

1-1 By: Dutton (Senate Sponsor - Hughes) H.B. No. 3203
1-2 (In the Senate - Received from the House May 12, 2021;
1-3 May 14, 2021, read first time and referred to Committee on State
1-4 Affairs; May 22, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 22, 2021, sent to printer.)

1-7 COMMITTEE VOTE

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

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3203 By: Hughes

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

1-21 relating to the standard possession order and alternative
1-22 possession times in a suit affecting the parent-child relationship.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 153.317(a), Family Code, is amended to
1-25 read as follows:

1-26 (a) If elected by a conservator, the court shall alter the
1-27 standard possession order under Sections 153.312, 153.314, and
1-28 153.315 to provide for one or more of the following alternative
1-29 beginning and ending possession times for the described periods of
1-30 possession, unless the court finds that the election is not in the
1-31 best interest of the child:

1-32 (1) for weekend periods of possession under Section
1-33 153.312(a)(1) during the regular school term:

1-34 (A) beginning at the time the child's school is
1-35 regularly dismissed;

1-36 (B) ending at the time the child's school resumes
1-37 after the weekend; or

1-38 (C) beginning at the time described by Paragraph
1-39 (A) and ending at the time described by Paragraph (B);

1-40 (2) for Thursday periods of possession under Section
1-41 153.312(a)(2):

1-42 (A) beginning at the time the child's school is
1-43 regularly dismissed;

1-44 (B) ending at the time the child's school resumes
1-45 on Friday; or

1-46 (C) beginning at the time described by Paragraph
1-47 (A) and ending at the time described by Paragraph (B);

1-48 (3) for spring vacation periods of possession under
1-49 Section 153.312(b)(1), beginning at the time the child's school is
1-50 dismissed for those vacations;

1-51 (4) for Christmas school vacation periods of
1-52 possession under Section 153.314(1), beginning at the time the
1-53 child's school is dismissed for the vacation;

1-54 (5) for Thanksgiving holiday periods of possession
1-55 under Section 153.314(3), beginning at the time the child's school
1-56 is dismissed for the holiday;

1-57 (6) for Father's Day periods of possession under
1-58 Section 153.314(5), ending at 8 a.m. on the Monday after Father's
1-59 Day weekend;

1-60 (7) for Mother's Day periods of possession under

2-1 Section 153.314(6):
 2-2 (A) beginning at the time the child's school is
 2-3 regularly dismissed on the Friday preceding Mother's Day;
 2-4 (B) ending at the time the child's school resumes
 2-5 after Mother's Day; or
 2-6 (C) beginning at the time described by Paragraph
 2-7 (A) and ending at the time described by Paragraph (B); [~~or~~]
 2-8 (8) for weekend periods of possession that are
 2-9 extended under Section 153.315(b) by a student holiday or teacher
 2-10 in-service day that falls on a Friday, beginning at the time the
 2-11 child's school is regularly dismissed on Thursday; or
 2-12 (9) for weekend periods of possession that are
 2-13 extended under Section 153.315(a) by a student holiday or teacher
 2-14 in-service day that falls on a Monday, ending at 8 a.m. Tuesday.

2-15 SECTION 2. Subchapter F, Chapter 153, Family Code, is
 2-16 amended by adding Section 153.3171 to read as follows:

2-17 Sec. 153.3171. BEGINNING AND ENDING POSSESSION TIMES FOR
 2-18 PARENTS WHO RESIDE 50 MILES OR LESS APART. (a) Except as provided
 2-19 by Subsection (b), if the possessory conservator resides not more
 2-20 than 50 miles from the primary residence of the child, the court
 2-21 shall alter the standard possession order under Sections 153.312,
 2-22 153.314, and 153.315 to provide that the conservator has the right
 2-23 to possession of the child as if the conservator had made the
 2-24 elections for alternative beginning and ending possession times
 2-25 under Sections 153.317(a)(1)(C), (2)(C), (3), (4), (5), (6),
 2-26 (7)(C), and (8).

2-27 (b) Subsection (a) does not apply if:

2-28 (1) the possessory conservator declines one or more of
 2-29 the alternative beginning and ending possession times under
 2-30 Subsection (a) in a written document filed with the court or through
 2-31 an oral statement made in open court on the record;

2-32 (2) the court is denying, restricting, or limiting the
 2-33 possessory conservator's possession of or access to the child in
 2-34 the best interest of the child under Section 153.004; or

2-35 (3) the court finds that one or more of the alternative
 2-36 beginning and ending possession times under Subsection (a) are not
 2-37 in the best interest of the child, including:

2-38 (A) because the distances between residences
 2-39 make the possession schedule described by Subsection (a) unworkable
 2-40 or inappropriate considering the circumstances of the parties or
 2-41 the area in which the parties reside;

2-42 (B) because before the filing of the suit, the
 2-43 possessory conservator did not frequently and continuously
 2-44 exercise the rights and duties of a parent with respect to the
 2-45 child; or

2-46 (C) for any other reason the court considers
 2-47 relevant.

2-48 (c) On the request of a party, the court shall make findings
 2-49 of fact and conclusions of law regarding the order under this
 2-50 section.

2-51 SECTION 3. Subchapter B, Chapter 231, Family Code, is
 2-52 amended by adding Section 231.1211 to read as follows:

2-53 Sec. 231.1211. INFORMATIONAL MATERIALS ON STANDARD
 2-54 POSSESSION ORDER. (a) The Title IV-D agency shall create
 2-55 informational materials that describe the possession schedule
 2-56 under the standard possession order under Subchapter F, Chapter
 2-57 153, including any alternate schedules or elections available to
 2-58 conservators.

2-59 (b) The Title IV-D agency shall make the informational
 2-60 materials described by Subsection (a) available on the agency's
 2-61 Internet website and distribute printed copies of those materials
 2-62 on request.

2-63 SECTION 4. The enactment of this Act does not constitute a
 2-64 material and substantial change of circumstances sufficient to
 2-65 warrant modification of a court order or portion of a decree that
 2-66 provides for the possession of or access to a child rendered before
 2-67 the effective date of this Act.

2-68 SECTION 5. The change in law made by this Act applies to a
 2-69 suit affecting the parent-child relationship that is pending in a

3-1 trial court on the effective date of this Act or that is filed on or
3-2 after the effective date of this Act.

3-3 SECTION 6. This Act takes effect September 1, 2021.

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