

## **Request for findings – Amendment of Family Code § 153.258**

See Accompanying Bill Analysis for Narrative Explanation.

The proposed legislation has not previously been submitted to the legislature.

The proposed legislation has been submitted to all sections and committees of the State bar of Texas as required by §8.01.06(D) of the Legislative Policy of the State Bar of Texas. If comments are received, I will forward them to the State Bar.

Respectfully submitted,

Family Law Section, State Bar of Texas

By: /s/ Jack W. Marr

Its: Co-Chair Legislative Committee

## REQUEST FOR FINDINGS BILL ANALYSIS

**Summary of the Bill** - The bill promotes clarity by using the defined term “standard possession order” uniformly within the title of Section 153.258 and Section 153.258(a).

**Purpose of the Bill** - The purpose of the bill is to replace a vague term used within the title and body of the statute with the defined term “standard possession order” to eliminate any ambiguity.

**Existing Problem** - Currently, the terms “standard order” and “standard possession order” are used interchangeably. Section 101.029 of the Texas Family Code defines the term “standard possession order.” The term “standard order” is not defined. Departing from the consistent use of “standard possession order” by also using the term “standard order” may be interpreted incorrectly as a purposeful variation in terms that implies an intended variation in meaning. This ambiguity could also potentially impact the written findings required under Section 153.258(a).

**Summary of the Impact of the Bill** - This bill will remove ambiguity and encourage consistent statutory interpretation by attorneys and the judiciary. The bill will also provide clarity regarding the content of written findings required under Section 153.258(a).