

SUBJECT: Earlier notification deadlines for divorced parents' summer custody

COMMITTEE: Juvenile Justice and Family Issues — committee substitute recommended

VOTE: 8 ayes — Goodman, Pickett, P. King, Morrison, Naishtat, A. Reyna, E. Reyna, Truitt

0 nays

1 absent — Isett

WITNESSES: For — Stewart Gagnon

Against — R.L. Green

DIGEST: CSHB 32 would move up notification deadlines for divorced parents' summer visitation with a child. The bill would change three separate notification deadlines.

! By March 15, instead of by May 1 as in current law, the parent with visitation rights (the possessory conservator) would have to give written notice to the custodial parent (the managing conservator) specifying the visiting parent's 30-day block of summer visitation time with a child.

! By April 15, instead of by June 1, the custodial parent would have to give written notice to the parent with visitation rights specifying the custodial parent's weekend with a child within the visiting parent's 30 days of scheduled summer vacation time.

! By April 1, instead of by May 15, the custodial parent would have to give written notice to the parent with visitation rights that one otherwise scheduled weekend with the child would not take place. After April 2, instead of after May 16, the custodial parent could reserve this weekend by giving written notice 14 days before that weekend. As in current law, this designated weekend could not fall within the visiting parent's 30-day summer time or on Father's Day weekend, if the visiting parent is the father. CSHB 32 would apply to divorced parents who have sole custody, joint custody, or visitation rights.

CSHB 32 would take effect on September 1, 1999, and would apply to standard possession orders entered on or after that date. The bill could be grounds for modification of existing possession orders.

**SUPPORTERS
SAY:**

Many organized summer activities require preregistration or enrollment before May 1. Custodial parents often find it hard to schedule vacation time with a child or to register the child for summer activities because the visiting parent is not required to set his or her 30-day summer visitation time with the child until May 1. CSHB 32 would give custodial parents earlier notice so they could plan around the visiting parents' 30 days. An advisory committee appointed by the Texas Supreme Court to review the Family Code recommended this change.

CSHB 32 also would benefit parents with visitation rights because they would know earlier when their extended summer visitation time with a child would be interrupted by a weekend with the custodial parent. This bill would help both parents schedule summer day care because deadlines for registration are often set before May 1.

Parents who want the other parent to notify them earlier of summer visitation times can spend thousands of dollars in attorney fees. This bill would give both divorced parents more lead time in planning summer visitation time with their children.

**OPPONENTS
SAY:**

The change in the third notification date would not give the parent with visitation rights more lead time. A custodial parent still would be able to change one regularly scheduled weekend with the visiting parent with only 14 days' written notice. CSHB 32 simply would change the start date for giving 14 days' notice.

NOTES:

The original bill would have changed the notification date only for the parent with visitation rights. The committee substitute would change the notification dates for the custodial parent as well.