

STANDARD POSSESSION ORDER

Texas Family Code, Sections 153.311 through 153.317

Policy. It is the policy of this state to encourage frequent contact between a child and each parent for periods of possession that optimize the development of a close and continuing relationship between each parent and child. It is preferable for all children in a family to be together during periods of possession.

Application of Statutory Guidelines. The guidelines established in the standard possession order are intended to guide the courts in ordering the terms and conditions for possession of a child by a parent named as a possessory conservator or as the minimum possession for a joint managing conservator.

School. The term *school* means the primary or secondary school in which the child is enrolled, or if the child is not enrolled in a primary or secondary school, the public school district in which the child primarily resides.

Child. The term *child* shall refer to the child or children of the parties and shall include the plural form wherever appropriate to the context.

Managing Conservator. The term *managing conservator* shall refer to the sole managing conservator, managing conservator, or a joint managing conservator with the exclusive right to designate the primary residence of the child.

Possessory Conservator. The term *possessory conservator* shall refer to the possessory conservator or a joint managing conservator who does not have the exclusive right to designate the primary residence of the child.

IT IS ORDERED AND DECREED that the parties shall have possession of the child at any and all times mutually agreed to in advance by the parties and, in the absence of mutual agreement, shall have possession of the child under the specified terms set out in this Standard Possession Order.

A. PARENTS WHO RESIDE 100 MILES OR LESS APART

1. If the possessory conservator resides 100 miles or less from the primary residence of the child, the possessory conservator shall have the right to possession of the child as follows:

a) Weekends. On weekends throughout the year beginning at 6:00 o'clock p.m. on the first, third and fifth Friday of each month unless the possessory conservator has elected one of the following options: (CHECK ONE IF ELECTING AN OPTION)

_____ If the child is enrolled in school, the weekend periods of possession specified by this subsection that occur during the regular school term shall begin at the time the child's school is regularly dismissed on the first, third and fifth Friday of each month;

_____ If the child is enrolled in school, the weekend periods of possession specified by this subsection that occur during the regular school term shall begin at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.) on the first, third and fifth Friday of each month;

and ending at 6:00 o'clock p.m. on the following Sunday unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ If the child is enrolled in school, the weekend periods of possession specified by this subsection that occur during the regular school term shall end at the time the child's school resumes after the weekend.

b) Weekend Possession Extended By Holiday. If a weekend period of possession of the possessory conservator coincides with a school holiday during the regular school term, or with a federal, state or local holiday during the summer months in which school is not in session, the weekend possession shall begin at 6:00 o'clock p.m. Thursday for a Friday holiday or school holiday unless the possessory conservator has elected the following option: (CHECK ONE IF ELECTING AN OPTION)

_____ At the time the child's school is regularly dismissed for a Friday holiday or school holiday;

_____ If the child is enrolled in school, at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.) on the day that the child's school is regularly dismissed for a Friday holiday or school holiday;

and ending at 6:00 o'clock p.m. on a Monday holiday or school holiday unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school resumes after a Monday holiday or school holiday.

c) Thursday. On Thursdays of each week during the regular school term beginning at 6:00 o'clock p.m. unless the possessory conservator has elected the following option: (CHECK ONE IF ELECTING AN OPTION)

_____ At the time the child's school is regularly dismissed;

_____ If the child is enrolled in school, at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.);

and ending at 8:00 o'clock p.m. unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ At the time the child's school resumes.

2. The following provisions govern possession of the child for vacations and certain holidays and supersede conflicting weekend or Thursday periods of possession. The possessory conservator and the managing conservator shall have rights of possession of the child as follows:

a) Spring Vacation. The possessory conservator shall have possession of the child in even-numbered years beginning at 6:00 o'clock p.m. on the day the child is dismissed from school for the school's spring vacation unless the possessory conservator has elected one of the following options: (CHECK ONE IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school is regularly dismissed for the school's spring vacation;

_____ If the child is enrolled in school, at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.) on the day the child's school is regularly dismissed for the school's spring vacation;

and ending at 6:00 o'clock p.m. on the day before school resumes after that vacation unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school resumes after that vacation.

The managing conservator shall have possession for the same period in odd-numbered years.

b) Summer

(1) If the possessory conservator gives the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for thirty (30) days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven (7) days before school resumes at the end of the summer vacation, to be exercised in not more than two (2) separate periods of at least seven (7) consecutive days each.

(2) If the possessory conservator does not give the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for thirty (30) consecutive days beginning at 6:00 o'clock p.m. on July 1 and ending at 6:00 o'clock p.m. on July 31.

(3) If the managing conservator gives the possessory conservator written notice by April 15 of each year, the managing conservator shall have possession of the child on any one weekend beginning Friday at 6:00 o'clock p.m. and ending at 6:00 o'clock p.m. on the following Sunday during any one period of possession by the possessory conservator under Subdivisions (b)(1) or (b)(2), provided that the managing conservator picks up the child from the possessory conservator and returns the child to that same place; and

(4) If the managing conservator gives the possessory conservator written notice by April 15 of each year or gives the possessory conservator 14 days' written notice on or after April 16 of each year, the managing conservator may designate one weekend beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven (7) days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by the possessory conservator will not take place, provided that the weekend so designated does not interfere with the possessory conservator's period or periods of extended summer possession or with Father's Day weekend if the possessory conservator is the father of the child.

B. PARENTS WHO RESIDE OVER 100 MILES APART

If the possessory conservator resides more than 100 miles from the residence of the child, the possessory conservator shall have the right to possession of the child as follows:

1) Weekends. On weekends throughout the year beginning at 6:00 o'clock p.m. on the first, third, and fifth Friday of each month unless the possessory conservator has elected one of the following options: (CHECK ONE IF ELECTING AN OPTION)

_____ If the child is enrolled in school, the weekend periods of possession specified by this subsection that occur during the regular school term shall begin at the time the child's school is regularly dismissed on the first, third and fifth Friday of each month;

_____ If the child is enrolled in school, the weekend periods of possession specified by this subsection that occur during the regular school term shall begin at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.) on the first, third and fifth Friday of each month;

and ending at 6:00 o'clock p.m. on the following Sunday unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ If the child is enrolled in school, the weekend periods of possession specified by this subsection that occur during the regular school term shall end at the time the child's school resumes after the weekend.

2) Alternative Weekend Possession. In lieu of the foregoing, the possessory conservator shall have the right to possession of the child not more than one weekend per month of the possessory conservator's choice beginning at 6:00 o'clock p.m. on the day school recesses for the weekend unless the possessory conservator has elected one of the following options: (CHECK ONE IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school is regularly dismissed for the weekend;

_____ If the child is enrolled in school, at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.) on the day the child's school recesses for the weekend;

and ending at 6:00 o'clock p.m. on the day before school resumes after the weekend unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school resumes after the weekend.

The possessory conservator may elect an option for this alternative period of possession by giving written notice to the managing conservator within ninety (90) days after the parties begin to reside more than 100 miles apart. If the possessory conservator makes this election, the possessory conservator shall give the managing conservator fourteen (14) days' written or telephonic notice preceding a designated weekend.

3) Weekend Possession Extended By Holiday. If a weekend period of possession of the possessory conservator coincides with a school holiday during the regular school term, or with a federal, state or local holiday during the summer months in which school is not in session, the weekend possession shall begin at 6:00 o'clock p.m. Thursday for a Friday holiday or school holiday unless the possessory conservator has elected one of the following options: (CHECK ONE IF ELECTING AN OPTION)

_____ At the time the child's school is regularly dismissed for a Friday holiday or school holiday;

_____ If the child is enrolled in school, at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.) on the day that the child's school is regularly dismissed for a Friday holiday or school holiday;

and ending at 6:00 o'clock p.m. on a Monday holiday or school holiday unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school resumes after a Monday holiday or school holiday.

4) Spring Vacation. Each year beginning at 6:00 o'clock p.m. on the day the child is dismissed from school for the school's spring vacation unless the possessory conservator has elected one of the following options: (CHECK ONE IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school is regularly dismissed for the school's spring vacation;

_____ If the child is enrolled in school, at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.) on the day the child's school is regularly dismissed for the school's spring vacation;

and ending at 6:00 o'clock p.m. on the day before school resumes after that vacation unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school resumes after that vacation.

5) Summer

(a) If the possessory conservator gives the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 42 days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven (7) days before school resumes at the end of the summer vacation, to be exercised in not more than two (2) separate periods of at least seven (7) consecutive days each.

(b) If the possessory conservator does not give the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 42 consecutive days beginning at 6:00 o'clock p.m. on June 15 and ending at 6:00 o'clock p.m. on July 27.

(c) If the managing conservator gives the possessory conservator written notice by April 15 of each year, the managing conservator shall have possession of the child on any one weekend beginning Friday at 6:00 o'clock p.m. and ending at 6:00 o'clock p.m. on the following Sunday during any one period of possession by the possessory conservator under Subdivisions (5)(a) or (5)(b), provided that if a period of possession by the possessory conservator exceeds thirty (30) days, the managing conservator may have possession of the child under the terms of this subdivision on any two (2) nonconsecutive weekends during that time period, and further provided that the managing conservator picks up the child from the possessory conservator and returns the child to that same place; and

(d) If the managing conservator gives the possessory conservator written notice by April 15 of each year, the managing conservator may designate 21 days beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending not later than seven (7) days before school resumes at the end of the summer vacation, to be exercised in not more than two (2) separate periods of at least seven (7) consecutive days each, during which the possessory conservator may not have possession of the child, provided that the period or periods so designated do not interfere with the possessory conservator's period or periods of extended summer possession or with Father's Day weekend if the possessory conservator is the father of the child.

C. HOLIDAY POSSESSION

The following provisions govern possession of the child for certain specific holidays and supersede conflicting weekend or Thursday periods of possession without regard to the distance the parents reside apart. The possessory conservator and managing conservator shall have rights of possession of the child as follows:

1) Christmas

(a) The possessory conservator shall have possession of the child in even-numbered years beginning at 6:00 o'clock p.m. on the day the child is dismissed from school for the Christmas school vacation unless the possessory conservator has elected one of the following options: (CHECK ONE IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school is regularly dismissed for the Christmas vacation;

_____ If the child is enrolled in school, at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.) on the day the child's school is regularly dismissed for the Christmas vacation;

and ending at noon on December 28. The managing conservator shall have possession for the same period in odd-numbered years.

(b) The possessory conservator shall have possession of the child in odd-numbered years beginning at noon on December 28 and ending at 6:00 o'clock p.m. on the day before school resumes after that vacation unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school resumes after the Christmas vacation.

The managing conservator shall have possession for the same period in even-numbered years.

2) Thanksgiving. The possessory conservator shall have possession of the child in odd-numbered years beginning at 6:00 o'clock p.m. on the day the child is dismissed from school before Thanksgiving unless the possessory conservator has elected one of the following options: (CHECK ONE IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school is regularly dismissed for the Thanksgiving vacation;

_____ If the child is enrolled in school, at _____ o'clock _____.m. (specify time elected between the time the child's school is regularly dismissed and 6:00 o'clock p.m.) on the day the child's school is regularly dismissed for the Thanksgiving vacation;

and ending at 6:00 o'clock p.m. on the following Sunday unless the possessory conservator has elected the following option: (CHECK IF ELECTING AN OPTION)

_____ If the child is enrolled in school, at the time the child's school resumes after that vacation.

The managing conservator shall have possession for the same period in even-numbered years.

3) Child's Birthday. The parent not otherwise entitled under this standard order to present possession of a child on the child's birthday shall have possession of the child beginning at 6:00 o'clock p.m. and ending at 8:00 o'clock p.m. on that day, provided that said parent picks up the child from the residence of the conservator entitled to possession and returns the child to that same place.

4) Father's Day Weekend. If a conservator, the father shall have possession of the child beginning at 6:00 o'clock p.m. on the Friday preceding Father's Day and ending on Father's Day at 6:00 o'clock p.m., provided that, if he is not otherwise entitled under this standard order to present possession of the child, he picks up the child from the residence of the conservator entitled to possession and returns the child to that same place.

5) Mother's Day Weekend. If a conservator, the mother shall have possession of the child beginning at 6:00 o'clock p.m. on the Friday preceding Mother's Day and ending on Mother's Day at 6:00 o'clock p.m., provided that, if she is not otherwise entitled under this standard order to present possession of the child, she picks up the child from the residence of the conservator entitled to possession and returns the child to that same place.

D. GENERAL TERMS AND CONDITIONS

Without regard to the distance between the residence of the parent and the child:

1) The managing conservator shall surrender the child to the possessory conservator at the beginning of each period of the possessory conservator's possession at the residence of the managing conservator.

2) If the possessory conservator elects to begin a period of possession at the time the child's school is regularly dismissed, the managing conservator shall surrender the child to the possessory conservator at the beginning of each such period of possession at the school in which the child is enrolled.

3) The possessory conservator shall: (CHECK ONE)

_____ Surrender the child to the managing conservator at the end of each period of possession at the residence of the possessory conservator.

_____ Return the child to the residence of the managing conservator at the end of each period of possession. The possessory conservator shall surrender the child to the managing conservator at the end of each period of possession at the residence of the possessory conservator if (1) at the time of rendition of this order, the possessory conservator and the managing conservator lived in the same county, the possessory conservator's county of residence remains the same after the rendition of this order, and the managing conservator's county of residence changes, effective on the date of the change of domicile by the managing conservator, or (2) the possessory conservator and managing conservator lived in the same residence at any time during a six-month period preceding the date on which a suit for dissolution of the marriage was filed and the possessory conservator's county of residence remains the same and the managing conservator's county of residence changes after they no longer live in the same residence, effective on the date the order is rendered.

4) If the possessory conservator elects to end a period of possession at the time the child's school resumes, the possessory conservator shall surrender the child to the managing conservator at the end of each such period of possession at the school in which the child is enrolled.

5) Each conservator shall return with the child the personal effects that the child brought at the beginning of the period of possession.

6) Either parent may designate any competent adult to pick up and return the child, as applicable. A parent or a designated competent adult shall be present when the child is picked up or returned.

7) A parent shall give notice to the person in possession of the child on each occasion that the parent will be unable to exercise that parent's right of possession for any specified period. **Repeated failure of a parent to give notice of an inability to exercise possessory rights may be considered as a factor in a modification of those possessory rights.**

8) Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due.

9) If a conservator's time of possession of a child ends at the time school resumes and for any reason the child is not or will not be returned to school, the conservator in possession of the child shall immediately notify the school and the other conservator that the child will not be or has not been returned to school.