

BILL ANALYSIS

Senate Research Center
87R8686 MLH-F

S.B. 1936
By: Hughes
State Affairs
4/2/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1936 amends current law relating to the beginning and ending possession times in certain standard possession orders in a suit affecting the parent-child relationship.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 153, Family Code, by adding Section 153.3171, as follows:

Sec. 153.3171. BEGINNING AND ENDING POSSESSION TIMES FOR PARENTS WHO RESIDE 50 MILES OR LESS APART. (a) Requires the court, except as provided by Subsection (b), if the possessory conservator resides not more than 50 miles from the primary residence of the child, to alter the standard possession order under Sections 153.312 (Parents Who Reside 100 Miles or Less Apart), 153.314 (Holiday Possession Unaffected by Distance Parents Reside Apart), and 153.315 (Weekend Possession Extended by Holiday) to provide that the conservator has the right to possession of the child as if the conservator had made the elections for alternative beginning and ending possession times under certain subsections.

(b) Authorizes a possessory conservator to decline any of the alternative beginning and ending possession times under Subsection (a) in a written document filed with the court or through an oral statement made in open court on the record.

SECTION 2. Provides that the enactment of this Act 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 effective date of this Act.

SECTION 3. Provides that the change in law made by this Act applies to a suit affecting the parent-child relationship that is pending in a trial court on the effective date of this Act or that is filed on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2021.