

SUBCHAPTER F. STANDARD POSSESSION ORDER (Texas Family Code 2017)

**Sec. 153.3101. REFERENCE TO "SCHOOL" IN STANDARD POSSESSION ORDER.** In a standard possession order, "school" means the elementary or secondary school in which the child is enrolled or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides.

**Sec. 153.311. MUTUAL AGREEMENT OR SPECIFIED TERMS FOR POSSESSION.** The court shall specify in a standard possession order that the parties may have possession of the child at 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 the standard possession order.

**Sec. 153.312. PARENTS WHO RESIDE 100 MILES OR LESS APART.** (a) If \_\_\_\_\_ resides 100 miles or less from the primary residence of the child, \_\_\_\_\_ shall have the right to possession of the child as follows:

(1) on weekends throughout the year beginning at 6 p.m. on the first, third, and fifth Friday of each month and ending at 6 p.m. on the following Sunday; and

(2) on Thursdays of each week during the regular school term beginning at 6 p.m. and ending at 8 p.m., unless the court finds that visitation under this subdivision is not in the best interest of the child.

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

(1) \_\_\_\_\_ shall have possession in even-numbered years,

beginning at 6 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation, and \_\_\_\_\_ shall have possession for the same period in odd-numbered years;

(2) if \_\_\_\_\_:

(A) gives \_\_\_\_\_ written notice by April 1 of each year specifying an extended period or periods of summer possession, \_\_\_\_\_ shall have possession of the child for 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 days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6 p.m. on each applicable day; or

(B) does not give \_\_\_\_\_ written notice by April 1 of each year specifying an extended period or periods of summer possession, \_\_\_\_\_ shall have possession of the child for 30 consecutive days beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31;

(3) if \_\_\_\_\_ gives \_\_\_\_\_ written notice by April 15 of each year, \_\_\_\_\_ shall have possession of the child on any one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of possession by \_\_\_\_\_ under Subdivision (2), provided that \_\_\_\_\_ picks up the child from \_\_\_\_\_ and returns the child to that same place; and

(4) if \_\_\_\_\_ gives \_\_\_\_\_ written notice by April 15 of each year or gives \_\_\_\_\_ 14 days' written notice on or after April

16 of each year, \_\_\_\_\_ 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 days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by \_\_\_\_\_ will not take place, provided that the weekend designated does not interfere with \_\_\_\_\_'s period or periods of extended summer possession or with Father's Day if \_\_\_\_\_ is the father of the child.

**Sec. 153.313. PARENTS WHO RESIDE OVER 100 MILES APART.** If

\_\_\_\_\_ resides more than 100 miles from the residence of the child, \_\_\_\_\_ shall have the right to possession of the child as follows:

(1) either regular weekend possession beginning on the first, third, and fifth Friday as provided under the terms applicable to parents who reside 100 miles or less apart or not more than one weekend per month of \_\_\_\_\_'s choice beginning at 6 p.m. on the day school recesses for the weekend and ending at 6 p.m. on the day before school resumes after the weekend, provided that \_\_\_\_\_ gives \_\_\_\_\_ 14 days' written or telephonic notice preceding a designated weekend, and provided that \_\_\_\_\_ elects an option for this alternative period of possession by written notice given to \_\_\_\_\_ within 90 days after the parties begin to reside more than 100 miles apart, as applicable;

(2) each year beginning at 6 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation;

(3) if \_\_\_\_\_:

(A) gives \_\_\_\_\_ written notice by April 1 of each year specifying an extended period or periods of summer possession, \_\_\_\_\_ 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 days before school resumes at the end of the summer vacation, to be exercised in not more than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6 p.m. on each applicable day; or

(B) does not give \_\_\_\_\_ written notice by April 1 of each year specifying an extended period or periods of summer possession, \_\_\_\_\_ shall have possession of the child for 42 consecutive days beginning at 6 p.m. on June 15 and ending at 6 p.m. on July 27;

(4) if \_\_\_\_\_ gives \_\_\_\_\_ written notice by April 15 of each year \_\_\_\_\_ shall have possession of the child on one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of possession by \_\_\_\_\_ under Subdivision (3), provided that if a period of possession by \_\_\_\_\_ exceeds 30 days, \_\_\_\_\_ may have possession of the child under the terms of this subdivision on two nonconsecutive weekends during that time period, and further provided that \_\_\_\_\_ picks up the child from \_\_\_\_\_ and returns the child to that same place; and

(5) if \_\_\_\_\_ gives \_\_\_\_\_ written notice by April 15 of each year, \_\_\_\_\_ 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 days before school resumes at the end of the summer vacation, to be exercised in not more

than two separate periods of at least seven consecutive days each, with each period of possession beginning and ending at 6 p.m. on each applicable day, during which \_\_\_\_\_ may not have possession of the child, provided that the period or periods so designated do not interfere with \_\_\_\_\_'s period or periods of extended summer possession or with Father's Day if \_\_\_\_\_ is the father of the child.

**Sec. 153.314. HOLIDAY POSSESSION UNAFFECTED BY DISTANCE PARENTS RESIDE APART.** 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. \_\_\_\_\_ and \_\_\_\_\_ shall have rights of possession of the child as follows:

(1) \_\_\_\_\_ shall have possession of the child in even-numbered years beginning at 6 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and \_\_\_\_\_ shall have possession for the same period in odd-numbered years;

(2) \_\_\_\_\_ shall have possession of the child in odd-numbered years beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that vacation, and \_\_\_\_\_ shall have possession for the same period in even-numbered years;

(3) \_\_\_\_\_ shall have possession of the child in odd-numbered years, beginning at 6 p.m. on the day the child is dismissed from school before Thanksgiving and ending at 6 p.m. on the following Sunday, and \_\_\_\_\_ shall have possession for the same period in even-numbered years;

(4) the parent not otherwise entitled under this standard possession order to present

possession of a child on the child's birthday shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that the parent picks up the child from the residence of the conservator entitled to possession and returns the child to that same place;

(5) if a conservator, the father shall have possession of the child beginning at 6 p.m. on the Friday preceding Father's Day and ending on Father's Day at 6 p.m., provided that, if he is not otherwise entitled under this standard possession 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; and

(6) if a conservator, the mother shall have possession of the child beginning at 6 p.m. on the Friday preceding Mother's Day and ending on Mother's Day at 6 p.m., provided that, if she is not otherwise entitled under this standard possession 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.

**Sec. 153.315. WEEKEND POSSESSION EXTENDED BY HOLIDAY.** (a) If a weekend period of possession of \_\_\_\_\_ coincides with a student holiday or teacher in-service day that falls on a Monday during the regular school term, as determined by the school in which the child is enrolled, or with a federal, state, or local holiday that falls on a Monday during the summer months in which school is not in session, the weekend possession shall end at 6 p.m. on Monday.

(b) If a weekend period of possession of \_\_\_\_\_ coincides with a student holiday or teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or with a federal, state, or local holiday that falls on a Friday during the summer months in which school is not in session, the weekend

possession shall begin at 6 p.m. on Thursday.

**Sec. 153.316. GENERAL TERMS AND CONDITIONS.** The court shall order the following general terms and conditions of possession of a child to apply without regard to the distance between the residence of a parent and the child:

(1) \_\_\_\_\_ shall surrender the child to \_\_\_\_\_ at the beginning of each period of \_\_\_\_\_'s possession at the residence of \_\_\_\_\_;

(2) if \_\_\_\_\_ elects to begin a period of possession at the time the child's school is regularly dismissed, \_\_\_\_\_ shall surrender the child to \_\_\_\_\_ at the beginning of each period of possession at the school in which the child is enrolled;

(3) \_\_\_\_\_ shall be ordered to do one of the following:

(A) \_\_\_\_\_ shall surrender the child to \_\_\_\_\_ at the end of each period of possession at the residence of \_\_\_\_\_; or

(B) \_\_\_\_\_ shall return the child to the residence of \_\_\_\_\_ at the end of each period of possession, except that the order shall provide that \_\_\_\_\_ shall surrender the child to \_\_\_\_\_ at the end of each period of possession at the residence of \_\_\_\_\_ if:

(i) at the time the original order or a modification of an order establishing terms and conditions of possession or access \_\_\_\_\_ and \_\_\_\_\_ lived in the same county, \_\_\_\_\_'s county of residence remains the same after the rendition of the order, and \_\_\_\_\_'s county

of residence changes, effective on the date of the change of residence by \_\_\_\_\_; or

(ii) \_\_\_\_\_ and \_\_\_\_\_ 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 \_\_\_\_\_'s county of residence remains the same and \_\_\_\_\_'s county of residence changes after they no longer live in the same residence, effective on the date the order is rendered;

(4) if \_\_\_\_\_ elects to end a period of possession at the time the child's school resumes, \_\_\_\_\_ shall surrender the child to \_\_\_\_\_ at the end of each 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 a 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 a specified period;

(8) written notice, including notice provided by electronic mail or facsimile, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due; and

(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.

**Sec. 153.317. ALTERNATIVE BEGINNING AND ENDING POSSESSION TIMES.**

Election Made And Approved By The Court

(a) If elected by a conservator, the court shall alter the standard possession order under Sections 153.312, 153.314, and 153.315 to provide for one or more of the following alternative beginning and ending possession times for the described periods of possession, unless the court finds that the election is not in the best interest of the child:

(1) for weekend periods of possession under Section 153.312(a)(1) during the regular school term:

(A) beginning at the time the child's school is regularly dismissed;

(B) ending at the time the child's school resumes after the weekend; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B);

(2) for Thursday periods of possession under Section 153.312(a)(2):

(A) beginning at the time the child's school is regularly dismissed;

(B) ending at the time the child's school resumes on Friday; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B);

(3) for spring vacation periods of possession under Section 153.312(b)(1), beginning at the time the child's school is dismissed for those vacations;

(4) for Christmas school vacation periods of possession under Section 153.314(1), beginning at the time the child's school is dismissed for the vacation;

(5) for Thanksgiving holiday periods of possession under Section 153.314(3), beginning at the time the child's school is dismissed for the holiday;

(6) for Father's Day periods of possession under Section 153.314(5), ending at 8 a.m. on the Monday after Father's Day weekend;

(7) for Mother's Day periods of possession under Section 153.314(6):

(A) beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day;

(B) ending at the time the child's school resumes after Mother's Day; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B); or

(8) for weekend periods of possession that are extended under Section 153.315(b) by a student holiday or teacher in-service day that falls on a Friday, beginning at the time the child's school is regularly dismissed on Thursday.

(b) A conservator must make an election under Subsection (a) before or at the time of the rendition of a possession order. The election may be made:

(1) in a written document filed with the court; or

(2) through an oral statement made in open court on the record.