

**SUBJECT:** Expanding child possession time for noncustodial parents

**COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment

**VOTE:** 6 ayes — Staples, J. Jones, McClendon, McReynolds, Naishtat, Williams  
0 nays  
3 absent — Goodman, A. Reyna, Smith

**WITNESSES:** For — David Shelton, Texas Fathers Alliance; Roy Getting, Tarrant County Fathers for Equal Rights; James H. Fryar III, Texas Fathers for Equal Rights; Robert L. (Bob) Green, Jr., Primary Nurturing Fathers of Texas and Texas Fathers Alliance; Ron Forster, Fathers Hotline; Eric Anderson, Children's Rights Coalition; James Huffines; Louis DeCuir; Robert Raesz; Joseph Stinson  
Against — None

**BACKGROUND :** In many cases involving child custody, courts appoint one parent as the sole managing conservator of the child and the other parent as the possessory conservator. The sole managing conservator has the right to establish the primary residence of the child. The Family Code provides a standard possession order that sets out the possessory conservator's rights to have possession of the child at certain times. A possessory conservator who resides 100 miles or less from the primary residence of the child has the right to possession on vacations and specific holidays, certain weekends, and on Wednesdays of each week during the regular school term from 6 p.m. to 8 p.m. Possessory conservators may elect to begin weekend and Wednesday possession periods at the time school is regularly dismissed.  
Possessory conservators are commonly referred to as noncustodial parents.

**DIGEST:** HB 3012 would amend the standard possession order for possessory conservators who live within 100 miles of their child to allow them to elect to take possession of the child from the time the child's school is regularly dismissed on Wednesdays until the time it resumes.

The bill would take effect September 1, 1997, and would apply only to a possession order rendered on or after that date.

**SUPPORTERS  
SAY:**

HB 3012 would promote stronger relationships between noncustodial parents and their children and allow children substantial interaction with both parents. Currently, it is difficult for noncustodial parents to play an active role in many aspects of their child's life because they do not have overnight access during the week. In its current two-hour form, Wednesday visitation barely allows a noncustodial parent the time to take a child out for a fast-food dinner. Overnight access on Wednesday nights would allow the noncustodial parent to have meaningful involvement in the child's regular weekly routine, including school. For example, the noncustodial parent would have greater opportunities to interact with the child's teachers, help the child with homework, and attend Wednesday after-school activities.

The bill would also help minimize conflict between parents by allowing pick-up and drop-off of the child at school. This would be less stressful for many children whose parents have an antagonistic relationship.

HB 3012 would also benefit custodial parents who would get a full free evening during the week without the necessity of a babysitter.

**OPPONENTS  
SAY:**

The standard possession order provides for sufficient interaction between noncustodial parents and children and should be maintained in its present form. Moving a child back and forth between different homes during the school week would be too disruptive to the child's regular schedule.

There is nothing to stop a motivated noncustodial parent from meeting with a child's teachers or attending after-school activities such as sports events; overnight access to the child on Wednesdays is not necessary to facilitate such activities.

If custodial parents need a free evening during the week, they can always make an agreement with the noncustodial parent regarding that one evening; it certainly is not necessary to permanently change the standard possession order for that purpose.