

House Bill 3203
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

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

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

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

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

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

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dismissed for the holiday;

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

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

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

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

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B); [ø]

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

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

No equivalent provision.

SECTION 2. 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

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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 the best interest of the child under Section 153.004; or

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

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

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

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

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

No equivalent provision.

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

Sec. 231.1211. INFORMATIONAL MATERIALS ON STANDARD POSSESSION ORDER. (a) The Title IV-D agency shall create informational materials that describe the possession schedule under the standard possession order under

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Subchapter F, Chapter 153, including any alternate schedules or elections available to conservators.

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

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

SECTION 4. Same as House version.

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

SECTION 5. Same as House version.

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

SECTION 6. Same as House version.