

Modified Possession and Access Order

(Alternating Weeks)

The Court ORDERS that this Modified Possession Order is fully incorporated into the Decree or Order to which it is attached.

The Court ORDERS each conservator to obey this Modified Possession Order. The Court ORDERS that this Modified Possession Order starts immediately and applies to all periods of possession occurring on and after the date the Court signs the Order to which the Modified Possession Order is attached.

1. Designation of Conservators

The Court ORDERS that in this Possession Order the conservators are called Parent A and Parent B.

"Parent A" is: (name) _____
Print the full name of one parent.

"Parent B" is: (name) _____
Print the full name of the other parent.

2. Findings

The Court FINDS that this Modified Possession Order is the best interest of the child/ren:

Print the full name of each child.

3. Possession Schedule

The Court ORDERS that the conservators shall have possession of the children at any and all times mutually agreed to in advance by the conservators. In the absence of mutual agreement, the Court ORDERS that the conservators shall have possession of the children as ordered below.

IT IS ORDERED that Parent A shall have possession of the children every other week beginning every other _____ at _____ .m. and ending the following _____ at that same time. Parent A's first period of possession shall begin on (date) _____.

IT IS ORDERED that Parent B shall have possession of the children every other week beginning every other _____ at _____ .m. and ending the following _____ at that same time. Parent B's first period of possession shall begin on (date) _____.

Notwithstanding the weekly periods of possession ordered above, Parent A and Parent B shall have the right to possession of the child/ren on holidays as follows:

a. Christmas Holidays in Even-Numbered Years

In even-numbered years, Parent B 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, Parent A 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, Parent A 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, Parent B 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

Parent B 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

Parent A 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 parent is not otherwise entitled under this Possession Order to possession of a child on the child's birthday, that parent shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

f. Father's Day

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 - 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.

4. General Terms and Conditions

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

a. Exchange of Children at Start of Parent B's Possession

If a period of Parent B's possession begins at the time the child's school is regularly dismissed, then Parent A is ORDERED to surrender the child to Parent B at the school in which the child is enrolled. If the child is not in school, Parent A is ORDERED to surrender the child to Parent B at the location designated below at 6 p.m.

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

☐ Parent A's residence.

☐ the following location: _____

b. Exchange of Children at End of Parent B's Possession

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

If a period of Parent B's possession ends at another time, the Court ORDERS Parent B to surrender the child to Parent A at the end of each such period Parent B's possession at: *(Check one.)*

☐ Parent B's residence.

☐ Parent A's residence.

☐ The following location: _____

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

☐ Parent B's residence.

☐ the location designated above.

c. Personal Effects - Each parent 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 parent may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a parent or a designated competent adult be present when the child is picked up or returned.

e. Inability to Exercise Possession - Each parent is ORDERED to give notice to the person in possession of the child on each occasion the parent will be unable to exercise that parent'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 parent is ORDERED to notify the other parent of any change to his or her email address or fax number within 24 hours after the change.

g. Notice to School and Parent A - If Parent B'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, Parent B shall immediately notify the school and Parent A that the child will not be or has not been returned to school.

5. Notice to any Peace Officer of the State of Texas

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.

This concludes the Possession Order.