

# The Evolution of Child Possession and Child Access in Texas

## A Guide to Types of Possession and Access Plans

In family law, parental child possession and child access have been standard processes with very little variance. However, the evolving nature of family structures, rising divorce rate, and the amount of extracurricular activities children can participate in have forced the legal system to evolve as well.

Divorce has many implications for child access and possession. Typically, after a divorce one parent will be designated as a primary caregiver and the other parent will have to establish a visitation schedule.

Below, there are a few examples of visitation schedules available to noncustodial parents.



### 1. Standard Possession

- 1st, 3rd and 5th weekend
- Weekends include Friday afternoon to Sunday evening
- Thursday evenings (on non-possessory weekends)
- Alternating holidays
- 30-day summer vacation



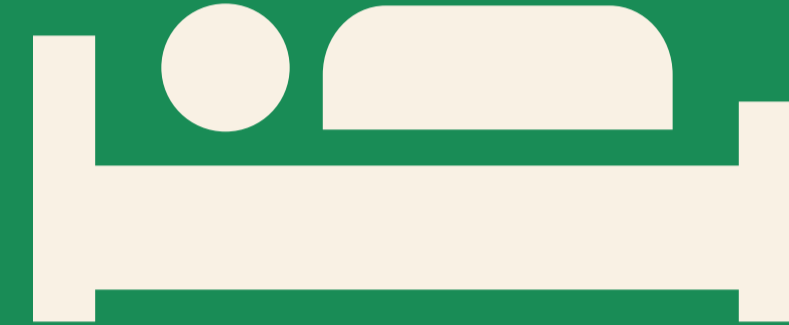
### 2. Extended Possession

- 1st, 3rd, and 5th weekend
- Weekends include Thursday afternoon to Monday morning
- Thursday evenings or overnights (on non-possessory weekends)
- Alternating holidays
- 30-day summer vacation



### 3. Week ON-Week OFF Possession

- Child alternates homes every week
- 50/50 split <sup>1</sup>
- Works best when parents live close to each other
- Alternating holidays
- 30-day summer vacation



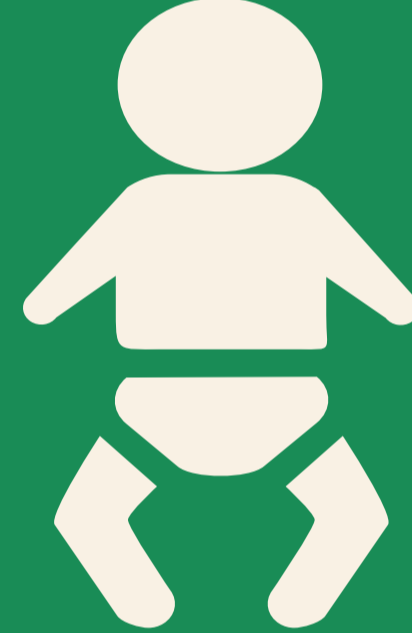
### 4. 2 Weeks ON-2 Weeks OFF Possession

- Child alternates homes every two weeks <sup>2</sup>
- Works best when parents live close to each other
- Alternating holidays
- 30-day summer vacation



### 5. 2-2-3 Possession

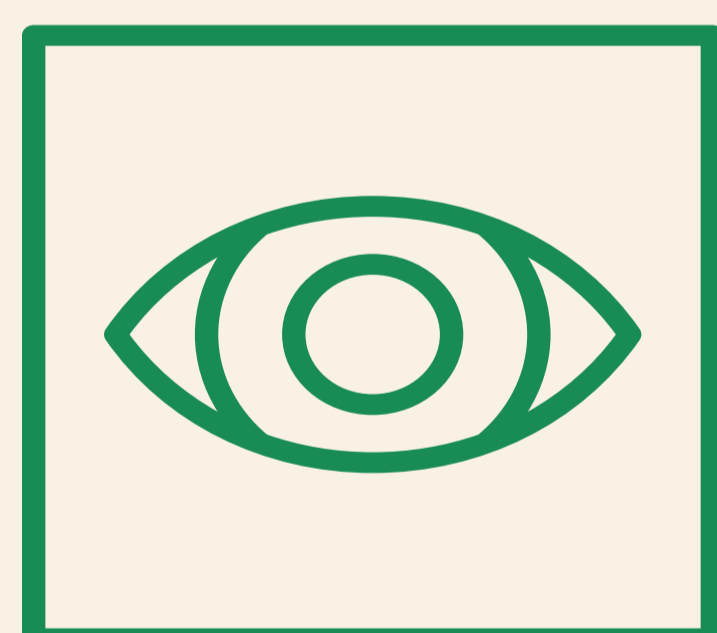
- 2 days with Parent A, 2 days with Parent B, 3 days with Parent A on week 1
- Inverted schedule on week 2
- Schedule begins Mondays
- Alternating holidays
- 30-day summer vacation



### 6. Under Three Provision

- Children under 3 years old do not participate in overnight visits with noncustodial parents<sup>3</sup>
- Visitation on weekends
- Parents meet at neutral location for child's comfort

### 7. Supervised Possession



Supervised possession is appropriate in cases where there have been acts of family violence, harm, or neglect committed against, or in front, of the child. Courts have held that it is in the best interest of the child to allow the family to continue to foster the existence of a parent-child relationship.

- Non-custodial parent has supervised visitation with the child
- Family members, friends of the custodial parent, and professionals may supervise visitation
- No overnight visits are allowed
- No alternating holidays are allowed
- No 30-day summer vacations are allowed

### ADDITIONAL POSSESSORY DAYS



The previously mentioned possession schedules include the additional days and times:<sup>4</sup>



1. Custodial Parent gets Thanksgiving Holiday in odd years
2. Noncustodial Parent gets Thanksgiving Holiday in even years
3. Custodial Parent gets Christmas Holiday in even years
4. Non-custodial Parent gets Christmas Holiday in odd years
5. Custodial Parent gets Spring Break in even years
6. Non-custodial Parent gets Spring Break in odd years
7. Parent that does not have possession on the child's birthday gets access from 6:00PM-8:00PM
8. Mother gets Mother's Day <sup>5</sup>
9. Father gets Father's Day <sup>6</sup>
10. Each Parent gets 30-day summer vacation days
11. Nightly phone calls and video calls to supplement each parent's period of possession

#### SOURCES

- 1 Due to the calendar year, an exact 50/50 time split may not be possible.
- 2 How much time each parent spends with the child is greatly affected by what day the week begins.
- 3 Courts have held that Standard Possession Orders are not typically in a child under three years old's best interest.
- 4 These considerations do not take into account same-sex couples.
- 5 These considerations do not take into account same-sex couples.
- 6 The Under Three Provision and Supervised Possession schedule do not include the additional possessory days.

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