

BILL ANALYSIS

Senate Research Center
76R10273 MCK-D

C.S.S.B. 1738
By: Harris
Jurisprudence
3/31/1999
Committee Report (Substituted)

DIGEST

Currently, the Family Code sets forth time requirements for a possessory conservator to possess a child. The requirements specify when the child may be picked up and returned to the custodial parent. Alternative possession times outlined in the code allow the possession of the child to start and end with the school day, but do not address possession situations for children not enrolled in school. In addition, spring vacation, summer vacation, and other school breaks are addressed in statute for the purpose of possession, but Easter is not addressed. C.S.S.B. 1738 would include Easter as a recognized time of possession.

PURPOSE

As proposed, C.S.S.B. 1738 sets forth certain requirements for parents regarding possession orders.

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, Family Code, to require a possessory conservator the right to possession of a child ending at an alternative time provided by Section 153.317, rather than beginning at the time the child's school is regularly dismissed and ending at 6 p.m. on the following Sunday, provided that the court at the time of the original order, awards Thursday instead of Wednesday. Establishes that certain provisions govern possession of the child for vacations and certain holidays and supersede conflicting weekend or Wednesday or Thursday periods of possession. Requires the possessory conservator, during vacations and certain holidays during odd-numbered years, and the managing conservator during even-numbered years, to have possession of the child beginning at 6 p.m. on the day the child is dismissed from school for the school's Easter vacation and ending at 6 p.m. on the day before school resumes after that vacation, if the school has an Easter vacation and the vacation occurs at a time different than Subdivisions (1). Makes conforming changes.

SECTION 2. Amends Section 153.313, Family Code, to make conforming changes.

SECTION 3. Amends Section 153.315(b), Family Code, to authorize the possessory conservator, during periods of possession extended by a holiday, to have possession of the child beginning at the time the child's school is regularly dismissed and ending at the time the school regularly resumes after that holiday.

SECTION 4. Amends Section 153.317, Family Code, to delete provisions regarding a child enrolled in a school in a requirement that a standard order include periods of possession. Makes conforming changes.

SECTION 5. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 153.312, Family Code, by amending Subsection (a), to include Wednesday as a time to begin and end possession of a child for Easter week, provided that the court award possession on the Wednesday. Makes nonsubstantive changes.

SECTION 2.

Amends Section 153.313, Family Code, to delete repetitive information.

SECTION 4.

Amends Section 153.317, Family Code, to delete provisions regarding a child enrolled in a school. Makes conforming changes.

SECTION 5.

Makes application of this Act prospective.