

## **Steps to Ask for a Temporary Restraining Order (TRO) and Temporary Orders in a SAPCR**

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### **Instructions:**

Follow these steps to ask for a Temporary Restraining Order (TRO) and Temporary Orders.

Do not use these instructions if you need Temporary Orders only.

### **Forms Included:**

- *Motion for Temporary Restraining Order, Temporary Injunction, and Temporary Orders*
- *Affidavit in Support of Request for TRO*
- *Temporary Restraining Order and Order to Appear (TRO)*
- *Order to Appear*
- *Proposed Support Decision and Information*
- *Temporary Orders*
- *Standard Possession Order* (if a Standard Possession Order is not what you are seeking, please ask for other options at the Law Library Reference Desk)

## **Talk to a lawyer if you have questions.**

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### **Step 1: Fill out these forms.**

- *Motion for Temporary Restraining Order, Temporary Injunction, and Temporary Orders*
- *Affidavit in Support of Request for TRO (Don't sign until you are in front of a **notary**)*
- *Temporary Restraining Order and Order to Appear (TRO)*
- *Order to Appear*

**Note:** If you are asking for temporary child support, attach a blank copy of the *Proposed Support Decision and Information* form to your *TRO* form and *Order to Appear* form.

#### **How do I write my *Affidavit in Support of Request for TRO*?**

Your affidavit should explain to the court why you believe a TRO is necessary and why you can't wait for a hearing. Include specific facts.

Sign your Affidavit in front of a notary.

**Step 2: Make copies of the *Motion* and *Affidavit*.** Make a copy for yourself and each party listed in the *Petition* you or the other party filed to start the case. A copy machine is located at the Law Library. Copies are 20 cents per page and the copy machines accept silver coins and \$1 bills.

**Step 3: Take completed forms to Tarrant County Family Law Center – 200 E. Weatherford St., Fort Worth, Texas 76196.**

File your *Motion* and *Affidavit* with the clerk. The clerk will keep your original documents and stamp and return your copies to you.

Ask to make an appointment with the Judge to hear your *Motion for Temporary Restraining Order, Temporary Injunction, and Temporary Orders*

**What if the Respondent has a lawyer?** You must tell the Judge if the Respondent has a lawyer. You will be required to give the lawyer a chance to be present when you give your paperwork to the Judge. The letter should tell the lawyer the time and place of your appointment with the Judge and include a copy of your Petition, your Motion, and Affidavit.

Go to your appointment with the Judge. The Judge will review your paperwork. The Judge will ask you to explain under oath why you believe the Judge should sign your proposed TRO. You must tell the Judge if you have asked for a TRO before and tell the Judge if there are any other court orders in effect. The Judge will listen to your testimony. The Judge may or may not sign your proposed TRO. The Judge will make orders based on the law. You must be respectful of the Judge at all times, whether or not the Judge signs your TRO.

If the Judge decides not to sign a TRO, ask the Judge if he or she will sign an *Order to Appear* instead. An *Order to Appear* orders the other party to come to court for your temporary orders hearing.

Get a date and time for your temporary orders hearing. Write the date and time of the hearing on the *TRO* or *Order to Appear* signed by the Judge.

Ask the clerk to issue the paperwork necessary to have the other party or parties in your case personally served with your (1) *Motion for Temporary Restraining Order, Temporary Injunction, and Temporary Orders*, (2) your *Affidavit in Support of Request for TRO*, and (3) the *TRO* or *Order to Appear* signed by the Judge. If the other party or parties live in Tarrant County, ask the clerk to forward the paperwork to a Tarrant County Constable for service. If the other party or parties do not live in Tarrant County, get information on service outside of Tarrant County at the Law Library.

Unless you are low-income and file a *Statement of Inability to Afford Court Costs*, you must pay an issuance and service fee. You may get the *Statement of Inability to Afford Court Costs* from the Law Library.

(Note: If you are filing your *Motion for Temporary Restraining Order, Temporary Injunction, and Temporary Orders* at the same as your *Petition*, the other party or parties can be served with everything at the same time.)

#### **Step 4: Prepare for your temporary orders hearing.**

**Ask a lawyer to help you get ready.** A lawyer can help you get ready by:

- explaining the law and how it applies to the facts in your case;
- telling you what the Judge expects;
- giving you advice about the best strategy for your case;
- determining the most helpful evidence to present in your case;
- preparing you to testify;
- helping you decide what witnesses to bring;
- preparing questions to ask your witnesses and the other party in court;
- writing proposed orders that are unique to your situation; and/or
- helping you reach an agreement with the other party before the hearing.

**Fill out the *Proposed Support Decision and Information* form** if you or the other party are asking for temporary child support. Bring the completed form and at least 2 copies to the temporary orders hearing. You must give a copy of the completed form to the Judge and the other party or parties before the hearing starts.

**Fill out the *Temporary Orders* form and the *Standard Possession Order* form.** Ask a lawyer to review your form. Please be aware that the Law Library employees are not allowed to review forms.

**Practice what you want to say to the Judge.** Make a list of the orders you want and practice saying them. Try not to take more than 3 minutes to say what you want. If possible, go to the courthouse and observe a temporary orders hearing. Court proceedings are usually open to the public.

**Make a Trial Notebook.** A notebook will help you organize your thoughts and paperwork so that you can present your case to the court more effectively. You may want to include the following in your notebook:

- A list of specific orders you want the Judge to make.
- A list of what you want to tell the Judge when you testify.
- A list of questions to ask the other party in front of the Judge.
- A list of questions to ask your witnesses.
- Any evidence, such as pictures or documents, you would like to show the Judge. (Talk to a lawyer about how to properly introduce your evidence.)

**If it's safe, talk to the other side before court.** Make a list of the issues you agree on and those you need the Judge to decide.

#### **Step 5: Go to your Temporary Orders Hearing.**

**Dress neatly.** Don't wear shorts, t-shirts with inappropriate words or pictures, tank tops or flip-flops.

**Get to the courthouse at least 30 minutes early.** You will need to find parking, get through security, and find the correct courtroom.

**Bring:**

- Money for parking (parking meters accept coins and credit cards only, not dollars).
- A copy of the paperwork you filed with the court.
- Your completed Proposed Support Decision and Information form.
- Your trial notebook.
- Extra paper and pens.
- Any witnesses you would like to testify at the hearing.
- Any evidence, such as pictures or documents, you would like to show the Judge. (Talk to a lawyer about how to properly introduce your evidence in court)

**Don't bring:** weapons or children. (Children can be a distraction from the important events taking place and many topics that come up are inappropriate for children to hear. If you must bring children, bring someone with you who can watch them outside the courtroom.)

**Find your courtroom.** If you are unsure ask the deputies at the front door.

**While in the courtroom:**

- Sit quietly. Watch and listen. This will help you when it's your turn.
- Turn off all cell phones and electronics (or they may be taken away from you)
- Don't chew gum or bring food or drinks into the courtroom.
- Stand up when the judge enters or exits the courtroom.

**When it's your turn to be heard:**

- Address the Judge as "Your Honor." Stand up when you talk to the Judge (unless you're in the witness stand).
- Be ready to tell the Judge exactly what orders you want. If you get nervous just read from your list.
- Be able to explain why the orders you want are best for your family. Focus on what is most important.
- Try to control your emotions so that you can tell your story in a way that is understandable.
- When the other side is talking to the Judge, do not interrupt or react by sighing or gesturing. This will hurt your case. Even if you think the other side is being dishonest, wait until it's your turn to talk.
- Be respectful towards the Judge and everyone else in the courtroom at all times.
- If you have a question about how to proceed, ask the Judge.

**When the hearing is over, be ready to write down the Judge's decision.** Use your list to see if the Judge has made orders about all of the issues you wanted the Judge to decide. Let the Judge know that you have a proposed temporary orders form. The Judge may decide to use your form or may decide to use another form. The Judge may also ask you to hire an attorney to write the temporary orders.

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\***

(Print court information exactly as it appears on the Petition filed in your case)

Cause Number: \_\_\_\_\_

In the interest of (List Children):

1 Name: \_\_\_\_\_ In the \_\_\_\_\_  
Court Number  
2 Name: \_\_\_\_\_  
3 Name: \_\_\_\_\_ ☐ District Court ☐ County Court of:  
4 Name: \_\_\_\_\_  
5 Name: \_\_\_\_\_ County, Texas

**Motion for Temporary Restraining Order,  
Temporary Injunction & Temporary Orders**

Print your answers.

My name is:

\_\_\_\_\_  
First Middle Last

I am the Petitioner in this case.

This case involves the following children:

| <u>Child's name</u> | <u>Sex</u> | <u>Date of Birth</u> | <u>Current Address</u> |
|---------------------|------------|----------------------|------------------------|
| 1 _____             |            |                      |                        |
| 2 _____             |            |                      |                        |
| 3 _____             |            |                      |                        |
| 4 _____             |            |                      |                        |
| 5 _____             |            |                      |                        |

I am the children's: ☐ Mother ☐ Father ☐ Other: \_\_\_\_\_

The **Respondent** is: \_\_\_\_\_  
PRINT the Respondent's full name

The Respondent is the children's: ☐ Mother ☐ Father ☐ Other: \_\_\_\_\_

## 1. Request for Temporary Restraining Order & Injunction

I ask the Court to grant a Temporary Restraining Order, without a hearing, which would restrain the Respondent and order the Respondent not to: *(Check all applicable boxes)*

- ☐ Remove the children from the Petitioner's possession.
- ☐ Remove the children from the school or day-care where the children are enrolled.
- ☐ Remove the children from \_\_\_\_\_
- ☐ Drink alcohol or consume a controlled substance within 12 hours before or during possession of the children.
- ☐ Other: \_\_\_\_\_

**My supporting affidavit is attached as *Exhibit A* and fully incorporated into this motion.**

After notice to the Respondent and a hearing, I ask the Court to make this Temporary Restraining Order a Temporary Injunction.

## 2. Temporary Orders Regarding Children

I ask the Court to make temporary orders for the safety and welfare of the children including but not limited to the temporary orders: *(Check one box)*

- ☐ set out in the proposed parenting plan attached to this motion *(If you checked this box, skip to #3)*
- ☐ requested below.

### 2A. Temporary Conservatorship (Custody)

I ask the court to make temporary conservatorship orders naming: *(Check a, b, c, or d)*

- a. ☐ Mother and Father Temporary Joint Managing Conservators with:

*(If you checked a, check a-1 or a-2.)*

- a-1. ☐ Father having the exclusive right to determine the residence of the

children within the following geographic area: *(Check one box below)*

☐ in this county.      ☐ in this county or in counties adjacent to this county.

☐ in Texas.      ☐ anywhere.      ☐ other \_\_\_\_\_

- a-2. ☐ Mother having the exclusive right to determine the residence of the

children within the following geographic area: *(Check one box below)*

☐ in this county.      ☐ in this county or in counties adjacent to this county.

☐ in Texas.      ☐ anywhere.      ☐ other \_\_\_\_\_

- b. ☐ Mother Temporary Sole Managing Conservator

- c. ☐ Father Temporary Sole Managing Conservator

- d. ☐ Other: \_\_\_\_\_

## 2B. Temporary Possession and Access (Visitation)

I ask the court to make temporary possession and access orders as follows:

(check a, b, c, d, or e)

- a. ☐ Children should live primarily with Mother; Father should have the children at the times set out in the Texas Family Code's Standard Possession Order (See Texas Family Code Chapter 153, Subchapter F.)
- b. ☐ Children should live primarily with Father; Mother should have the children at the times set out in the Texas Family Code's Standard Possession Order (See Texas Family Code Chapter 153, Subchapter F.)
- c. ☐ The Texas Family Code's Standard Possession Order would be unworkable or inappropriate. Possession and access to the children should be as set out in the attached "*Proposed Possession Order*"
- d. ☐ One or more of the children is under 3. Until the child turns 3, possession should be as set out in the attached "*Proposed Possession Order for Child Under 3*."
- e. ☐ I am concerned about my safety or the safety of the children when with the other parent. Therefore, I ask that: (If you checked e, check all that apply below)
  - e-1. ☐ exchanges of the children be supervised, or in the alternative, be in a public place
  - e-2. ☐ the other parent's possession of the children be limited to day visits
  - e-3. ☐ the other parent's possession of the children be supervised
  - e-4. ☐ the other parent has no right to possession or access to the children
  - e-5. ☐ the other parent be ordered not to use alcohol or illegal drugs 24 hours prior to or during possession of the children
  - e-6. ☐ the other parent's possession and access to the children be restricted as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Check only if applicable.)

- ☐ I am concerned that the other parent may take the children to another country and refuse to return them. I ask the Court to determine whether there is a risk of international abduction of the children by the other parent and to take such measures as are necessary to protect the children.

## 2C. Temporary Child Support

I ask the court to make temporary child support orders as follows: *(check a, b, or c)*

- a. ☐ Father should pay guideline child support, health insurance premiums for coverage of the children and \_\_\_\_\_% of the children's uninsured medical expenses.
- b. ☐ Mother should pay guideline child support, health insurance premiums for coverage of the children and \_\_\_\_\_% of the children's uninsured medical expenses.
- c. ☐ Other: \_\_\_\_\_

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## 2D. Other Temporary Orders Regarding Children

I ask the Court to make the following additional temporary orders and/or injunctions:

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## 3. Prayer

I ask that the Court make the orders I have asked for in this Motion and any other orders to which I am entitled.

Respectfully submitted,



\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Your Printed Name*

\_\_\_\_\_  
*Phone*

\_\_\_\_\_  
*Mailing Address*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip*

\_\_\_\_\_  
*Email Address*

\_\_\_\_\_  
*Fax # (if any)*

## The following exhibits are attached:

*Exhibit A – Sworn Affidavit in Support of Request for Temporary Restraining Order*

*Exhibit B – Certificate Regarding Opposing Attorney*





## Exhibit B – Certificate Regarding Opposing Attorney

**I certify to the Court that:**

- ☐ to the best of my knowledge, the Respondent is not represented by an attorney.
- ☐ the Respondent is represented by an attorney. The Respondent's attorney full name is: \_\_\_\_\_ and phone number is: \_\_\_\_\_.

I will diligently attempt to notify Respondent's attorney of my request for Temporary Restraining Order before presenting my request for Temporary Restraining Order to the Court. My notice will include a copy of this motion and the date and time I intend to present my request for Temporary Restraining Order to the Court.

→

*Your Signature*

*Date*

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\***

(Print court information exactly as it appears on the Petition filed in your case)

Cause Number: \_\_\_\_\_

In the interest of (List Children):

1 Name: \_\_\_\_\_ In the \_\_\_\_\_  
Court Number  
2 Name: \_\_\_\_\_  
3 Name: \_\_\_\_\_ ☐ District Court ☐ County Court of:  
4 Name: \_\_\_\_\_  
5 Name: \_\_\_\_\_ County, Texas

**Temporary Restraining Order &  
Order to Appear for Temporary Orders Hearing**

A request for Temporary Restraining Order was presented to the Court today by the Petitioner.

The **Petitioner** is:

\_\_\_\_\_  
*PRINT the Petitioner's full name*

The **Respondent** is:

\_\_\_\_\_  
*PRINT the Respondent's full name*

The **children** are:

| <u>Child's name</u> | <u>Sex</u> | <u>Date of Birth</u> | <u>Current Address</u> |
|---------------------|------------|----------------------|------------------------|
| 1 _____             |            |                      |                        |
| 2 _____             |            |                      |                        |
| 3 _____             |            |                      |                        |
| 4 _____             |            |                      |                        |
| 5 _____             |            |                      |                        |

The Court examined the pleadings and supporting Affidavit filed in this case and finds that the Petitioner is entitled to a temporary restraining order against the Respondent.

**IT IS THEREFORE ORDERED** that the clerk of this Court issue a temporary restraining order restraining the Respondent and the Respondent is immediately restrained from and **ORDERED NOT TO:** *(Check all applicable boxes)*

- ☐ Remove the children from the Petitioner's possession.
- ☐ Remove the children from the school or day-care where the children are enrolled.
- ☐ Remove the children from \_\_\_\_\_
- ☐ Drink alcohol or consume a controlled substance within 12 hours before or during possession of the children.
- ☐ Other: \_\_\_\_\_

This restraining order is effective immediately and shall continue until further order of this Court or until it expires by operation of law. This order binds the Respondent, Respondent's agents, servants, and employees; and those in active concert or participation with them who receive actual notice of this order by personal service or otherwise. No bond is required.

IT IS FURTHER ORDERED that the clerk shall issue notice to the Respondent to appear at the Tarrant County Family Law Center, 200 East Weatherford St., Fort Worth, Texas and the Respondent is hereby **ORDERED** to appear, by reporting to the courtroom of the District Judge or Associate Judge to whom this case is assigned, on

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ at \_\_\_\_\_ .m.  
Month Day Year Time

The Respondent is also **ORDERED** to complete the attached *Proposed Support Decision and Information* form and bring it and the following documents to the hearing: *(Check all applicable boxes)*

- ☐ Respondent's tax returns for the past two years
- ☐ All of Respondent's pay stubs for the past three months
- ☐ Other \_\_\_\_\_

The purpose of the hearing is to make temporary orders as requested in Petitioner's *Motion for Temporary Restraining Order, Temporary Injunction, & Temporary Orders*.

SIGNED on \_\_\_\_\_ at \_\_\_\_\_ .m.

\_\_\_\_\_  
JUDGE PRESIDING

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\***

(Print court information exactly as it appears on the Petition filed in your case)

Cause Number: \_\_\_\_\_

In the interest of (List Children):

1 Name: \_\_\_\_\_ In the \_\_\_\_\_  
Court Number  
2 Name: \_\_\_\_\_  
3 Name: \_\_\_\_\_ ☐ District Court ☐ County Court of:  
4 Name: \_\_\_\_\_  
5 Name: \_\_\_\_\_ County, Texas

**Order to Appear for Temporary Orders Hearing**

IT IS **ORDERED** that the clerk shall issue notice to:

Respondent, \_\_\_\_\_  
*PRINT the Respondent's full name*

And Respondent is hereby **ORDERED** to appear at the Tarrant County Family Law Center, 200 East Weatherford St., Fort Worth, Texas and report to the courtroom of the District Judge or Associate Judge to whom this case has been assigned on

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ at \_\_\_\_\_ .m.  
Month Day Year Time

The Respondent is also **ORDERED** to complete the attached *Proposed Support Decision and Information* form and bring it and the following documents to the hearing: (Check all applicable boxes)

- ☐ Respondent's tax returns for the past two years  
☐ All of Respondent's pay stubs for the past three months  
☐ Other \_\_\_\_\_

The purpose of the hearing is to determine whether the Court should make temporary orders as requested in Petitioner's *Motion for Temporary Orders* or *Motion for Temporary Restraining Order, Temporary Injunction & Temporary Orders*.

SIGNED on \_\_\_\_\_ at \_\_\_\_\_ .m.

\_\_\_\_\_  
JUDGE PRESIDING

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\***

*(Print court information exactly as it appears on the Petition filed in your case)*

Cause Number: \_\_\_\_\_

\_\_\_\_\_ In the \_\_\_\_\_  
\_\_\_\_\_ Court Number

\_\_\_\_\_ ☐ District Court ☐ County Court of:

\_\_\_\_\_ County, Texas

**Proposed Support Decision and Information of \_\_\_\_\_**

**(A) GROSS MONEY EARNED PER MONTH:**

(1) Gross wages and salary income \$ \_\_\_\_\_

(2) Commissions, tips and bonuses \$ \_\_\_\_\_

(3) Self-employment income (net of  
expenses other than depreciation  
and tax credits) \$ \_\_\_\_\_

(4) Rental income (net of expenses  
other than depreciation) \$ \_\_\_\_\_

(5) All other income actually  
received (specify):

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

**GROSS MONEY EARNED PER MONTH \$ \_\_\_\_\_ (A)**

**(B) ACTUAL DEDUCTIONS PER MONTH – Attach most recent pay stub from  
each employer.**

(1) Income Tax withholding \$ \_\_\_\_\_

(2) FICA (Social Security) \$ \_\_\_\_\_

(3) Health Insurance \$ \_\_\_\_\_

(4) Union dues \$ \_\_\_\_\_

(5) Other (specify):

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL ACTUAL DEDUCTIONS PER MONTH** \$ \_\_\_\_\_(B)

**(C) NET MONEY ACTUALLY RECEIVED PER MONTH. SUBTRACT (B) FROM (A).**

\$ \_\_\_\_\_(C)

**(D) STATUTORY NET RESOURCES DEDUCTIONS ALLOWED PER MONTH:**

(1) Income tax withholding for a single person claiming one personal exemption and standard deduction \$ \_\_\_\_\_

(2) FICA (Social Security) \$ \_\_\_\_\_

(3) Health insurance attributable to child(ren) \$ \_\_\_\_\_

(4) Union dues \$ \_\_\_\_\_

**STATUTORY NET RESOURCES DEDUCTIONS ALLOWED PER MONTH:** \$ \_\_\_\_\_(D)

**(E) STATUTORY NET RESOURCES PER MONTH. SUBTRACT (D) FROM (A).**

\$ \_\_\_\_\_(E)

**(F) TOTAL MONEY NEEDED PER MONTH BY ME AND MINOR CHILD(REN) LIVING WITH ME. For items which are not paid monthly, express the amount as a monthly average.**

(1) Rent or house payment \$ \_\_\_\_\_

(2) Real property taxes (omit if part of house payment) \$ \_\_\_\_\_

- |  |          |
|--|----------|
| (3) Residence maint. (repairs, yard)                               | \$ _____ |
| (4) Insurance – home or renters (omit<br>if part of house payment) | \$ _____ |
| (5) Utilities – Gas  | \$ _____ |
| (6) Utilities – Electric and water                                 | \$ _____ |
| (7) Telephone (incl. avg. long dist.)                              | \$ _____ |
| (8) Utilities – Garbage service                                    | \$ _____ |
| (9) Groceries and household items                                  | \$ _____ |
| (10) Meals away from home  | \$ _____ |
| (11) School lunches  | \$ _____ |
| (12) Dental and orthodontia  | \$ _____ |
| (13) Medical and prescriptions                                     | \$ _____ |
| (14) Laundry and dry cleaning                                      | \$ _____ |
| (15) Car payment   | \$ _____ |
| (16) Gas and vehicle maintenance                                   | \$ _____ |
| (17) Clothing and Shoes  | \$ _____ |
| (18) Insurance – Car   | \$ _____ |
| (19) Insurance – Life  | \$ _____ |
| (20) Insurance – Health (omit if<br>payroll deduction)             | \$ _____ |
| (21) Child care  | \$ _____ |
| (22) Children's activities   | \$ _____ |

(23) Entertainment \$ \_\_\_\_\_

(24) Haircuts \$ \_\_\_\_\_

(25) Cable TV and newspaper \$ \_\_\_\_\_

(26) Total monthly payments on debts (list below at G and only show total here) \$ \_\_\_\_\_

(27) Support or alimony payments to other persons \$ \_\_\_\_\_

(28) Other (specify):

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

**TOTAL MONEY NEEDED PER MONTH** \$ \_\_\_\_\_

**(G) TOTAL MONTHLY PAYMENTS ON DEBTS:**

| Description<br>Of Debt | Balance<br>Now Owed | Date of<br>Final Payment | Amount of<br>Monthly Payment |
|------------------------|---------------------|--------------------------|------------------------------|
| _____                  | _____               | _____                    | _____                        |
| _____                  | _____               | _____                    | _____                        |
| _____                  | _____               | _____                    | _____                        |
| _____                  | _____               | _____                    | _____                        |
| _____                  | _____               | _____                    | _____                        |
| _____                  | _____               | _____                    | _____                        |
| _____                  | _____               | _____                    | _____                        |
| _____                  | _____               | _____                    | _____                        |
| _____                  | _____               | _____                    | _____                        |

**TOTAL MONTHLY PAYMENTS ON DEBTS** \$ \_\_\_\_\_(G)

**(H) DIFFERENCE BETWEEN MONEY RECEIVED AND MONEY NEEDED.  
SUBTRACT (F) FROM (C)**

\$\_\_\_\_\_ (H)

**(I) STATUTORY PRESUMED CHILD SUPPORT. MULTIPLY (E) BY THE  
GUIDELINE PERCENTAGE \_\_\_\_\_%**

\$\_\_\_\_\_ (I)

I, \_\_\_\_\_, would testify under oath in open court that the foregoing information is true and correct. I understand that at such a court hearing I may be required to prove these amounts by testimony and by records such as pay vouchers, cancelled checks, receipts, and bills.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Signature of party*

I intend to ask the court to set support at \$\_\_\_\_\_ per month.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
*Signature of party*

Cause Number: \_\_\_\_\_

In the interest of (List Children):

1 Name: \_\_\_\_\_ In the \_\_\_\_\_  
Court Number

2 Name: \_\_\_\_\_

3 Name: \_\_\_\_\_ ☐ District Court ☐ County Court of:

4 Name: \_\_\_\_\_

5 Name: \_\_\_\_\_ County, Texas

## Temporary Orders

A hearing took place today on the Motion for Temporary Orders Filed in this case.

### 1. Appearances

The parties in this case are:

#### Petitioner

The Petitioner's name is: \_\_\_\_\_  
First Middle Last

The Petitioner is the Children's: ☐ Mother ☐ Father ☐ Other: \_\_\_\_\_

(Check one box.)

- ☐ Petitioner **was present**, representing him/herself, and announced ready
- ☐ Petitioner **was present**, representing him/herself, and has agreed to the terms of this order
- ☐ Petitioner **was not present** but has signed below, agreeing to the terms of this order

#### Respondent

The Respondent's name is: \_\_\_\_\_  
First Middle Last

The Respondent is the Children's: ☐ Mother ☐ Father ☐ Other: \_\_\_\_\_

(Check one box.)

- ☐ Respondent **was present**, representing him/herself, and announced ready
- ☐ Respondent **was present**, representing him/herself, and has agreed to the terms of this order
- ☐ Respondent **was not present** but was properly notified and has defaulted
- ☐ Respondent **was not present**, but has filed a *Waiver of Service* or *Answer* and has signed below, agreeing to the terms in this order

### 2. Jurisdiction

After examining the record and hearing evidence, the Court finds that it has jurisdiction over this case and the parties and that all notice requirements have been met.

### 3. Temporary Orders Regarding Children

The following Orders are for the safety and welfare and in the best interest of the following children:

|   | Child's name | Sex   | Date of Birth | Place of Birth | Home State |
|---|--------------|-------|---------------|----------------|------------|
| 1 | _____        | _____ | _____         | _____          | _____      |
| 2 | _____        | _____ | _____         | _____          | _____      |
| 3 | _____        | _____ | _____         | _____          | _____      |
| 4 | _____        | _____ | _____         | _____          | _____      |
| 5 | _____        | _____ | _____         | _____          | _____      |

#### 3A. Temporary Conservatorship (Custody)

The Court ORDERS that the parents are: *(Check box 1 or 2 below)*

☐ **1. Temporary Joint Managing Conservators**

The parent with the exclusive right to designate the primary residence of the children is *(name)*:  
\_\_\_\_\_

The children's primary home: *(Check box a or b below)*

a. ☐ may be anywhere

b. ☐ must be within the following geographic area: *(Check one box below.)*

☐ in this county.

☐ in this county or in counties adjacent to this county.

☐ in Texas.

☐ other \_\_\_\_\_

☐ **2. Temporary Separate Conservators**

The **Sole Managing Conservator** is *(name)*:  
\_\_\_\_\_

The Sole Managing Conservator has the exclusive right to decide where the child's primary home is located without a geographic restriction.

The **Possessory Conservator** is *(name)*:  
\_\_\_\_\_

The Court ORDERS that both parents always have the following rights: (See Texas Family Code, Section 153.073)

1. to receive information from any other conservator of the child concerning the health, education, and welfare of the child;
2. to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child;
3. of access to medical, dental, psychological, and educational records of the child;
4. to consult with a physician, dentist, or psychologist of the child;
5. to consult with school officials concerning the child's welfare and educational status, including school activities;
6. to attend school activities, including school lunches, performances, and field trips;
7. to be designated on the child's records as a person to be notified in case of an emergency;
8. to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
9. to manage the estate of the child to the extent the estate has been created by the parent or the parent's family.

The Court ORDERS that both parents always have the following duties: (See Texas Family Code, Section 153.076)

- To inform the other parent or conservator, in a timely manner, about significant information concerning the child/ren's health, education and welfare.
- Each parent has a duty to inform the other parent or conservator if the parent resides with for at least 30 days, marries, or intends to marry a person who the parent knows is a registered sex offender under Chapter 62 of the Texas Code of Criminal Procedure, or who is currently charged with an offense that would require the person to register as a sex offender under the chapter, if convicted. The parent is ORDERED to give this notice as soon as practicable, but no later than 40<sup>th</sup> day after the date the parent or conservator begins to reside with the person, or within 10 days of marrying the person. The notice must include a description of the offense that required the person to register as a sex offender or the offense that the person is charged with that may require the person to register a sex offender.

The Court ORDERS that both parents have the following right and duties when the child/ren are with them: (See Texas Family Code, Section 153.074)

1. To care for, control, protect, and reasonably discipline the child/ren.
2. To support the child/ren, providing them with food, clothing, and shelter, and medical and dental care that does not involve an invasive procedure.
3. To consent to non-invasive medical and dental care for the child/ren.
4. To direct the child/ren's moral and religious training.

The Court ORDERS that the parents shall have the following rights and duties as marked below: (See Texas Family Code, Section 153.132)

|  | Mother<br>Alone          | Father<br>Alone          | Mother & Father<br>together | Either<br>Mother or Father |
|--|--------------------------|--------------------------|-----------------------------|----------------------------|
| 1. Consent to invasive medical, dental, and surgical treatment for the child/ren   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>   |
| 2. Consent to psychiatric or psychological treatment for the child/ren   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>   |
| 3. Right to receive and give receipt for child support payments, and to hold or disburse these funds for the child/ren benefit                       | <input type="checkbox"/> | <input type="checkbox"/> | <b>NO</b>                   | <b>NO</b>                  |
| 4. Represent the child/ren in a legal action and make important legal decisions that affect the child/ren  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>   |
| 5. Consent to a child's marriage, or to a child enlisting in the U.S. Armed Forces   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>   |
| 6. Make decisions concerning the child/ren's education   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>   |
| 7. Manage or control the earnings or services of a child who works   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>   |
| 8. Make decisions for the child/ren about their estates if required by law (unless the child/ren have a guardian ad litem or guardian of the estate) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>   |
| 9. Manage the child/ren estates if any were created by the parents' community or joint property  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>   |
| 10. Apply for a passport for the child; renew the child's passport; and maintain possession of the child's passport                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>    | <input type="checkbox"/>   |

### 3B. Temporary Possession and Access (Visitation)

The Court ORDERS that the parents shall have temporary possession and access to the children as ordered in the following exhibit which is attached to and fully incorporated into this order:

*(Check one box below)*

- ☐ Exhibit – Standard Possession and Access (Visitation) Order
- ☐ Exhibit – Modified Possession and Access (Visitation) Order
- ☐ Exhibit – Supervised Possession and Access (Visitation) Order
- ☐ Exhibit – Possession and Access (Visitation) Order for Child under 3

### 3C. Temporary Child Support

\_\_\_\_\_ is ORDERED to pay temporary child support:

*(Full name of person to pay child support)*

*(Check one box below)*

- ☐ **Monthly**, in the amount of \$\_\_\_\_\_ each month, with the 1<sup>st</sup> payment due on \_\_\_\_\_ and a like payment is due on the \_\_\_\_\_ day of each month after that until further order of this Court.
- ☐ **Semi-monthly**, in the amount of \$\_\_\_\_\_ two times each month, with the 1<sup>st</sup> payment due on \_\_\_\_\_ and a like payment due on the 1<sup>st</sup> and 15<sup>th</sup> day of each month after that until further order of this Court.
- ☐ **Every two weeks**, in the amount of \$\_\_\_\_\_ every two weeks, with the 1<sup>st</sup> payment due on \_\_\_\_\_ and a like payment due on the same day of the week every two weeks after that until further order of this Court.
- ☐ **Every week**, in the amount of \$\_\_\_\_\_ every week, with the 1<sup>st</sup> payment due on \_\_\_\_\_ and a like payment due on the same day of the week every week after that until further order of this Court.

**IT IS ORDERED** that temporary child support is payable to \_\_\_\_\_ but **must** be sent to the **place of payment** listed below.

*(Full name of person receiving child support)*

The person ordered to **pay** child support is **ORDERED** to send all child support payments to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, for distribution according to law. Include the following information with each payment:

1. Name of person ordered to pay child support, and
2. Name of person ordered to receive child support, and
3. Cause Number and County of Decree or Order, and
4. Attorney General Case Number, if applicable

The person ordered to **receive** child support is ORDERED to establish a child support account by \_\_\_\_\_

**\*\*Questions about child support accounts should be directed to (817) 884-1475\*\***

**IT IS FURTHER ORDERED** that any employer of the person ordered to pay child support is ordered to withhold child support from the person's disposable earnings.

If an income withholding for support order is served on the employer of the person ordered to pay child support, the employer shall withhold child support payments from the employee's pay, and send it to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payments shall be recorded, and forwarded to the person ordered to receive child support. All child support withheld and paid in accordance with this order shall be credited against the child support obligation.

If the employer withholds less than 100% of the child support ordered, the person ordered to pay child support is **ORDERED** to send the balanced owed to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265.**

If an income withholding for support order is not served on the employer, or if the person paying child support is self-employed or unemployed, the person ordered to pay child support is **ORDERED** to send all child support payments to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265.**

**IT IS ORDERED** that the clerk of this Court shall cause a certified copy of the income withholding for support order to be delivered to any employer of the person ordered to pay child support, if asked to do so by the person ordered to pay or receive child support, a prosecuting attorney, the title IV-D agency, a friend of the Court, or a domestic relations office.

☐ Mother    ☐ Father is **ORDERED** to maintain and timely pay the premiums for health insurance coverage for the children.

Father is **ORDERED** to pay \_\_\_\_\_% and Mother is **ORDERED** to pay \_\_\_\_\_% of the children's health care expenses not covered by health insurance.

### **3D. Other Temporary Orders Regarding Children**

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### **3E. Required Notices**

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EVERY OTHER PARTY, THE COURT, AND THE STATE CHILD SUPPORT REGISTRY OF ANY CHANGE IN THE PARTY'S:

- CURRENT RESIDENCE ADDRESS,
- MAILING ADDRESS,
- HOME TELEPHONE NUMBER,
- NAME OF EMPLOYER,
- ADDRESS OF EMPLOYMENT,
- DRIVER'S LICENSE NUMBER, AND
- WORK TELEPHONE NUMBER.

THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO THE OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60<sup>TH</sup> DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO GIVE NOTICE OF THE CHANGE TO PROVIDE 60-DAYS NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE 5<sup>TH</sup> DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to every other party by delivering a copy of the notice to each party by registered or certified mail, return receipt requested.

Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk.

Notice shall be given to the **State Case Registry** by mailing a copy of the notice to the State Case Registry, Contract Services Section, MC046S, PO Box 12017, Austin, Texas 78711-2017.

### **3F. WARNING TO PARTIES**

FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THIS ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

#### 4. Mediation

(Check box below, if mediation is ordered)

☐ The parties are ordered to participate in mediation on or before: \_\_\_\_\_  
(Date)

#### 5. Duration of Order

These Temporary Orders shall continue in full force until further order of this Court.

Signed on: \_\_\_\_\_  \_\_\_\_\_  
Associate Judge's signature

Signed on: \_\_\_\_\_  \_\_\_\_\_  
District Judge's signature

This Order may be signed by an Associate Judge or District Judge. Only one signature is needed.

**REQUIRED NOTICE: If this Order is signed by an Associate Judge, all parties are hereby notified of the right to appeal to a District Court (for a trial de novo) pursuant to Texas Family Code, Chapter 201.**


#### Approved as to Form and Substance:


By signing below, the Petitioner  
agrees to the form and substance of  
this order

By signing below, the Respondent  
agrees to the form and substance of  
this order

\_\_\_\_\_  
Petitioner's name (Print) Phone Number

\_\_\_\_\_  
Respondent's name (Print) Phone Number

 \_\_\_\_\_  
Petitioner's signature Date

 \_\_\_\_\_  
Respondent's signature Date

Address \_\_\_\_\_  
\_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

## **Temporary Standard Possession Order**

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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:<br>(Check one box.)<br><input type="checkbox"/> 6 p.m.<br><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 return 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.**