

Temporary Standard Possession Order

The Court ORDERS each conservator to comply with all terms and conditions of this Standard Possession Order. The Court ORDERS that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs the Order to which the Standard Possession Order is attached.

1. Designation of Conservators

The Court ORDERS that in this Standard Possession Order the conservators are designated as Petitioner and Respondent.

“Petitioner” is (name): _____
Print the name of the person with the right to designate the child(ren)’s primary residence.

“Respondent” is (name): _____
Print the name of the other conservator who has a Standard Possession Schedule.

2. Mutual Agreement

The Court ORDERS that Petitioner and Respondent shall have possession of the child(ren) at any and all times mutually agreed to in advance by Petitioner and Respondent.

In the absence of mutual agreement, the Court ORDERS that Petitioner and Respondent shall have possession of the child(ren) according to the schedules set out in this Standard Possession Order.

3. Definitions

“**School**” means the elementary or secondary school in which the child is enrolled. If the child is not enrolled in an elementary or secondary school, “school” means the public school district in which the child primarily resides.

“**Child**” or “**Child(ren)**” includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

4. Undesignated Times

The Court ORDERS that Petitioner shall have the right to possession of the child(ren) at all times not specifically designated in this Standard Possession Order for Respondent, and not specifically designated in the Temporary Conservatorship Order to the other Respondent.

Notice to Peace Officer

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER’S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER’S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER’S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

5. Respondent's Local Schedule

Except as otherwise expressly provided in this Standard Possession Order, when Respondent lives 100 miles or less from the primary residence of the child(ren), Respondent shall have the right to possession of the child(ren) as follows:

- (a) **Weekends** – Respondent shall have the right to possession of the child(ren) on the 1st, 3rd and 5th weekends of each month.

If the weekend occurs during the regular school term, it shall:

begin on the 1st, 3rd and 5th Friday of each month at:

(Check one box.)

- 6 p.m.
 the time the child's school is regularly dismissed

and **end** at: (Check one box.)

- 6 p.m. the following Sunday.
 the time the child's school resumes after the weekend.

If the weekend does not occur during the regular school term, it shall begin on the 1st, 3rd and 5th Friday of each month at 6 p.m. and end at 6 p.m. the following Sunday.

- (b) **Weekends Extended by a Holiday**

If Respondent's weekend begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term or begins on a federal, state, or local holiday that falls on a Friday during the summer break, that weekend period of possession shall *begin* on the Thursday before the holiday or in-service day at: (Check one box.)

- 6 p.m.
 the time the child's school is regularly dismissed.

If Respondent's weekend ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term or ends on a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall *end* at 6 p.m. on that Monday.

- (c) **Thursdays** – Respondent shall have the right to possession of the child(ren) each Thursday during the regular school term:

beginning at: (Check one box.)

- 6 p.m.
 the time the child's school is regularly dismissed.

and ending at: (Check one box.)

- 8 p.m.
 the time the child's school resumes on Friday.

- (d) **Spring Vacation** – Respondent shall have the right to possession of the child(ren) during Spring vacation in even-numbered years:

beginning on the day the child is dismissed from school for Spring Vacation at:

(Check one box.)

- 6 p.m.
 the time the child(ren)'s school is regularly dismissed.

and ending at 6 p.m. the day before school resumes after that vacation.

- (e) **Extended Summer Possession With Written Notice by April 1** – If Respondent gives Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child(ren) for 30 days beginning no earlier than the day after the child's school is dismissed for the summer

vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year. The extended summer possession must be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. The extended summer possession must not interfere with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.

- (f) Extended Summer Possession Without Written Notice by April 1** – If Respondent does not give Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child for 30 consecutive days in that year beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31.

6. Respondent's Long-Distance Schedule

Except as otherwise expressly stated in this Standard Possession Order, when Respondent lives over 100 miles from the primary residence of the child(ren), Respondent shall have the right to possession of the child(ren) as follows:

- (a) Weekends** – Unless Respondent elects the "Alternative Weekend Possession" below, Respondent shall have the right to possession of the child(ren) on the 1st, 3rd and 5th weekends of each month.

If the weekend occurs during the regular school term, it shall:

begin on the 1st, 3rd and 5th Friday of each month at:

(Check one box.)

- 6 p.m.
 the time the child's school is regularly dismissed

and end at: (Check one box.)

- 6 p.m. the following Sunday.
 the time the child's school resumes after the weekend.

If the weekend does not occur during the regular school term, it shall begin on the 1st, 3rd and 5th Friday of each month at 6 p.m. and end at 6 p.m. the following Sunday.

(Check box below if Respondent is choosing the Alternative Weekend Possession now.)

- Alternative Weekend Possession** – Instead of the weekend possession described in the previous paragraph, Respondent shall have the right to possession of the child(ren) one weekend per month of Respondent's choice. The weekend shall begin at 6 p.m. on the day school recesses for the weekend and end at 6 p.m. on the day before school resumes after the weekend. Respondent shall give Petitioner 14 days' notice in writing or by telephone before the chosen weekend. The weekend chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Father's or Mother's Day possession below.

Respondent must choose this option now or by giving written notice to Petitioner within 90 days after the conservators begin to reside more than 100 miles apart.

- (b) Weekends Extended by a Holiday**

If Respondent's weekend begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term or begins on a federal, state, or local holiday that falls on a Friday during the summer break, that weekend period of possession shall begin on the Thursday before the holiday or in-service day at: (Check one box.)

- 6 p.m.
- the time the child's school is regularly dismissed.

If Respondent's weekend ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term or ends on a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall **end** at 6 p.m. on that Monday.

- (c) **Spring Vacation** – Respondent shall have the right to possession of the child(ren) during Spring vacation every year beginning at 6 p.m. on the day the child is dismissed from school for Spring Vacation and ending at 6 p.m. on the day before school resumes after that vacation.
- (d) **Extended Summer Possession with Written Notice by April 1** –If Respondent gives Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child(ren) for 42 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year. The extended summer possession must be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. The extended summer possession must not interfere with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.
- (e) **Extended Summer Possession without Written Notice by April 1** – If Respondent does not give Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child(ren) for 42 consecutive days in that year beginning at 6 p.m. on June 15 and ending at 6 p.m. on July 27.

7. Petitioner's Local Schedule

This schedule applies when Respondent lives 100 miles or less from the primary residence of the child(ren).

Notwithstanding Respondent's weekend and Thursday periods of possession, it is expressly ORDERED that Petitioner shall have a superior right to possession of the child(ren) as follows:*

- (a) **Spring Vacation** – Petitioner shall have the right to possession of the child(ren) during Spring vacation in odd-numbered years:

| | | |
|---|--|---|
| beginning on the day the child is dismissed from school for Spring vacation at: (Check one box.) <input type="checkbox"/> 6 p.m. <input type="checkbox"/> the time the child(ren)'s school is regularly dismissed. | | and ending at 6 p.m. the day before school resumes after that vacation. |
|---|--|---|
- (b) **One Weekend During Respondent's Extended Summer Possession** – If Petitioner gives Respondent written notice by April 15 of a year, Petitioner shall have possession of the child(ren) on any 1 weekend beginning at 6 p.m. on Friday and ending at 6 p.m. on the following Sunday during any one period of the extended summer possession by Respondent. Petitioner must pick up the child(ren) from Respondent and returns the child(ren) to that same place. This weekend must not interfere with Father's Day possession.
- (c) **Extended Summer Possession** – If Petitioner gives Respondent written notice by April 15 of a year or gives Respondent 14 days' written notice on or after April 16 of a year, Petitioner may designate one weekend during which an otherwise scheduled weekend period of possession by Respondent shall not take place in that year. The weekend chosen must begin no earlier than the day after the child's school is dismissed for the summer vacation and end

no later than 7 days before school resumes at the end of the summer vacation. The weekend chosen must not interfere with Respondent's periods of extended summer possession or with Father's Day possession.

* Petitioner has the right to possession of the child(ren) at these times even if it conflicts with one or more of Respondent's weekend or Thursday periods of possession.

8. Petitioner's Long-Distance Schedule

This schedule applies when Respondent lives more than 100 miles from the primary residence of the child(ren).

Notwithstanding Respondent's weekend periods of possession, it is expressly ORDERED that Petitioner shall have a superior right to possession of the child(ren) as follows:**

- (a) One Weekend During Respondent's Extended Summer Possession** – If Petitioner gives Respondent written notice by April 15 of a year, Petitioner shall have possession of the child(ren) on any 1 weekend beginning at 6 p.m. on Friday and ending at 6 p.m. on the following Sunday during any 1 period of the extended summer possession by Respondent. Unless a period of possession by Respondent in that year is more than 30 days, then Petitioner may have possession of the child under the terms of this provision on any 2 nonconsecutive weekends during that period. Petitioner must pick up the child from Respondent and returns the child to that same place. The weekend or weekends must not interfere with Father's Day possession.
- (b) Extended Summer Possession** – If Petitioner gives Respondent written notice by April 15 of a year, Petitioner may designate 21 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than 7 days before school resumes at the end of the summer vacation in that year during which Respondent shall not have possession of the child. This extended summer possession must be exercised in no more than 2 separate periods of at least 7 consecutive days each. The period or periods chosen must not interfere with Respondent's periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.

** Petitioner has the right to possession of the child(ren) at these times even if it conflicts with one or more of Respondent's weekend periods of possession.

9. Holidays Unaffected by Distance

Notwithstanding the weekend and Thursday periods of possession of Respondent, Petitioner and Respondent shall have the right to possession of the child(ren) as follows:

- (a) **Christmas Holidays in Even-Numbered Years** – In even-numbered years, Respondent shall have the right to possession of the child:

beginning the day the child is dismissed from school for Christmas school vacation at: (Check one box.)

- 6 p.m.
 the time the child's school is dismissed.

and ending at 12 noon on December 28.

In even-numbered years, Petitioner shall have the right to possession of the child beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that Christmas school vacation.

- (b) **Christmas Holidays in Odd-Numbered Years** – In odd-numbered years, Petitioner shall have the right to possession of the child:

beginning the day the child is dismissed from school for Christmas school vacation at: (Check one box.)

- 6 p.m.
 the time the child's school is dismissed.

and ending at 12 noon on December 28.

In odd-numbered years, Respondent shall have the right to possession of the child beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that Christmas school vacation.

- (c) **Thanksgiving in Odd-Numbered Years** – Respondent shall have the right to possession of the child for the Thanksgiving Holiday in odd-numbered years:

beginning the day the child is dismissed from school for the Thanksgiving holiday at: (Check one box.)

- 6 p.m.
 the time the child's school is dismissed.

and **ending** at 6 p.m. the Sunday following Thanksgiving.

- (d) **Thanksgiving in Even-Numbered Years** – Petitioner shall have the right to possession of the child for the Thanksgiving Holiday in even-numbered years:

beginning the day the child is dismissed from school for the Thanksgiving holiday at: (Check one box.)

- 6 p.m.
 the time the child's school is dismissed.

and **ending** at 6 p.m. the Sunday following Thanksgiving.

- (e) **Child's Birthday** – If a conservator is not otherwise entitled under this Standard Possession Order to possession of a child on the child's birthday, that conservator shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that that conservator picks up the child from the other conservator's residence and returns the child to that same place.

- (f) **Father's Day** – If the Father is a managing conservator, has been granted a Standard Possession Order, or both, Father shall have the right to possession of the child each year, beginning at 6 p.m. on the Friday before Father's Day and ending at: (Check one box.)

- 6 p.m. on Father's Day
 8 a.m. on the Monday after Father's Day

If Father is not already entitled to present possession of the child, he must pick up the child from Mother's residence and return the child to that same place.

(g) Mother's Day – If the Mother is a managing conservator, has been granted a Standard Possession Order, or both, Mother shall have the right to possession of the child each year:

beginning on the Friday before Mother's Day at:
(Check one box.)

- 6 p.m.
- the time the child's school is dismissed.

and ending at: (Check one box.)

- 6 p.m. on Mother's Day
- 8 a.m. on the Monday after Mother's Day

If Mother is not already entitled to present possession of the child, she must pick up the child from Father's residence and return the child to that same place.

10. General Terms and Conditions

Except as otherwise expressly provided in this standard Possession Order, the following terms and conditions apply regardless of the distance between the residence of a Petitioner and the child:

(a) Exchange of Children at Start of Respondent's Possession

If a period of Respondent's possession begins at the time the child's school is regularly dismissed, then Petitioner is ORDERED to surrender the child to Respondent at the school in which the child is enrolled. If the child is not in school, Respondent shall pick up the child at the location designated below at 6 p.m. and Petitioner is ORDERED to surrender the child to Respondent at the location designated below at 6 p.m.

If a period of Respondent's possession begins at another time, the Court ORDERS Petitioner to surrender the child(ren) to Respondent at the beginning of each such period of Respondent's possession at: (Check one.)

- Petitioner's residence.
- the following location: _____

(b) Exchange of Children at End of Respondent's Possession

If a period of Respondent's possession ends at the time the child's school resumes, then Respondent is ORDERED to surrender the child to Petitioner at the school in which the child is enrolled or, if the child is not in school, at the location designated below at 8 a.m.

If a period of Respondent's possession ends at another time, the Court ORDERS Respondent to surrender the child(ren) to Petitioner at the end of each such period Respondent's possession at: (Check one.)

- Respondent's residence.
- Petitioner's residence.
- The following location: _____

However, if Petitioner and Respondent live in the same county when the order is signed and Respondent remains in the county, but the Petitioner moves out of the county, then beginning on the date Petitioner moves, Respondent shall surrender the child to Petitioner at: (Check one.)

- Respondent's residence.
- the location designated above.

(c) Personal Effects - Each conservator is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

- (d) **Designation of Competent Adult** - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.
- (e) **Inability to Exercise Possession** - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion the conservator will be unable to exercise that conservator's right of possession for any specified period.
- (f) **Written Notice** - Written notice, including notice by email or fax is timely made if it is received or, if applicable, postmarked before or at the time that notice is due. Each conservator is ORDERED to notify the other conservator of any change to his or her email address or fax number within 24 hours after the change.
- (g) **Notice to School and Petitioner** - If Respondent's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, Respondent shall immediately notify the school and Petitioner that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.