

BILL ANALYSIS

H.B. 2157
By: Middleton
Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It is widely held that states across the nation have adopted policies to encourage parents to share in the rights and duties of raising their children after separating or dissolving their marriage. It has been suggested that in some instances capable, responsible parents are being denied meaningful access to their children. Some reports indicate that custodial parents are often awarded the majority of the time allotted for possession of a child while the other parent is left to try and make the most of the little time he or she has been afforded under the possession order. H.B. 2157 seeks to address this issue by encouraging judges to order parents to share equally in the rights and duties of raising their children.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2157 amends the Family Code to require a court, as an alternative to the standard possession order, to enter an equal parenting order providing for periods of possession of a child if the court appoints the parents joint managing conservators and determines that the order would be in the child's best interest. The bill authorizes a court to enter an equal parenting order providing that each parent has the right to possession of the child under a schedule specified by the court, provided that the schedule meets certain criteria regarding the number of days of possession each year granted to each parent. The bill requires a court to provide parents with the opportunity to select by agreement such a schedule for possession, subject to the court's determination that the proposed schedule is in the child's best interest, and authorizes the court to order possession under any such schedule if the parents do not agree. The bill authorizes a court that determines that an equal parenting order is not in the child's best interest to enter a standard possession order or another order regarding possession that the court determines is in the child's best interest. The bill establishes that its enactment 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 bill's effective date.

EFFECTIVE DATE

September 1, 2019.