

BILL ANALYSIS

Senate Research Center

S.B. 1738
By: Harris
Jurisprudence
3/26/1999
As Filed

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. S.B. 1738 would include Easter as a recognized time of possession.

PURPOSE

As proposed, 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 a possession of a child ending at an alternative time authorized 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. 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. 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. Effective date: September 1, 1999.

SECTION 5. Emergency clause.