

## POSSESSION AND ACCESS

### 1. *Standard Possession Order*

IT IS ORDERED that each conservator shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs this Standard Possession Order. IT IS, THEREFORE, ORDERED:

#### (a) **Definitions**

1. In this Standard Possession Order "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. In this Standard Possession Order "child" 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.

#### (b) **Mutual Agreement of Specified Terms for Possession**

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

#### (c) **Parents who Reside 100 Miles or Less Apart**

Except as otherwise expressly provided in this Standard Possession Order, when Parent2 resides 100 miles or less from the primary residence of the child, Parent2 shall have the right to possession of the child as follows:

##### 1. Weekends -

On weekends, beginning at 6:00 p.m., on the first, third, and fifth Friday of each month and ending at 6:00 p.m. on the immediately following Sunday.

##### 2. Weekend Possession Extended by a Holiday -

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by Parent2 begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the

child is enrolled, or a federal, state, or local holiday that falls on a Friday during the summer months when school is not in session, that weekend period of possession shall begin at 6:00 p.m. on the immediately preceding Thursday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by Parent2 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, as determined by the school in which the child is enrolled, or 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 6:00 p.m. on that Monday.

3. Thursdays - On Thursday of each week during the regular school term, beginning at 6:00 p.m. and ending at 8:00 p.m.
4. Spring Vacation in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.
5. Extended Summer Possession by Parent2 -

*With Written Notice by April 1* – If Parent2 gives Parent1 written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent2 shall have possession of the child for thirty (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, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.

*Without Written Notice by April 1* – If Parent2 does not give Parent1 written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent2 shall have possession of the child for thirty (30) consecutive days in that year beginning at 6:00 p.m. on July 1 and ending at 6:00 p.m. on July 31.

Notwithstanding the Thursday periods of possession during the regular school term and the weekend periods of possession ORDERED for Parent2, it is expressly ORDERED that Parent1 shall have a superior right of possession of the child as follows:

1. Spring Vacation in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.
2. Summer Weekend Possession by Parent1 - Parent1 gives Parent2 written notice by April 15 of a year, Parent1 shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of the extended summer possession by Parent2 in that year, provided that Parent1 picks up the child from Parent2's residence and returns the child to that same place and that the weekend so designated does not interfere with Father's Day/Mother's Day possession.
3. Extended Summer Possession by Parent1 - If Parent1 gives Parent2 written notice by April 15 of a year or gives Parent2 fourteen days' written notice on or after April 16 of a year, Parent1 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 before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by Parent2 shall not take place in that year, provided that the weekend so designated does not interfere with Parent2's period or periods of extended summer possession or with Father's Day/Mother's Day possession.

**(d) Parents Who Reside More Than 100 Miles Apart**

Except as otherwise expressly provided in this Standard Possession Order, when Parent2 resides more than 100 miles from the residence of the child, Parent2 shall have the right to possession of the child as follows:

1. Weekends - Unless Parent2 elects the alternative period of weekend possession described in the next paragraph, Parent2 shall have the right to possession of the child on weekends that occur during the regular school term, beginning at 6:00 p.m., on the first, third, and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday, and on weekends that do not occur during the regular school term, beginning at 6:00 p.m. on the first, third and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday.

Alternate Weekend Possession – In lieu of the weekend possession described in the foregoing paragraph, Parent2 shall have the right to possession of the child not more than one weekend per month of Parent2's choice beginning at 6:00 p.m. on the day school recesses for the weekend and ending at 6:00 p.m. on the day before school resumes after the weekend. Parent2 may elect an option for this alternative period of weekend possession by giving written notice to Parent1 within ninety days after the parties begin to reside more than 100 miles apart. If Parent2 makes this election, Parent2 shall give Parent1 fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Father's Day/Mother's Day possession below.

2. Weekend Possession Extended by a Holiday -

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by Parent2 begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or a federal, state, or local holiday during the summer months when school is not in session, that weekend period of possession shall begin at 6:00 p.m. on the immediately preceding Thursday.

Except as otherwise expressly provided in this Standard Possession Order, if a weekend period of possession by Parent2 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, as determined by the school in which the child is enrolled, or 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 6:00 p.m. on that Monday.

3. Spring Vacation in All Years - Every year, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.
4. Extended Summer Possession by Parent2 -

*With Written Notice by April 1* - If Parent2 gives Parent1 written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent2 shall have possession of the child for forty-two (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, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.

*Without Written Notice by April 1* - If Parent2 does not give Parent1 written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent2 shall have possession of the child for forty-two (42) consecutive days beginning at 6:00 p.m. on June 15 and ending at 6:00 p.m. on July 27 of that year.

Notwithstanding the weekend periods of possession ORDERED for Parent2, it is expressly ORDERED that Parent1 shall have a superior right of possession of the child as follows:

1. Summer Weekend Possession by Parent1 - If Parent1 gives Parent2 written notice by April 15 of a year, Parent1 shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of possession by Parent2 during Parent2's extended summer possession in that year, provided that if a period of possession by Parent2 in that year exceeds thirty days, Parent1 may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that Parent1 picks up the child from Parent2's residence and returns the child to that same place and that the weekend so designated does not interfere with Father's Day/Mother's Day possession.

2. Extended Summer Possession by Parent1 - If Parent1 gives Parent2 written notice by April 15 of a year, Parent1 may designate twenty-one 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, to be exercised in no more than two separate periods of at least seven consecutive days each, during which Parent2 shall not have possession of the child, provided that the period or periods so designated do not interfere with Parent2's period or periods of extended summer possession or with Father's Day/Mother's Day possession. These periods of possession shall begin and end at 6:00 p.m. on each applicable day.

**(e) Holidays Unaffected by Distance**

Notwithstanding the weekend and Thursday periods of possession of Parent2, Parent1 and Parent2 shall have the right to possession of the child as follows:

1. Christmas Holidays in Even-Numbered Years – In even-numbered years, Parent2 shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and Parent1 shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.
2. Christmas Holidays in Odd-Numbered Years – In odd-numbered years, Parent1 shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 28, and Parent2 shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.
3. Thanksgiving in Odd-Numbered Years – In odd-numbered years, Parent2 shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.
4. Thanksgiving in Even-Numbered Years – In even-numbered years, Parent1 shall have the right to possession of the child beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.

5. Child's Birthday – If a parent is not otherwise entitled under this Standard Possession Order to present possession of a child on the child's birthday, that parent shall have possession of the child beginning at 6:00 p.m. and ending at 8:00 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.
6. Father's Day – Parent\_\_ shall have the right to possession of the child each year, beginning at 6:00 p.m. on the Friday preceding Father's Day and ending at 6:00 p.m. on Father's Day, provided that if Parent\_\_'s is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from Parent\_\_'s residence and return the child to that same place.
7. Mother's Day – Parent\_\_ shall have the right to possession of the child each year, beginning at 6:00 p.m. on the Friday preceding Mother's Day and ending at 6:00 p.m. on Mother's Day, provided that if Parent\_\_ is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from Parent\_\_'s residence and return the child to that same place.

**(f) Undesignated Periods of Possession**

Parent1 shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for Parent2.

**(g) General Terms and Conditions**

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

1. Surrender of Child by Parent1 – Parent1 is ORDERED to surrender the child to Parent2 at the beginning of each period of Parent2's possession at the residence of Parent1.
2. Surrender of Child by Parent2 – Parent2 is ORDERED to surrender the child to Parent1 at the residence of Parent2 at the end of each period of Parent2's possession.

3. Surrender of Child by Parent2 – Parent2 is ORDERED to surrender the child to Parent1, if the child is in Parent2's possession or subject to Parent2's control, at the beginning of each period of Parent1's exclusive periods of possession, at the place designated in this Standard Possession Order.
4. Return of Child by Parent1 – Parent1 is ORDERED to return the child to Parent2, if Parent2 is entitled to possession of the child, at the end of each of Parent1's exclusive periods of possession, at the place designated in this Standard Possession Order.
5. 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.
6. 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.
7. Inability to Exercise Possession – Each conservator is ORDERED to 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.
8. Written Notice – Written notice, including notice provided by electronic mail or facsimile, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due.
9. Notice to School and Other Parent Conservator – If, for any reason, the child is not or will not be returned to school, the parent conservator in possession of the child shall immediately notify the school and the other parent conservator that the child will not be or has not been returned to school.