

BILL ANALYSIS

Senate Research Center
80R19025 KKA-D

C.S.H.B. 1864
By: Gonzales (Hinojosa)
Jurisprudence
5/18/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a standard possession order in Texas allows a possessory conservator visitation on the first, third, and fifth weekend of each month. Additionally, the possessory conservator is permitted a 30-day visitation period during the summer. However, the Family Code does not explicitly state that the weekend visitation resumes once the 30-day visitation period is over.

C.S.H.B. 1864 amends the Family Code to clarify the intent of a standard possession order and to allow for visitation on the first, third, and fifth weekend of each month to resume upon completion of the 30-day visitation period. The bill also addresses the issue of possession of the child at Christmas.

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 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 certain weekends throughout the year. Provides the exception that, at the possessory conservator's election made before or at the time of the rendition of the original or modification order, the weekend periods of possession specified by this subdivision that occur during the regular school term are required to begin and end at a certain time.

SECTION 2. Amends Section 153.314, Family Code, to update references to December 26 to refer to December 28 and to entitle, among the rights of possession of the child of the possessory conservator and the managing conservator, the parent not otherwise entitled under this standard order to present possession of a child on December 25 to have possession of the child for a two-hour period selected by that parent on December 24 or December 25, provided that the parent picks up the child from the residence of the conservator entitled to possession and returns the child to that same place.

SECTION 3. Makes application of the change in law made by this Act to Section 153.314, Family Code, prospective.

SECTION 4. Effective date: upon passage or September 1, 2007.