

BILL ANALYSIS

Senate Research Center

H.B. 3012
By: McReynolds (Harris)
Jurisprudence
5-13-97
Committee Report (Amended)

DIGEST

Currently, under Section 153.312(a) of the Family Code, a noncustodial parent, or "possessory conservator," who resides 100 miles or less from the primary residence of the child is entitled to possession of the child on weekends, beginning at 6 p.m. the first, third, and fifth Friday of each month, and ending at 6 p.m. on the following Sunday. However, the conservator may elect for possession to begin at the time school is dismissed on Friday, and end at the time school resumes on Monday. The possessory conservator is also entitled to possession each Wednesday from 6 p.m. until 8 p.m., or if the parent elects, beginning at the time the child's school is regularly dismissed and ending at 8 p.m. There is presently no provision analogous to Section 153.316 of the Family Code, which allows possession to continue until school begins on Thursday. H.B. 3012 changes the standard possession order to allow possession of the child to extend from Wednesday at the time school is dismissed until school resumes on Thursday, unless the court finds that visitation is not in the child's best interest, in an effort to allow noncustodial parents to play more active roles in all aspects of their children's lives.

PURPOSE

As proposed, H.B. 3012 sets forth provisions regarding standard possession orders in suits affecting the parent-child relationship.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 153.312(a), Family Code, to require a possessory conservator who resides 100 miles or less from the primary residence of the child to have the right to possession of the child on Wednesdays of each week during the regular school term, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes, under certain conditions, unless the court finds that visitation under this subdivision is not in the best interest of the child. Deletes existing text making possession of the child end at 8 p.m.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 1, line 24, insert "unless the court finds that visitation under this subdivision is not in the best interest of the child" between "resumes" and "[at 8 p.m.]".