

By:

____.B. No.____

A BILL TO BE ENTITLED

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

AN ACT

relating to possession of and access to a child under the age of three years.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 153.254 Family Code, is amended to read as follows:

(a) It is the policy of this state to encourage frequent contact between a child and each party for periods of possession that optimize the development of a close and continuing relationship between each party and child and to develop healthy attachments to both parties if possible.

(b) It is preferable for all children in a family to be together during periods of possession.

(c) The standard possession order is designed to presumptively apply to a child three years of age or older.

(d) The court shall render an order appropriate under the circumstances for possession of a child less than three years of age. In rendering the order, the court shall consider evidence of all relevant factors, including:

(1) the pre-existing parent-child relationship, including the amount and consistency of contact with the child and the child's siblings, if applicable;

1 (2) the present and immediate physical, medical, behavioral,
2 or developmental needs of the child;

3 (3) any physical, medical, behavioral, economic, or social
4 conditions of the parties;

5 (4) the impact and influence of each individual residing in a
6 residence with a party to the suit or having considerable
7 interaction with the child during a party's periods of possession;

8 (5) the present and proposed environments in which possession
9 and access has occurred or is to occur;

10 (6) the presence or absence of siblings during periods of
11 possession;

12 (7) the need of the child for continuity of routine;

13 (8) the location and proximity of the residences of the
14 parties;

15 (9) the need for a graduated possession schedule when there
16 has been minimal or inconsistent contact with the child;

17 (10) the personal availability of parties as caregivers;

18 (11) the ability of the parties to share in the
19 responsibilities, rights and duties of caring for the child; and

20 (12) any other issue consistent with the best interest of the
21 child, taking into consideration the circumstances of the parties.

22 (e) The court may render an order for periods of possession of
23 a child less than three years of age based on the agreement of the

1 parties if the agreement is in the best interest of the child.

2 (f) Section 153.258 applies to an order rendered under this
3 section.

4 SECTION 2. Section 153.254, Family Code, (a)-(d) are repealed.

5 SECTION 3. The changes in law made by this Act to Sections
6 153.254, Family Code, apply only to a suit that is filed on or
7 after the effective date of this Act. Any suit filed before the
8 effective date of this Act is governed by the law in effect on the
9 date the suit is filed, and the former law is continued in effect
10 for that purpose.

11 SECTION 5. This Act takes effect September 1, 2021.