

Men's Health Network
www.menshealthnetwork.org
kidsfirst@menshealthnetwork.org

For additional information, contact:
parenting@menshealthnetwork.org

Texas - Statutes : Minimum "visitation" time with the NCP in Texas

Current: 1998

In general, refer to Chapter 153 of the Texas Family Code. The guidelines apply to children age 3 or older. Except in two or three jurisdictions, most judges seem apply these same guidelines to younger children.

The minimum "visitation" schedule, first passed in 1989, is a rebuttable presumption:

Sec. 153.252. Rebuttable Presumption.

In a suit, there is a rebuttable presumption that the standard possession order in Subchapter F:

- (1) provides reasonable minimum possession of a child for a parent named as a possessory conservator or joint managing conservator; and
- (2) is in the best interest of the child.

The "visiting" parent is allowed to choose certain options "... made before or at the time of the rendition of the original or modification order" which expand his/her time with the child, including starting the "visitation" period when school is out and taking the child back to school at the end of the "visitation" period.

Generally speaking, if the "visiting" parent chooses the available options, the minimum "visitation" order will provide for the following:

- 1st - 3rd - 5th weekends from the time school is out on Friday until the time school begins on Monday. If Friday is a school holiday, the period begins when school is out on Thursday; if Monday is a school holiday, the period ends when school goes in on Tuesday.
- Every Wednesday from the time school is out until it begins the next morning (Thursday).
- 30 Days in the summer.
- Alternating holidays.
- Christmas is split on December 26th at noon. One parent will have the first part of Christmas vacation one year and the other parent will have the first part of Christmas vacation the next year.
- Fathers have Father's Day weekend; mothers have Mother's Day weekend.
- The parent not in possession of the child has 2 hours with the child on the child's birthday.
- Parents alternate spring breaks.

This is not the complete schedule, but highlights the main sections.

Slightly different rules apply if the parents live more than 100 miles apart. (As example, NCPs living over 100 miles from their children get 42 days in the summer and every spring break.)

Weekend defined:

A “weekend” is defined as beginning on Friday. If Friday is on the 31st, than that weekend is the last weekend of the month.

Using October and November 1997 as an examples:

In October 1997, the NCP would have possession on the following weekends:

October 3-4-5-6 (1st weekend)
October 17-18-19-20 (3rd weekend) and
October 31-November 1-2-3 (5th weekend)

In November 1997, the NCP would have possession on the following weekends:

November 7-8-9-10 (1st weekend) and
November 21-22-23-24 (3rd weekend)

#