

## STANDARD POSSESSION ORDER

### 219th Judicial District Court of Collin County, Texas

#### Definitions.

In this order:

1. "**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.
2. "**Standard Order**" or "**standard possession order**" as used in the 219th Judicial District Court shall mean this order, excluding the shaded or italicized provisions, **unless specifically elected to in writing by an appropriate "X" prior to the signing of the order.**
3. "**Managing conservator**" shall also mean temporary managing conservators and joint managing conservators that have been awarded the exclusive right to designate residency, unless otherwise indicated.
4. "**Possessory conservator**" shall also mean temporary possessory conservators and joint managing conservators that have not been awarded the right to designate residency, unless otherwise indicated.

#### Mutual Agreement or Specified Terms for Possession.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the possessory conservator shall have possession of the child at any and all times that the managing and possessory conservators mutually agree to in advance, and in the absence of mutual agreement, the parties shall have possession of the child under the following specified terms set out in this order.

#### Parents Who Reside 100 Miles or Less Apart.

(a) Except as otherwise explicitly provided, 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:

1. on weekends 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, or

(if at the election of the possessory conservator at the time of the rendition of this order and as reflected by an "X") on weekends beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes; and

2. on Wednesdays of each week during the regular school term beginning at 6 p.m. and ending at 8 p.m., or

(if at the election of the possessory conservator at the time of the rendition of this order and as reflected by an "X") on Wednesdays of each week during the regular school term beginning at the time the child's school is regularly dismissed and ending at 8 p.m.

(b) The following provisions govern possession of the child for vacations and for certain specific holidays and supersede any conflicting weekend or Wednesday periods of possession. The possessory conservator and managing conservator shall have rights of possession of the child as follows:

(1) the possessory conservator 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 school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for the same period in odd-numbered years;

(2) if any possessory conservator:

(A) gives the managing conservator written notice by May 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child 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 prior to school resuming at the end of the summer vacation, to be exercised in no more than two separate periods of at least seven consecutive days each; or

(B) does not give the managing conservator written notice by May 1 of each year specifying an extended period or periods of summer possession, the possessory conservator 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 the managing conservator gives the possessory conservator written notice by June 1 of each year, the managing conservator 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 any one period of possession by the possessory conservator under subdivision (5) of the subsection, provided that the managing conservator picks up the child from the possessory conservator and returns the child to that same place;

(4) if the managing conservator gives the possessory conservator written notice by May 15 of each year or gives the possessory conservator 14 day's written notice on or after May 16 each year, the managing conservator may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days prior to school resuming 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 if the possessory conservator is the father of the child;

#### **Parents Who Reside Over 100 Miles Apart.**

Except as otherwise explicitly provided, 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) (A) either regular weekend possession beginning on the first, third and fifth Friday as provided under the terms of this order applicable to parents who reside 100 miles or less apart, or  
(B) not more than one weekend per month of the possessory conservator'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 the possessory conservator gives the managing conservator 14 days' written or telephonic notice preceding a designated weekend, and provided that the possessory conservator elects this option for alternate period of possession by written notice given to the managing conservator within 90 days after the parties begin to reside more than 100 miles apart, as applicable;
- (2) each year beginning on the day school for the child is dismissed for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation;
- (3) if the possessory conservator:
  - (A) gives the managing conservator written notice by May 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 no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days prior to school resuming at the end of the summer vacation, to be exercised in no more than two separate periods of at least seven consecutive days each; or
  - (B) does not give the managing conservator written notice by May 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 p.m. on June 15 and ending at 6 p.m. on July 27;
- (4) if the managing conservator gives written notice by June 1 of each year, the managing conservator shall have possession of the child on any one weekend beginning at Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during any one period of possession by the possessory conservator under Subdivision (f)(4) of this order, provided that if a period of possession exceeds 30 days, the managing conservator may have possession of the child under the terms of this subdivision on any two 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
- (5) if the managing conservator gives the possessory conservator written notice by June 1 of each year, the managing conservator may designate 21 days beginning no earlier than the day the child's school is dismissed for the summer vacation and ending no later than seven days prior to school resuming at the end of the summer vacation, to be exercised in no more than two separate periods of at least seven consecutive days each, during which the possessory conservator shall not have possession of the child provided that the period or periods so designated do not interfere with the possessory conservators period or periods of extended summer possession or with Father's Day if the possessory conservator is the father of the child.

#### **Vacations and Holidays Unaffected by Distance Parents Reside Apart.**

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

- (1) the possessory conservator 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 26th, and the managing conservator shall have possession for the same period in odd-numbered years;
- (2) the possessory conservator shall have possession of the child in odd-numbered years beginning at noon on December 26th and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for the same period in even-numbered years;
- (3) the possessory conservator 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 the managing conservator shall have possession for the same period in even-numbered years;
- (4) 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 p.m. and ending at 8 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;
- (5) if a conservator, the father shall have possession of the child beginning at 6:00 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 6:00 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.

#### **Weekend Possession Extended by Holiday.**

Except as otherwise explicitly provided, 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 end at 6 p.m. on a Monday holiday or school holiday, or shall begin at 6 p.m. Thursday *(or at the election of the possessory conservator at the time of the rendition of this order and as reflected by an "X")* (\_\_\_) shall begin at the time the child's school is regularly dismissed, for a Friday holiday or school holiday, as applicable,

#### **General Terms and Conditions.**

Except as otherwise explicitly provided, terms and conditions of possession of a child that apply irrespective of the distance between the residence of a parent and the child are as follows:

(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 is hereby ORDERED to:

(A) (\_\_\_) *(if indicated by an "X" at the time of the rendition of this order) surrender the child to the managing conservator at the end of each period of possession at the residence of the possessory conservator; or*

(B) return the child to the residence of the managing conservator at the end of each period of possession; except that 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 the possessory conservator's county of domicile remains the same after the rendition of this order, and the managing conservator's county of domicile change's, effective on the date of the change of domicile by the managing conservator;

(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 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 conservator 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 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 of time;

(8) written notice shall be deemed to have been timely made if received or 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.

#### **Means of Travel.**

Each conservator shall provide reasonable and appropriate transportation to and from their relevant transportation facilities, and places of pickup and return, as applicable.

(End of Standard Possession Order)

### **Special Optional Provisions**

#### **Long-Distance Access and Visitation.**

( \_\_\_\_ ) *(If elected at the time of the rendition of this order and as reflected by an "X")*

IT IS FURTHER ORDERED AND DECREED that the following provisions shall govern the arrangements for the travel of the child to and from the possessory conservator.

Notice of Place and Time of Possession. IT IS FURTHER ORDERED AND DECREED that, if the possessory conservator desires to take possession of the child at an airport near the possessory conservator's residence, the possessory conservator shall state in a notice letter to the managing conservator the following facts:

- a. the airport where the managing conservator is to surrender the child;
- b. the date and time of the flight on which the child is scheduled to leave;
- c. the airline and flight number of the airplane on which the child is scheduled to leave;
- d. the airport where the child will return to the managing conservator at the end of the period of possession;
- e. the date and time of the flight on which the child is scheduled to return to that airport; and
- f. the airline and flight number of the airplane on which the child is scheduled to return to the managing conservator at the end of the period of possession.

Flight Arrangements. IT IS FURTHER ORDERED AND DECREED that Possessory Conservator shall make airline reservations for the child only on major commercial passenger airlines on flights having no change of airplanes between the airport of departure and the airport of final arrival (referred to in this order as a "nonequipment change flight"). IT IS FURTHER ORDERED AND DECREED that Possessory Conservator shall make airline reservations for the child on flights that depart from a commercial airport near the residence of Managing Conservator that offers regularly scheduled passenger flights to various cities throughout the United States on major commercial passenger airlines.

Delivery and Pickup by Managing Conservator. IT IS FURTHER ORDERED AND DECREED that the managing conservator shall deliver the child to the airport from which the child is scheduled to leave at the beginning of each period of possession at least one hour before the scheduled departure time. IT IS FURTHER ORDERED AND DECREED that the managing conservator shall surrender the child to a flight attendant who is employed by the airline and who will be flying on the same flight on which the child is scheduled.

IT IS FURTHER ORDERED AND DECREED that the managing conservator shall take possession of the child at the end of the possessory conservator's period of possession at the airport where the child is scheduled to return and at the specific airport gate where the passengers from the child's scheduled flight disembark.

Pickup and Return by Possessory Conservator. IT IS FURTHER ORDERED AND DECREED that the possessory conservator shall take possession of the child at the beginning of each period of possession at the airport where the child is scheduled to

arrive and at the specific airport gate where the passengers from the child's scheduled flight disembark.

IT IS FURTHER ORDERED AND DECREED that the possessory conservator, at the end of each period of possession, shall deliver the child to the airport where the child is scheduled to depart at least one hour before the scheduled departure time and surrender the child to a flight attendant who is employed by the airline and who will be flying on the same flight on which the child is scheduled to return.

Missed Flights. IT IS FURTHER ORDERED AND DECREED that any conservator who has possession of the child at the time shall notify the other conservator immediately if the child is not placed on a scheduled flight at the beginning or end of a period of possession. IT IS FURTHER ORDERED AND DECREED that, if the child should miss a scheduled flight, the conservator having possession of the child when the flight is missed shall schedule another nonequipment change flight for the child as soon as is possible after the original scheduled flight and give the other conservator notice of the date and time of that flight and shall pay any additional expense associated with the changed flight.

Expenses Paid by Possessory Conservator. IT IS FURTHER ORDERED AND DECREED that the possessory conservator shall purchase, in advance, the round-trip airline tickets (including escort fees) to be used by the child for the child's flight. IT IS FURTHER ORDERED AND DECREED that the possessory conservator shall make necessary arrangements with the airlines and with the managing conservator in order that the airline tickets are available to the child before a scheduled flight. IT IS FURTHER ORDERED AND DECREED that the possessory conservator shall pay any other traveling expenses and charges incurred for the child from the time the managing conservator surrenders possession of the child by placing the child on the scheduled nonequipment change flight at the beginning of a period of possession until the time the managing conservator takes possession of the child at the termination of the scheduled nonequipment change flight at the end of the period of possession.

Reimbursement by Managing Conservator. IT IS FURTHER ORDERED AND DECREED that the possessory conservator shall reimburse the managing conservator for travel expenses of the child if, because of circumstances beyond the managing conservator's control, the managing conservator is required to pay travel expenses of the child on a nonequipment change flight to or from the possession the possessory conservator.

Miscellaneous Expenses. IT IS FURTHER ORDERED AND DECREED that the expenses of a conservator incurred in traveling to and from an airport, as well as related parking and baggage-handling expenses, are the sole responsibility of the conservator delivering or receiving the child at the airport.

**Special Optional Provisions**

( \_\_\_\_ ) **Specific Provision for Children Under the Age of One.**

*(If elected at the time of the rendition of this order and as shown by an "X")*

Until a child attains the age of one year, the possessory conservator shall have possession of said child at any and all times as the parties may mutually agree and failing mutual agreement as follows:

(1) On the first, third, and fifth Saturday of each month, beginning at 10:00 a.m. and ending at 4:00 p.m. on that same day, until the child's first birthday.

(2) On the first, third, and fifth Sunday of each month, beginning at 10:00 a.m. and ending at 4:00 p.m. on that same day, until the child's first birthday.

(3) From 6:00 p.m. until 8:00 p.m. each Wednesday.

(4) On Thanksgiving Day beginning at 10:00 a.m. and ending at 4:00 p.m. on that same day.

(5) On Christmas Day in even numbered years beginning at 10:00 a.m. and ending at 4:00 p.m. that same day. On Christmas Eve in odd numbered years beginning at 10:00 a.m. and ending at 4:00 p.m. on that same day.

(6) If the possessory conservator is the child's father, then on Father's Day of each year from 10:00 a.m. and ending at 4:00 p.m. on that same day. If the possessory conservator is the child's mother, then on Mother's Day of each year beginning at 10:00 a.m. and ending at 4:00 p.m. on that same day.

(7) Every year on the child's birthday beginning at 3:00 p.m. and ending at 6:00 p.m. on that same day.

It Is Ordered that Possessory Conservator shall purchase and maintain in his or her residence appropriate equipment and supplies for use during periods of possession of the child, including but not limited to a crib, blankets, diapers, baby wipes, changing pads, bibs, stroller, bottles, formula, juice, baby food, etc.

It Is Further Ordered that Possessory Conservator shall not leave the child unattended or in the care of any other person during any period of possession. It Is Further Ordered that during any transportation of the child by motor vehicle the Possessory Conservator shall secure the child in a safety car seat.

It Is Ordered that upon surrender of the child to Possessory Conservator, Managing Conservator shall furnish Possessory Conservator with a feeding and nap schedule and shall inform Possessory Conservator of any special needs of the child. It Is Ordered that upon return of the child to Managing Conservator, Possessory Conservator shall inform Managing Conservator of the child's activities including feeding and naps and any other special concerns.

Upon the child reaching the age of one year, the Possessory Conservator shall have possession and access as set forth in the preceding standard possession order.

**Special Optional Provisions**

( \_\_\_\_ ) **Specific Provision for Children Age 15 and over.**

*(If elected at the time of the rendition of this order and as reflected by an "X")*

Upon a minor child reaching the age of fifteen (15) years, all of the above set forth possession rights shall cease as mandatory rights, and in lieu thereof, such child(ren) shall visit with the possessory conservator only at such times as are set forth above as are agreeable both between such child and possessory conservator. The possessory conservator may visit with the child in question at all other reasonable times that are agreeable between the parties and the child in question. The managing conservator is ordered to not make plans with the child which would unreasonably interfere with the possessory conservator's visitation rights set out herein in order that they may exercise their visitation with the possessory conservator if it is mutually agreeable between such child and the possessory conservator and such child shall surrender themselves to the possessory conservator.