

BILL ANALYSIS

Senate Research Center

S.B. 435
By: Harris
Jurisprudence
2-26-97
As Filed

DIGEST

Currently, Texas law requires a possessory conservator to surrender the child to the managing conservator at the residence of the possessory conservator under certain conditions. However, there is a long-standing issue in the area of family law regarding where parents pick up and drop off children under a court order for visitation. This bill will require the possessory conservator to return the child to the managing conservator at the possessory conservator's residence, if at the time of the original court order or a subsequent modification, both had lived in the same county.

PURPOSE

As proposed, S.B. 435 alters standard orders for the possession of a child.

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 Sections 153.316 and 153.317, Family Code, to require the court to order the possessory conservator to surrender the child to the managing conservator at the end of each period of possession at the residence of the possessory conservator if at the time the original order or a modification of an order establishing terms and conditions of possession or access the possessory conservator and the managing conservator lived in the same county. Requires, rather than authorizes, the standard order to expressly provide that the possessory conservator's period of possession is required to begin or end, or both, at a different time expressly set in the standard order within the range of certain alternative times. Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.