possession, unless the court finds that the election is not in the
12 best interest of the child:

13 (1) for weekend periods of possession under Section
14 153.312(a)(1) during the regular school term:

15 (A) beginning at the time the child's school is
16 regularly dismissed;

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

19 (C) beginning at the time described by Paragraph
20 (A) and ending at the time described by Paragraph (B);

21 (2) for Thursday periods of possession under Section
22 153.312(a)(2):

23 (A) beginning at the time the child's school is
24 regularly dismissed;

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

3 (C) beginning at the time described by Paragraph
4 (A) and ending at the time described by Paragraph (B);

5 (3) for spring vacation periods of possession under
6 Section 153.312(b)(1), beginning at the time the child's school is
7 dismissed for those vacations;

8 (4) for Christmas school vacation periods of
9 possession under Section 153.314(1), beginning at the time the
10 child's school is dismissed for the vacation;

11 (5) for Thanksgiving holiday periods of possession
12 under Section 153.314(3), beginning at the time the child's school
13 is dismissed for the holiday;

14 (6) for Father's Day periods of possession under
15 Section 153.314(5), ending at 8 a.m. on the Monday after Father's
16 Day weekend;

17 (7) for Mother's Day periods of possession under
18 Section 153.314(6):

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

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

23 (C) beginning at the time described by Paragraph
24 (A) and ending at the time described by Paragraph (B); [~~or~~]

25 (8) for weekend periods of possession that are
26 extended under Section 153.315(b) by a student holiday or teacher
27 in-service day that falls on a Friday, beginning at the time the

1 child's school is regularly dismissed on Thursday; or
2 (9) for weekend periods of possession that are
3 extended under Section 153.315(a) by a student holiday or teacher
4 in-service day that falls on a Monday, ending at 8 a.m. Tuesday.

5 SECTION 2. Subchapter F, Chapter 153, Family Code, is
6 amended by adding Section 153.3171 to read as follows:

7 Sec. 153.3171. BEGINNING AND ENDING POSSESSION TIMES FOR
8 PARENTS WHO RESIDE 50 MILES OR LESS APART. (a) Except as provided
9 by Subsection (b), if the possessory conservator resides not more
10 than 50 miles from the primary residence of the child, the court
11 shall alter the standard possession order under Sections 153.312,
12 153.314, and 153.315 to provide that the conservator has the right
13 to possession of the child as if the conservator had made the
14 elections for alternative beginning and ending possession times
15 under Sections 153.317(a)(1)(C), (2)(C), (3), (4), (5), (6),
16 (7)(C), and (8).

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

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

22 (2) the court is denying, restricting, or limiting the
23 possessory conservator's possession of or access to the child in
24 the best interest of the child under Section 153.004; or

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

1 (A) because the distances between residences
2 make the possession schedule described by Subsection (a) unworkable
3 or inappropriate considering the circumstances of the parties or
4 the area in which the parties reside;

5 (B) because before the filing of the suit, the
6 possessory conservator did not frequently and continuously
7 exercise the rights and duties of a parent with respect to the
8 child; or

9 (C) for any other reason the court considers
10 relevant.

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

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

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

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

26 SECTION 4. The enactment of this Act does not constitute a
27 material and substantial change of circumstances sufficient to

1 warrant modification of a court order or portion of a decree that
2 provides for the possession of or access to a child rendered before
3 the effective date of this Act.

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3203 by Dutton (Relating to the standard possession order and alternative possession times in a suit affecting the parent-child relationship.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to add to the list of alternative beginning and ending possession times a provision that for weekend periods of possession that are extended under Family Code Section 153.315(a) by a student holiday or teacher in-service day that falls on a Monday, the possession period ends at 8a.m. Tuesday. The bill would also add a provision regarding beginning and ending possession periods in the standard possession order for parents who reside 50 miles or less apart.

The bill would also require the Office of the Attorney General to create information materials that describe the possession schedule under the standard possession order and alternative schedules or elections available to conservators.

Based on the analysis of the Office of Court Administration and Office of the Attorney General, 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

LBB Staff: JMc, CMA, SMAT, BH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 22, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3203 by Dutton (relating to the standard possession order and alternative possession times in a suit affecting the parent-child relationship.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to add to the list of alternative beginning and ending possession times a provision that for weekend periods of possession that are extended under Family Code Section 153.315(a) by a student holiday or teacher in-service day that falls on a Monday, the possession period ends at 8a.m. Tuesday. The bill would also add a provision regarding beginning and ending possession periods in the standard possession order for parents who reside 50 miles or less apart.

The bill would also require the Office of the Attorney General to create information materials that describe the possession schedule under the standard possession order and alternative schedules or elections available to conservators.

Based on the analysis of the Office of Court Administration and Office of the Attorney General, 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

LBB Staff: JMc, SMAT, BH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

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

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3203 by Dutton (Relating to alternative times of possession under a standard possession order in a suit affecting the parent-child relationship.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to add to the list of alternative beginning and ending possession times a provision that for weekend periods of possession that are extended under Family Code Section 153.315(a) by a student holiday or teacher in-service day that falls on a Monday, the possession period ends at 8:00 a.m. Tuesday.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

The Texas Association of Counties does not anticipate a significant fiscal impact to counties.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SMAT, DKN, BH, AF

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 22, 2021

TO: Honorable Victoria Neave, Chair, House Committee on Juvenile Justice & Family Issues

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3203 by Dutton (Relating to alternative times of possession under a standard possession order in a suit affecting the parent-child relationship.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to add to the list of alternative beginning and ending possession times a provision that for weekend periods of possession that are extended under Family Code Section 153.315(a) by a student holiday or teacher in-service day that falls on a Monday, the possession period ends at 8:00 a.m. Tuesday.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

The Texas Association of Counties does not anticipate a significant fiscal impact to counties.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, DKN, BH, AF