



Court Order Orientation Shared Parenting Program

El Paso County Domestic Relations Office
(915) 834-8200

500 E. San Antonio, Room LL108

El Paso, Texas 79901

epcounty.com/dro

Updated 2/9/16

Purpose of this Orientation

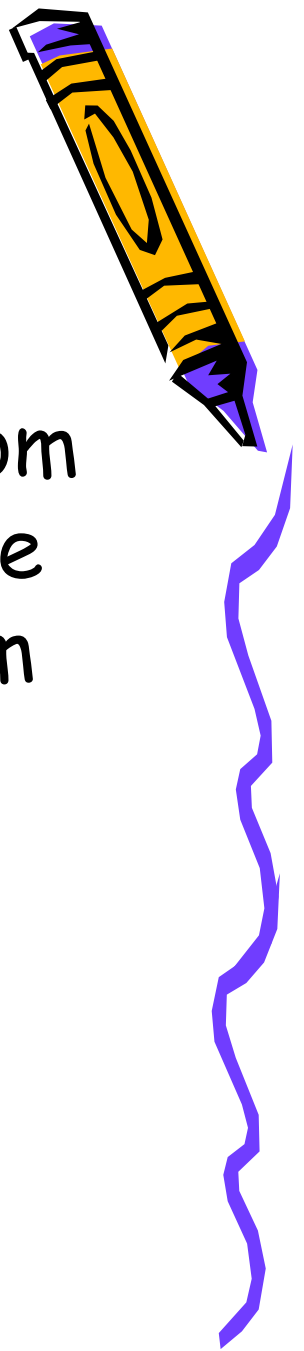
- To provide basic information to separated parents regarding:
 - Shared Parenting
 - Rights and duties of conservators
 - Consequences of violating court orders
 - Standard Access and Parenting Time Schedules

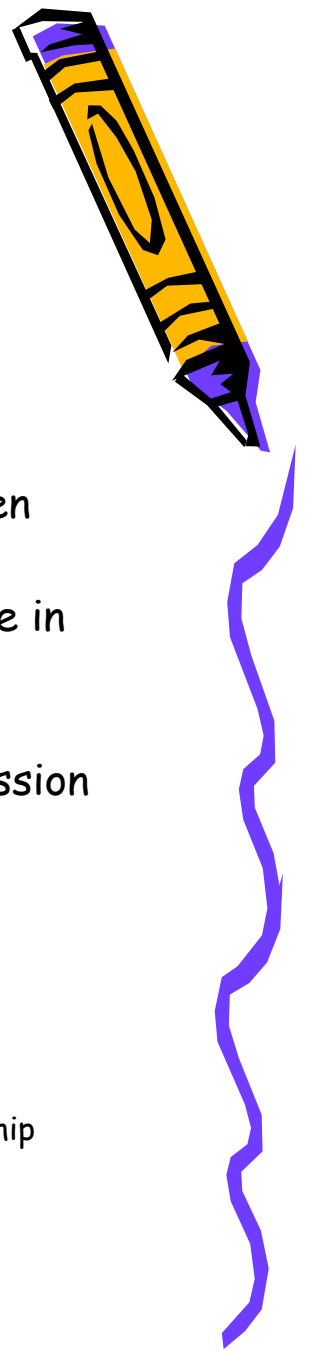


Shared Parenting

"A healthy relationship between mom and dad makes it significantly more likely that a child will benefit from times spent with their dads."

Child & Family Research Partnership





Shared Parenting:

Children who grow up with fathers:

Do Better in School

- 39% more likely to earn A's
- 45 % less likely to repeat a grade
- 60% less likely to be suspended or expelled from school
- Score approximately 8 points higher on math and reading tests
- Score 6 points higher on IQ tests
- Twice as likely to go to college and find stable employment after high school

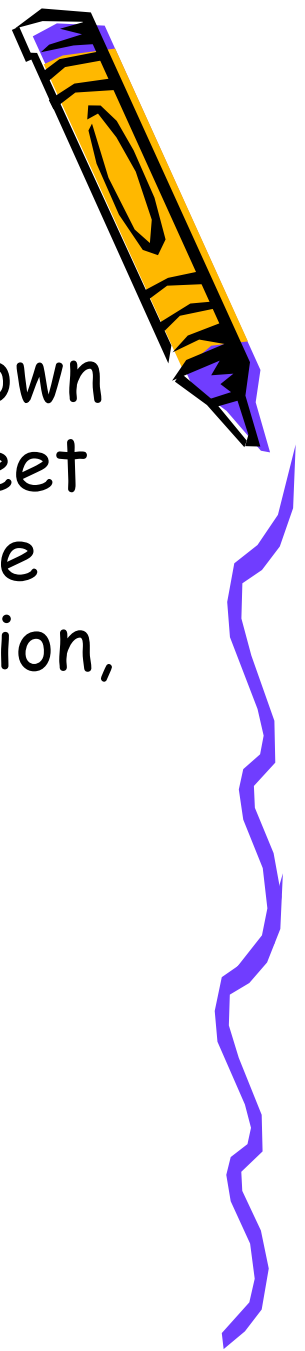
And in Life

- 75% less likely to have a teen birth
- 80% less likely to spend time in jail
- Half as likely to experience multiple symptoms of depression
- 4% less likely to experience cognitive delay

Source: Child & Family Research Partnership



Shared Parenting Time Can Be Whatever Both Parents Say It is:



Parents are encouraged to create their own parenting time schedules designed to meet the needs of their child(ren) and can be accomplished through Attorneys, Mediation, DRO Access facilitation, DRO parent conferences and alternative dispute resolutions services

Keys to Success

- Be honest in looking at your family's needs
- Focus on the needs of your children

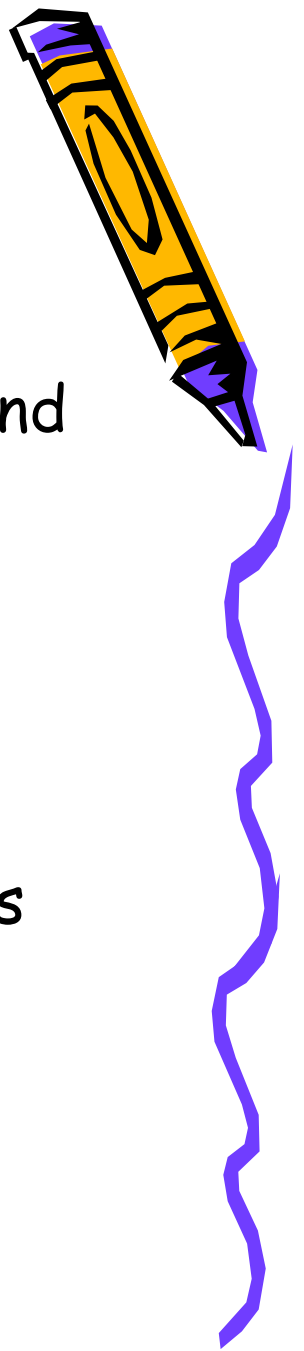


Shared Parenting

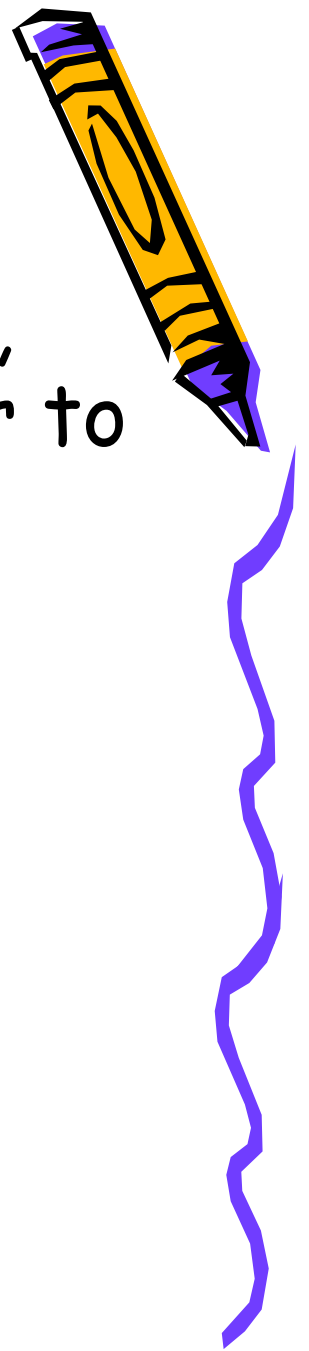
Texas Family Code §153.001

The public policy of Texas is to:

- (1) assure that children will have frequent and continuing contact with parents who have demonstrated the ability to act in the best interest of the child;
- (2) provide a safe, stable, and nonviolent environment for the child; and
- (3) encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage.



Conservatorship



- When parents separate or divorce, the court and your order will refer to parents as "conservators."
- Each conservator has:
 - ✓ rights and duties
 - ✓ are responsible for the support of their children.
 - ✓ are entitled to have on-going parenting time of their children



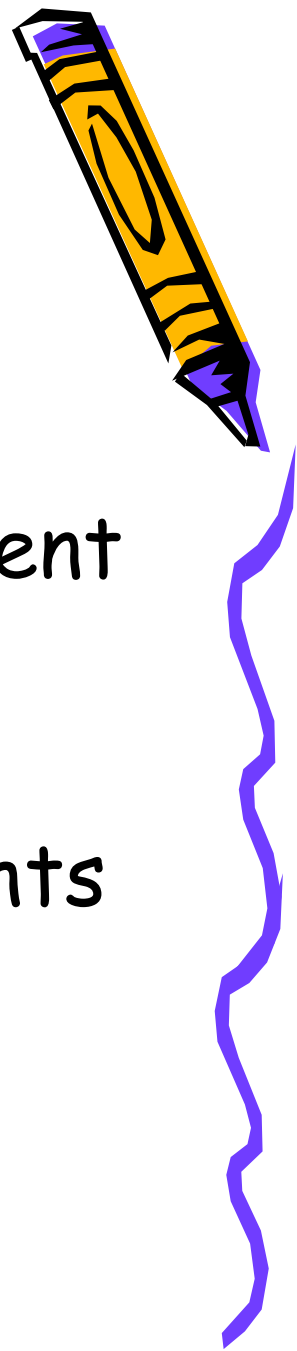
Conservatorship



- **Joint Managing Conservators**
 - Custodial Parent: Designates primary residence
 - Non-custodial Parent: Equal rights and obligations
- **Managing/Possessory Conservators**
 - Custodial Parent: Managing Conservator, carries more parental obligations
 - Non-Custodial Parent: Possessory Conservator, limited rights, obligation of child support



Remember



- The difference between the Custodial Parent (**CP**) and the Non-Custodial Parent (**NCP**) is one parent will designate the child's residence.
- Both Conservators share the legal rights and responsibilities that affect their child's health, education and welfare.



Texas Family Code § 153.001

A court may not render an order that conditions the right of a conservator to parenting time of a child or access to a child on the payment of child support.



Remember



YOU ARE NOT PERMITTED TO DENY PARENTING TIME BECAUSE THE OTHER PARENT IS NOT PAYING CHILD SUPPORT

You are not permitted to stop payment of child support due to denial of parenting time



Texas Family Code § 42.002

CIVIL LIABILITY FOR INTERFERENCE WITH POSSESSORY RIGHT.

- Applies to parent who is withholding the child from the other parent (possessory conservator)



Texas Family Code

§ 42.002



- A person who takes or retains a child or who conceals the whereabouts of a child in violation of a possessory right (parenting time) of another person may be liable for damages to that person.
 - A possessory right (parenting time) is violated by the taking, retention, or concealment of a child at a time when another person is entitled to parenting time of or access to the child.



Penalties under Texas Family Code § 42.002

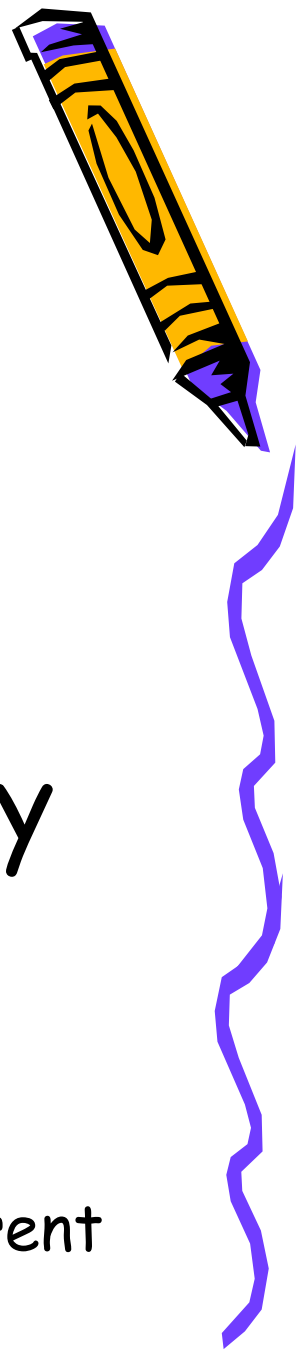
- Contempt of Court
 - Incarceration
 - Civil - indefinite incarceration
 - Criminal - up to 180 days for each violation
 - Fines (max \$500)
 - Money Damages and both attorney's fees
- Loss of custodial preference (can lose your Custodial Status)
- Loss of parenting time
- "Make-up" parenting time
- Probation
 - Maximum of 10 years



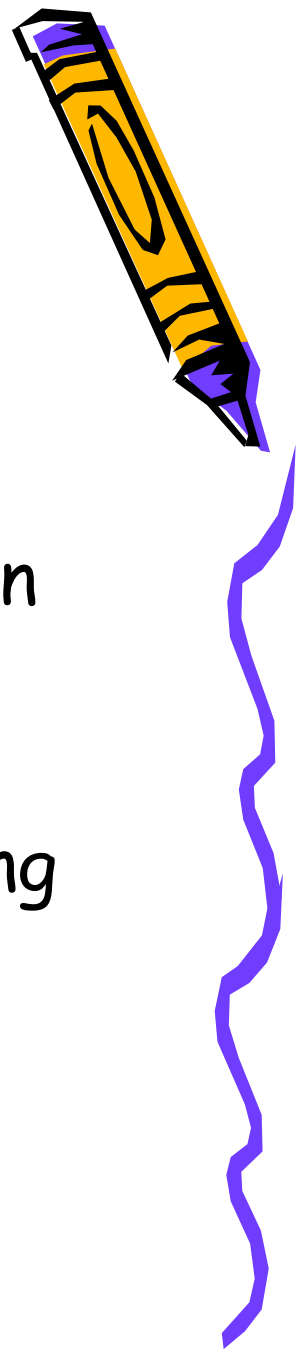
Texas Penal Code §
25.03
INTERFERENCE WITH
CHILD CUSTODY

Penalty: State Jail Felony
Up to 2 years in prison

This pertains to a parent
withholding the child from the other parent



Texas Penal Code §25.03



A person commits an offense if the person:

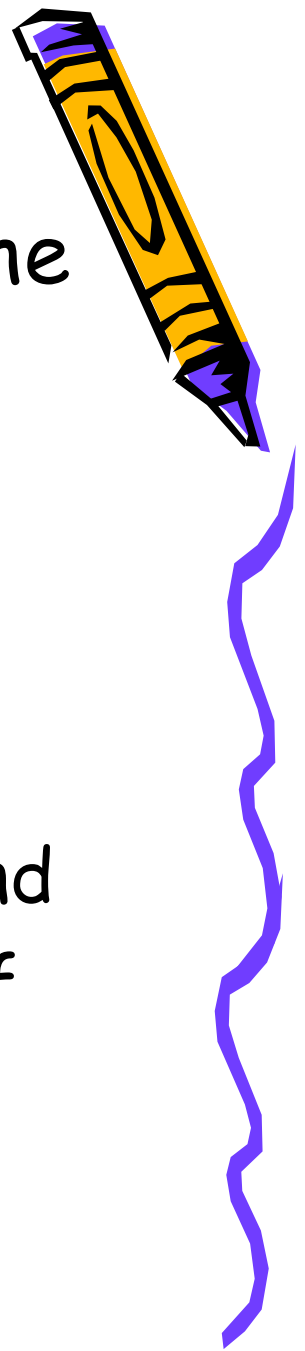
- takes or retains a child younger than 18 years when the person Knows that the person's taking or retention violates the express terms of a judgment or order of a court disposing of the child's custody;
- or



Texas Penal Code §25.03

Has not been awarded custody of the child by a court of competent jurisdiction,

- knows that a suit...has been filed, and
- takes the child out of the geographic area of the county ...
- without the permission of the court and
- with the intent to deprive the court of authority over the child.



Texas Penal Code §25.03

A noncustodial parent commits an offense if,

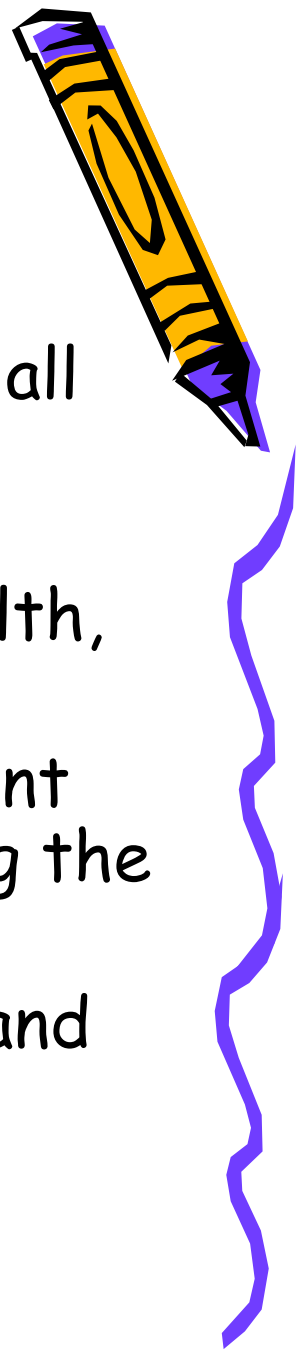
- with the intent to interfere with the lawful custody of a child younger than 18 years,
- the noncustodial parent knowingly entices or persuades the child to leave the custody of the custodial parent, guardian, or person standing in the stead of the custodial parent or guardian of the child.



Texas Family Code § 153.073

Rights and duties of a
conservator at all times





Texas Family Code §153.073

(a) Unless limited by court order, a parent appointed as a conservator of a child has at all times the right:

- to receive information from any other conservator of the child concerning the health, education, and welfare of the child;
- to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child;
- of access to medical, dental, psychological, and educational records of the child;



Texas Family Code

§ 153.073

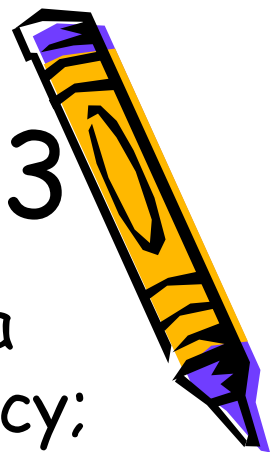


- to consult with a physician, dentist, or psychologist of the child;
- to consult with school officials concerning the child's welfare and educational status, including school activities;
- to attend school activities; whether they are with you or not



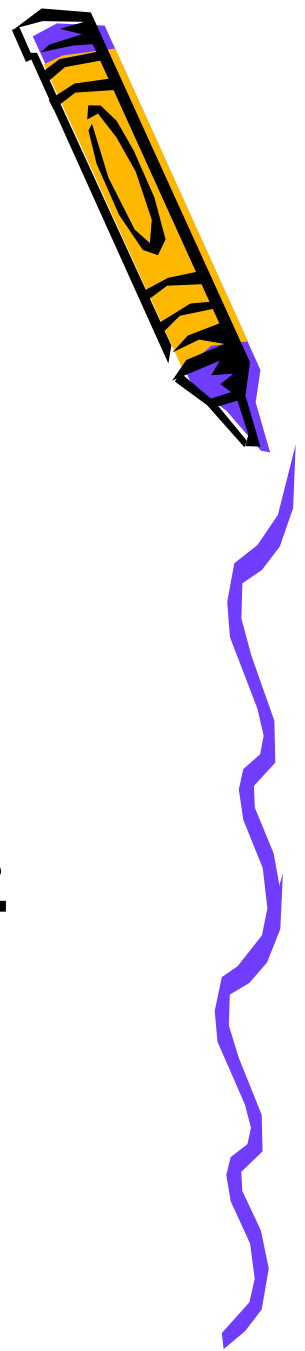
Texas Family Code §153.073

- to be designated on the child's records as a person to be notified in case of an emergency;
- to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
- to manage the estate of the child to the extent the estate has been created by the parent or the parent's family.



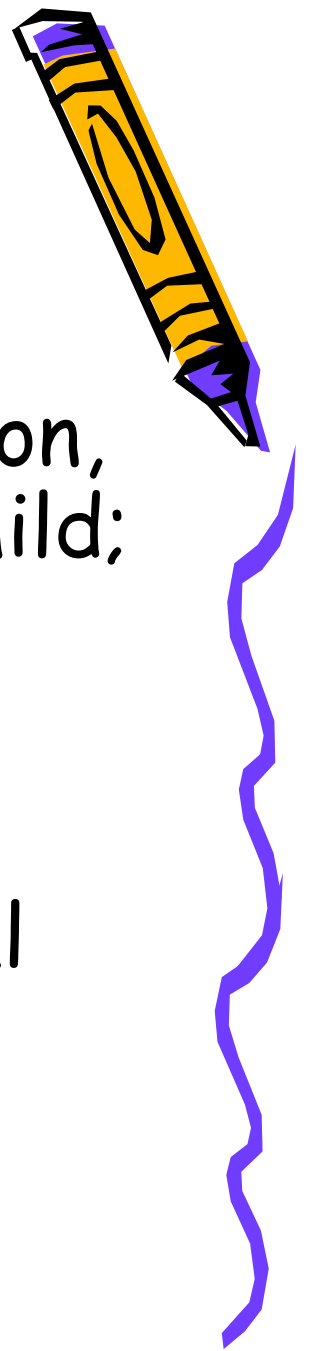
Texas Family Code §153.074

Rights and duties
during parenting time



Texas Family Code

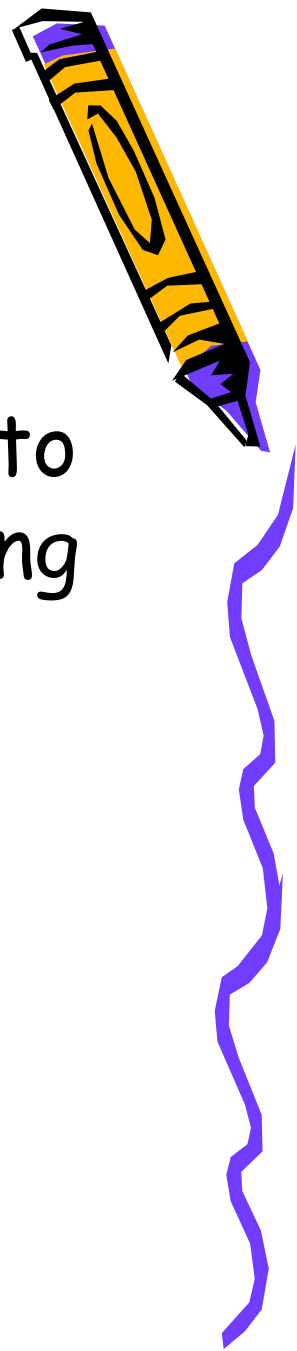
§ 153.074



- the duty of care, control, protection, and reasonable discipline of the child;
- the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;



Texas Family Code § 153.074

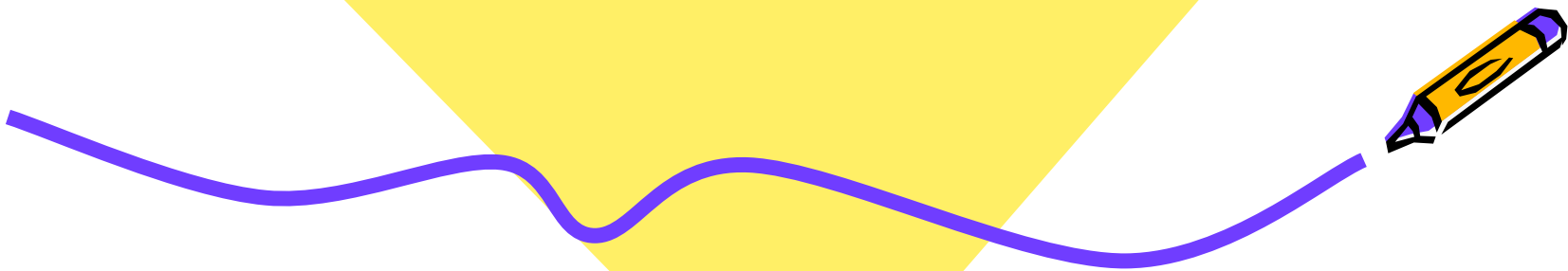


- the right to consent for the child to medical and dental care not involving an invasive procedure; and
- the right to direct the moral and religious training of the child.





Standard Possession Schedule Parenting Time



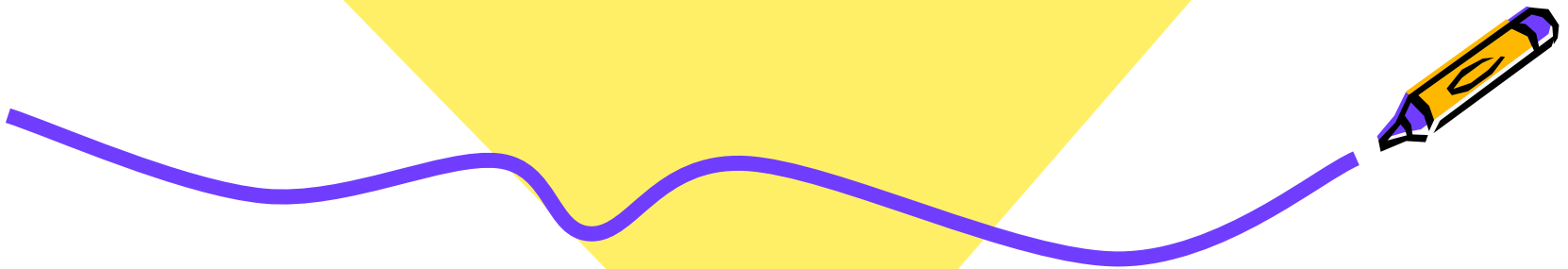
Remember

- The following is a standard order, it may be used by the court when setting up parenting time.
- **It is recommended** that you design a customized parenting schedule that focuses on your child(ren)'s needs and not yours, be creative, think outside the box, don't think of a win/lose situation.
- If the court has ordered the standard order carefully read your order. If you have questions or concerns get clarification from an Attorney.





Parents residing within 100 miles
of each other



Texas Family Code

§ 153.312



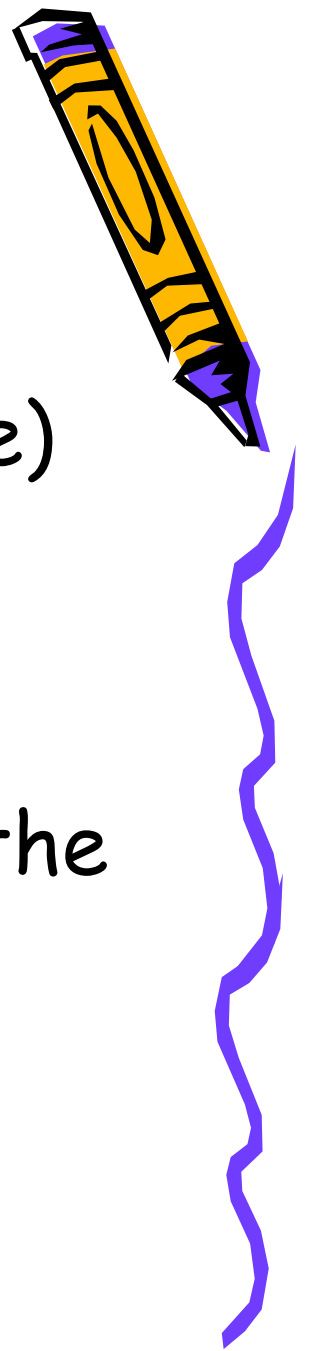
Non Custodial Parent commonly has weekends throughout the school year

- beginning at 6 p.m. on the first, third, and fifth Friday of each month
- ending at 6 p.m. on the following Sunday
- As illustrated in the AG of Texas Calendar (click below)
- [My Sticker Calendar](#)



Texas Family Code

§ 153.312



Alternate possession (parenting time) periods for non custodial parents:

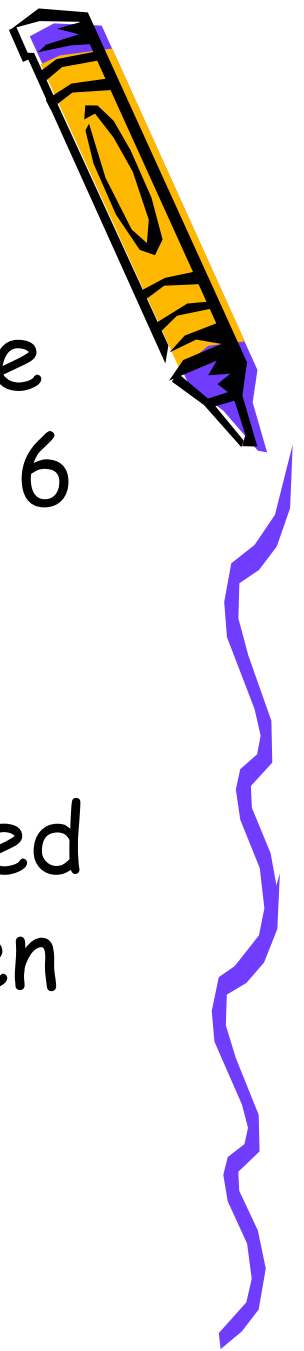
- Beginning at the time school is regularly dismissed and ending at the time school resumes after that weekend; and



Thursdays

Thursdays of each week during the regular school term beginning at 6 p.m. and ending at 8 p.m.

OR Thursdays of each week beginning when school is dismissed and ending the following day when school resumes



Spring Vacation



- Beginning 6 pm the day the child is dismissed from school and ending at 6 pm on the day before school resumes:
 - The Non-Custodial Parent shall have parenting time of the children in **even-numbered years** (2014, 2016, etc.)
 - The Custodial Parent shall have parenting time for the same period in **odd-numbered years** (2015, 2017, etc.)

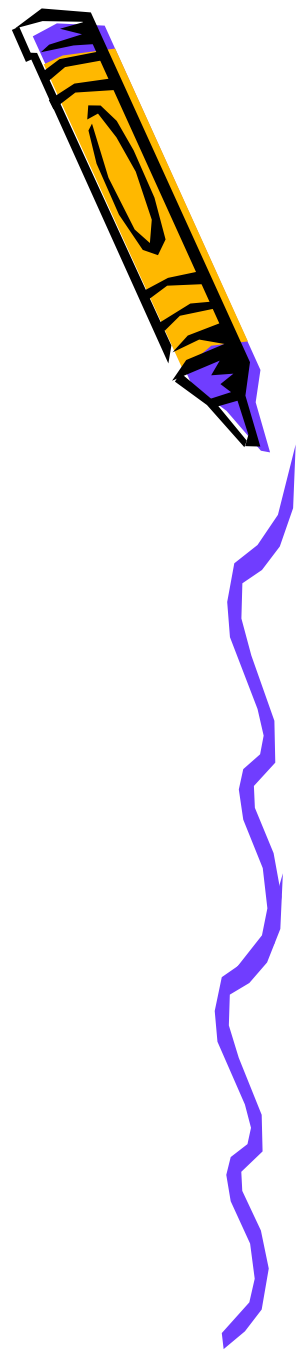


Summer Parenting Time

- With written notice by April 1
 - the Non-Custodial Parent shall have parenting time of the child for 30 days
 - beginning not earlier than the day after the child's school is dismissed for the summer vacation and
 - ending not later than seven days before school resumes at the end of the summer vacation,
 - to be exercised in not more than two separate periods of at least seven consecutive days each.



Without notice by April 1



- 30 consecutive days
 - beginning at 6 p.m. on July 1 and
 - ending at 6 p.m. on July 31
 - Custodial Parent can chose one weekend out of the 30 days





Parents Who Reside Over
100 Miles Apart

Weekend Parenting Time

Parenting Time for Non Custodial Parents (who live 100 miles away)



- Either weekend parenting time beginning at 6 pm on the first, third and fifth Fridays of each month and ending at 6 pm on the following Sunday; or



Weekend Parenting Time



- Not more than one weekend per month of the Non-Custodial Parent'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
 - Provided that the Non-Custodial parent gives the Custodial parent 14 days written or telephonic notice preceding the designated weekend; and
 - Provided that the Non-Custodial parent elects this alternative in writing within 90 days of the time the parties begin to reside 100 miles apart



Spring Vacation

- Each year beginning at 6 p.m. the day the child is dismissed from school for the school's spring vacation and ending at 6 pm on the day before school resumes



Summer Parenting time

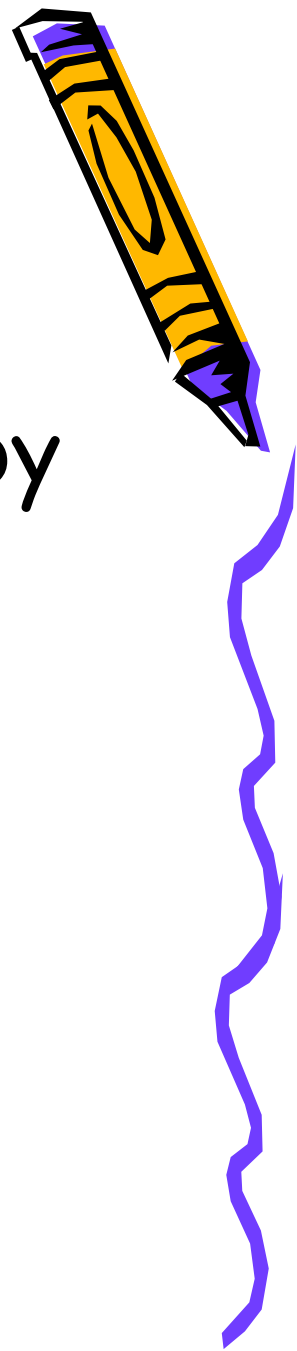


- If the Non-Custodial Parent gives written notice by April 1 of each year
 - 42 days
 - beginning the day after school is dismissed
 - Ending not later than 7 days before school resumes
 - To be exercised in no more than 2 periods
 - 7 consecutive days each period



Summer Parenting Time

- If written notice is not given by April 1
 - 42 consecutive days
 - Beginning at 6 pm on June 15
 - Ending at 6 pm on July 27





Winter Break
(Holiday)
Parenting Time



Holiday Parenting Time

The following provisions involve specific holidays and supersede conflicting weekend or Wednesday/Thursday periods of parenting time regardless of the distance between the parents.



Thanksgiving

- The Non-Custodial Parent shall have parenting time of the child
 - **odd numbered years** (2015, 2017, 2019)
 - beginning at 6 pm on the day the child is dismissed from school and
 - ending at 6 pm on the following Sunday

The Custodial Parent shall have parenting time for the same period in **even numbered years** (2016, 2018, 2020)



Christmas / Winter



- The Non-Custodial Parent shall have parenting time of the child in
 - **Even numbered years** (2016, 2018)
 - Beginning at 6 pm on the day the child is dismissed from school
 - Ending at noon on December 28
 - The Custodial Parent shall have parenting time for the same period in **odd numbered years** (2015, 2017)



Christmas / Winter

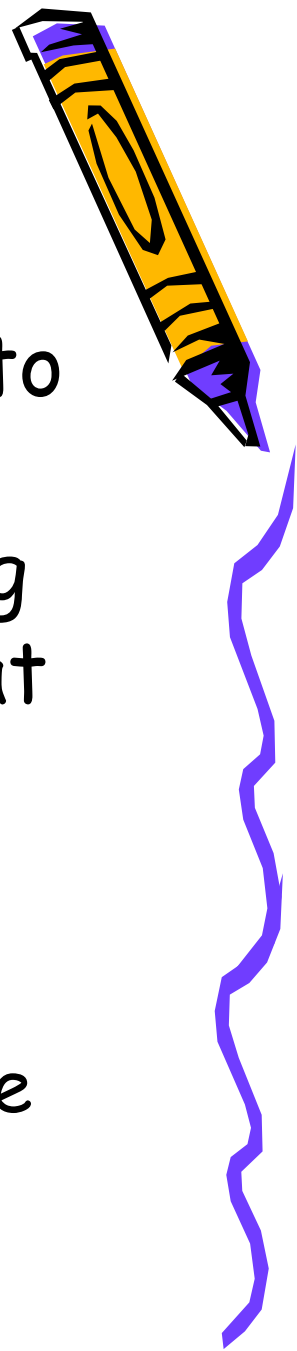


- The Non-Custodial Parent shall have parenting time of the child in **odd** numbered years (2015, 2017, 2019)
 - Beginning at noon on December 28
 - Ending at 6 pm the day before school resumes
- The Custodial Parent shall have parenting time for the same period in **even** numbered years (2016, 2018, 2020)



Birthdays

- The parent not otherwise entitled to parenting time of a child on the child's birthday shall have parenting time beginning at 6 pm and ending at 8 pm on that day
 - Must pick the child up from the residence
 - Must return the child to the residence



Father's Day

The father has parenting time of the child

- Beginning at 6 pm on the Friday before Father's Day and
- Ending at 6 pm on Father's Day
- Provided that if not otherwise entitled to parenting time, he picks the child up from the residence and returns the child to the same place

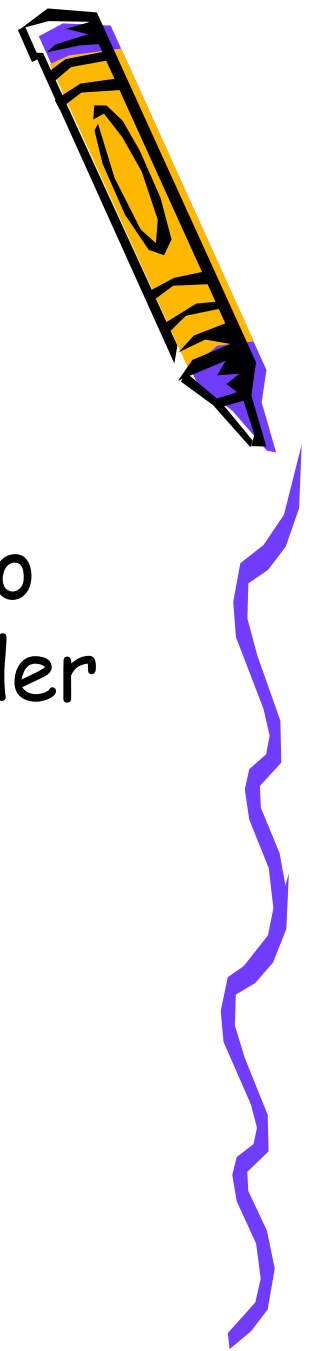


Mother's Day

- The mother has parenting time of the child
- Beginning at 6 pm on the Friday before Mother's Day and
- Ending at 6 pm on Mother's Day
- Provided that if not otherwise entitled to parenting time, she picks the child up from the residence and returns the child to the same place



General Orders

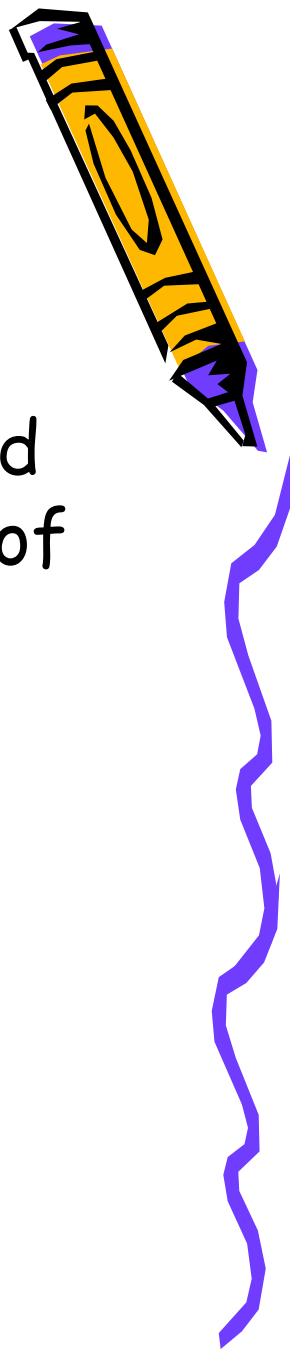


- Grandparents do not have rights to parenting time without a court order



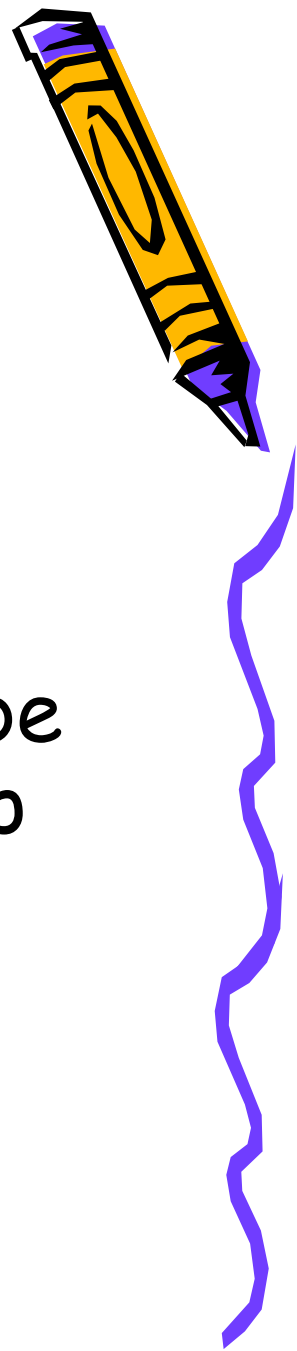
General Orders

- Each conservator shall return with the child the personal effects that the child brought at the beginning of the period of parenting time.



General Orders

- Either parent may designate any competent adult to pick up and return the child. A parent or designated competent adult shall be present when the child is picked up and returned.



General Orders

A parent shall give notice to the parent with parenting time of the child on each occasion that the parent will be unable to exercise that parent's right of parenting time for any specified period.



Shared Parenting Tips



Custodial Parents

- Allow access to information about school, sports, activities, and doctor's appointments
- Be flexible, arrange make-up time when possible
- Schedule activities during your own parenting time
- Have children ready to leave the house on time for parenting time
- Send the children dressed in clothing that fits well and is clean
- Keep conversations about money or other adult topics away from the children



Non Custodial Parents

- Stay informed of important information, school, sports, activities, doctor's appointments
- If you have to cancel parenting time first tell the other parent, then get on the phone with your child, explain, and apologize
- Attend extracurricular activities
- Pick the children up on time, all of the time
- Try not to bring the children back exhausted, riled up, dirty, or hungry
- Clean clothing before sending them back to the other parent



Shared Parenting

DO's

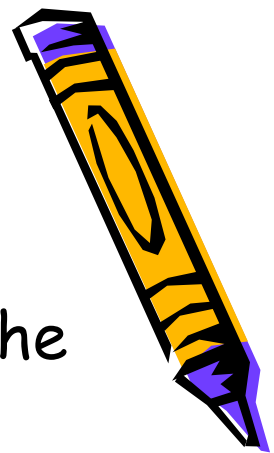
- Follow the parenting plan to make the process routine, easy and positive
- Keep your word to the children. Don't make promises you can't keep
- Contact the other parent immediately if there is an emergency involving the children
- Encourage excitement for the anticipated communication/parenting time with the other parent

Don'ts

- Edit, coach, monitor, or otherwise interfere with the children's communication with the other parent
- Take it personally if the child(ren) does not wish to call you regularly when they are with the other parent
- Take it personally if the child(ren) does not wish to stay on the phone too long or not call right back
- Limit the children's contact with the other parent



Frequently Asked Questions



Q. Can the custodial parent move the child out of the area?

A. Parents must review their court order to see if a geographical restriction is in place.

Q. If the noncustodial parent is not paying child support does the custodial parent have the right to cancel parenting time?

A. No, the custodial parent cannot withhold the noncustodial parent from parenting time if he or she is not paying child support.



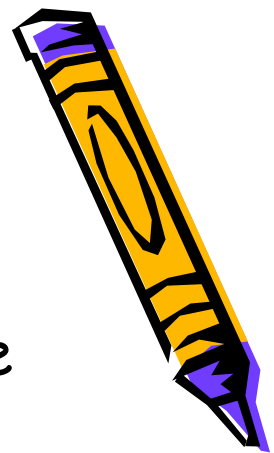
Frequently Asked Questions continued.....

Q. Is parenting time every other weekend for the noncustodial parent?

A. Review your order to find out what is the parenting time, ordinarily it is the first, third, and fifth weekend of the month.

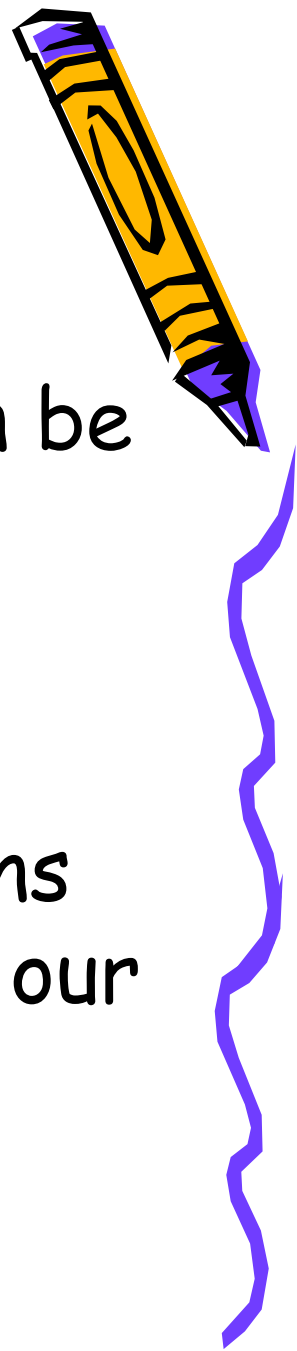
Q. Is the noncustodial parent responsible for providing a car seat for the child during his or her scheduled parenting time?

A. Yes, the noncustodial parent must have required items on hand for the child during parenting time.



Important Note

- Understanding your court order and role as a parent and conservator can be complex.
- We highly encourage you to enroll in the co-operative parenting class.
- For class times or individual questions please call (915) 834- 8200 Or visit our [website](#) for more information.





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