

Possession and Access

It is the policy of this state to encourage frequent and continuing contact between a child and each parent who has shown the ability to act in the best interest of the child; to provide a safe, stable, and nonviolent environment for the child; and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage.

The Court finds that the following provisions of this Standard Possession Order are intended to and do comply with the requirements of Texas Family Code Chapter 153, Subchapter F. In this Visitation Order the term “child” includes each child who is a subject of this suit, whether one or more. In this Visitation Order “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.

IT IS ORDERED and DECREED that PRIMARY CUSTODIAN and POSSESSORY CUSTODIAN shall each comply with all the terms and conditions of this Visitation Order. IT IS ORDERED and DECREED that this Visitation Order is effective immediately and applies to all periods of possession occurring on and after the signing of this Visitation Order. The possession and access ordered herein applies to each child the subject of this suit while that child is under the age of 18 years and not otherwise emancipated.

IT IS ORDERED AND DECREED that PRIMARY CUSTODIAN shall have possession of the child at all times not specifically awarded in this decree to POSSESSORY CUSTODIAN or otherwise mutually agreed by the parties. IT IS ORDERED AND DECREED that POSSESSORY CUSTODIAN 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, then under the specified terms set out in this possession order.

A. PARENTS WHO RESIDE 100 MILES OR LESS APART

(a) If POSSESSORY CUSTODIAN resides 100 miles or less from the primary residence of the child, POSSESSORY CUSTODIAN shall have the right to possession of the child as follows:

(1) Weekends. On weekends beginning at 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.

- (2) Weekend Possession Extended By Holiday. If a weekend period of possession of POSSESSORY CUSTODIAN 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, and ending at 6:00 o'clock p.m. on a Monday holiday or school holiday;
- (3) Thursday. On Thursday of each week during the regular school term, beginning at 6:00 o'clock p.m., and ending at 8:00 o'clock p.m.

(b) The following provisions govern possession of the child for vacations and certain holidays and supersede conflicting weekend or Thursday periods of possession. POSSESSORY CUSTODIAN and PRIMARY CUSTODIAN shall have rights of possession of the child as follows:

- (1) Spring Vacation. POSSESSORY CUSTODIAN 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 and ending at 6:00 o'clock p.m. on the day before school resumes after that vacation.

PRIMARY CUSTODIAN shall have possession for the same period in odd-numbered years.

- (2) Summer.

(A) If POSSESSORY CUSTODIAN gives PRIMARY CUSTODIAN written notice by April 1 of each year specifying an extended period or periods of summer possession, POSSESSORY CUSTODIAN 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.

(B) If POSSESSORY CUSTODIAN does not give PRIMARY CUSTODIAN written notice by April 1 of each year specifying an extended period or periods of summer possession, POSSESSORY CUSTODIAN 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.

(C) If PRIMARY CUSTODIAN gives POSSESSORY CUSTODIAN written notice by April 15 of each year, PRIMARY CUSTODIAN 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 POSSESSORY CUSTODIAN under Subdivisions (2)(A) or (2)(B), provided that PRIMARY CUSTODIAN picks up the child from POSSESSORY CUSTODIAN and returns the child to that same place.

(D) If PRIMARY CUSTODIAN gives POSSESSORY CUSTODIAN written notice by April 15 of each year or gives POSSESSORY CUSTODIAN 14 days' written notice on or after April 16 of each year, PRIMARY CUSTODIAN 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 POSSESSORY CUSTODIAN will not take place, provided that the weekend so designated does not interfere with POSSESSORY CUSTODIAN's period or periods of extended summer possession **[if POSSESSORY CUSTODIAN is the father of the child add]** or with Father's Day weekend.

B. PARENTS WHO RESIDE OVER 100 MILES APART

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

(a) Weekends. On weekends beginning at 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.

(b) Alternative Weekend Possession. In lieu of the foregoing, POSSESSORY CUSTODIAN shall have the right to possession of the child not more than one weekend per month of POSSESSORY CUSTODIAN's choice beginning at 6:00 o'clock p.m. on the day school recesses for the weekend and ending at 6:00 o'clock p.m. on the day before school resumes after the weekend. POSSESSORY CUSTODIAN may elect an option for this alternative period of possession by giving written notice to PRIMARY CUSTODIAN within ninety (90) days after the parties begin to reside more than 100 miles apart. If POSSESSORY CUSTODIAN makes this election, POSSESSORY CUSTODIAN shall give PRIMARY CUSTODIAN fourteen (14) days' written or telephonic notice preceding a designated weekend.

(c) Weekend Possession Extended By Holiday. If a weekend period of possession of POSSESSORY CUSTODIAN 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 and ending at 6:00 o'clock p.m. on a Monday holiday or school holiday.

(d) 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 and ending at 6:00 o'clock p.m. on the day before school resumes after that vacation.

- (e) Summer.
- (1) If POSSESSORY CUSTODIAN gives PRIMARY CUSTODIAN written notice by April 1 of each year specifying an extended period or periods of summer possession, POSSESSORY CUSTODIAN 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.
 - (2) If POSSESSORY CUSTODIAN does not give PRIMARY CUSTODIAN written notice by April 1 of each year specifying an extended period or periods of summer possession, POSSESSORY CUSTODIAN 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.
 - (3) If PRIMARY CUSTODIAN gives POSSESSORY CUSTODIAN written notice by April 15 of each year, PRIMARY CUSTODIAN 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 POSSESSORY CUSTODIAN under Subdivisions (e)(1) or (e)(2) provided that if a period of possession by POSSESSORY CUSTODIAN exceeds thirty (30) days, PRIMARY CUSTODIAN 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 PRIMARY CUSTODIAN picks up the child from POSSESSORY CUSTODIAN and returns the child to that same place.
 - (4) If PRIMARY CUSTODIAN gives POSSESSORY CUSTODIAN written notice by April 15 of each year, PRIMARY CUSTODIAN 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 POSSESSORY CUSTODIAN may not have possession of the child, provided that the period or periods so designated do not interfere with POSSESSORY CUSTODIAN's period or periods of extended summer possession **[if POSSESSORY CUSTODIAN is the father of the child add]** or with Father's Day weekend.

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. POSSESSORY CUSTODIAN and PRIMARY CUSTODIAN shall have rights of possession of the child as follows:

(a) Christmas.

(1) POSSESSORY CUSTODIAN 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 and ending at noon on December 26. PRIMARY CUSTODIAN shall have possession for the same period in odd-numbered years.

(2) POSSESSORY CUSTODIAN shall have possession of the child in odd-numbered years beginning at noon on December 26 and ending at 6:00 o'clock p.m. on the day before school resumes after that vacation. PRIMARY CUSTODIAN shall have possession for the same period in even-numbered years.

(b) Thanksgiving. POSSESSORY CUSTODIAN 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 for the Thanksgiving holiday and ending at 6:00 o'clock p.m. on the Sunday following Thanksgiving. PRIMARY CUSTODIAN shall have possession for the same period in even-numbered years.

(c) 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.

(d) Father's Day Weekend. _____ 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.

(e) Mother's Day Weekend. _____ 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:

(a) PRIMARY CUSTODIAN shall surrender the child to POSSESSORY CUSTODIAN at the beginning of each period of POSSESSORY CUSTODIAN's possession at the residence of PRIMARY CUSTODIAN.

(b) POSSESSORY CUSTODIAN shall:

Surrender the child to PRIMARY CUSTODIAN at the end of each period of possession at the residence of POSSESSORY CUSTODIAN.

Return the child to the residence of PRIMARY CUSTODIAN at the end of each period of possession. POSSESSORY CUSTODIAN shall surrender the child to PRIMARY CUSTODIAN at the end of each period of possession at the residence of POSSESSORY CUSTODIAN if POSSESSORY CUSTODIAN's county of residence remains the same after the rendition of this order, and PRIMARY CUSTODIAN's county of residence changes, effective on the date of the change of domicile by PRIMARY CUSTODIAN. POSSESSORY CUSTODIAN and PRIMARY CUSTODIAN 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 POSSESSORY CUSTODIAN's county of residence remains the same and PRIMARY CUSTODIAN's county of residence changes after they no longer live in the same residence, effective on the date the order is rendered.

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

(d) 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.

(e) A conservator shall give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator'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.

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

This concludes the visitation order.