

Rights and Duties

Rights and Duties of Parent § 151.001

- (a) A parent of a child has the following rights and duties:
- (1) the right to have physical possession, to direct the and religious training, and to designate the residence of the child;
 - (3) the duty to support the child, including providing the child with clothing, food, shelter, medical and dental care, and education;
 - (4) the duty, except when guardian of the child's estate has been appointed, to manage the estate of the child, including the right as an agent of the child to act in relation to the child's estate if the child's action is required by state, the United States, or a foreign government;
 - (5) except as provided by Section 264.0111, the right to services and earnings of child
 - (6) the right to consent tot the child's marriage, enlistment in the armed forces of the United States, medical and dental care, and psychiatric, psychological, and surgical treatment;
 - (7) the right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
 - (8) the right to receive and give receipt for payments for the support of the child and to fold or disburse those funds for the benefit of the child;
 - (9) the right to inherent from and through the child;
 - (10) the right to make decisions concerning the child's education; and
 - (11) any other right or duty existing between a parent and child by virtue of law.

Rights of Parent at All Times § 153.073

- (a) Unless limited by a court order, a parent appointed as a Conservator of a child has at all times the right:
- (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;
 - (7) to be designated on the child's records as a person to be notified in case of an emergency;
 - (8) to consent medical, dental, and surgical treatment during an emergency involving an immediate danger to health and safety of the child; and
 - (9) to manage the estate of the child's to the extent the estate has been created by the parent or the parent's family.
- (b) the court shall specify in the order the rights that a parent retains at all times.

Rights and Duties of Parent During Period of Possession § 153.074

Unless limited by court order, a parent appointed as a conservator of a child has the following rights and duties during the period that a parent has possession of the child:

- (1) the duty of care, control, protection, and reasonable discipline of the child;
- (2) the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
- (3) the right to consent for the child to medical and dental care not involving an invasive procedure; and
- (4) the right to direct the moral and religious training of the child.

Duties of Parent Not Appointed Conservator §153.075

The court may order a parent not appointed as a managing or possessory conservator to perform other parental duties, including paying child support.

Rights and Duties of Parent Appointed Sole Managing Conservator § 153.132

Unless limited by court order, a parent appointed as sole managing conservator of a child has the right and duties provided by Subchapter B [153.073; 153.074; 153.075] and the following exclusive rights:

- (1) the right to designate the primary residence of the child;
- (2) the right to consent the medical, dental, and surgical treatment involving invasive procedures, and to consent to psychiatric and psychological treatment;
- (3) the right to receive and give receipt for periodic payment for the support of the child and to hold or disburse these funds for the benefit of the child;
- (4) the right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
- (5) the right to consent to marriage and to enlistment in the armed forces of the United States;
- (6) the right to make decisions concerning the child's education;
- (7) the right to the services and earning of the of the child; and
- (8) except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government.

Rights and Duties of Parent Appointed Possessory Conservator § 153.192

(a) Unless limited by court order, a parent appointed as possessory conservator of a child has the rights and duties provided by Subchapter B [153.073; 153.074; 153.075] and any other right or duty expressly granted to the possessory to the possessory conservator in the order.

Texas Standard Possession Schedule

§ 153.311 Mutual Agreement or Specified Terms for Possession

The court shall specify in a standard possession order that the parties may have possession of the child at times mutually agreed to in advance by the parties and, in the absence of mutual agreement shall have possession of the child under the specified terms set out in the standard order.

§ 153.312 Parents Who Reside 100 Miles or Less Apart

(a) If the possessory conservator resides 100 miles or less from the primary residence of the child, the possessory conservator shall have the right to possession of the child as follows:

(1) on weekends beginning at 6 p.m. on the first, third, and fifth Friday of each month and ending at 6 p.m. on the following Sunday or, at the possessory conservator's election made before or at the time of the rendition of the original or modification order, and as specified in the original or modification order, beginning at the same time the child's school is regularly dismissed and ending at 6 p.m. on the following Sunday; and

(2) on Tuesday of each week during the regular school term beginning at 6 P.M. and ending at 8 P.M., or , at the possessory conservator's election made before or at the time of the rendition of the original or modification order, and as specified in the original or modification order, beginning at the time the child's school is regularly dismissed and ending at the time the child's school resumes, unless the court finds that visitation under this subdivision is not in the best interest of the child.

(b) The following provisions govern possessions of the child for vacations and certain specific holidays and supersede conflicting weekend or Wednesday periods of possession. The possessory conservator and the managing conservator shall have rights of possession of the child as follows:

(1) the possessory conservator shall have possession in even-numbered years, beginning at 6 P.M. on the day the child is dismissed from school for the school's spring vacation and ending at 6 P.M. in the day before school resumes after that vacation, and the managing conservator shall have possession for the dame period in odd-numbered years;

(2) if a possessory conservator:

(A) gives the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession 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; or

(B) does not give the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 30 consecutive days beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31;

(3) if the managing conservator gives the possessory conservator written notice by April 15 of each year, the managing conservator shall have possession of the child on any one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of possession by the possessory conservator under Subdivision (2), provided that the managing conservator and returns the child to that same place; and

(4) if the managing conservator give the possessory conservator written notice by April 15 of each year or gives the possessory conservator 14 days' written notice on or after April 16 of each year, the managing conservator may designate one weekend beginning not earlier than the day after the child's school is dismissed for the summer vacation and ending nor later than seven days before school resumes at the end of summer vacation, during which an otherwise scheduled weekend period of possession by the possessory conservator will not take place, provided that the weekend designated does not interfere with the possessory conservator's period or periods of extended summer possession or with the Father's Day if the possessory conservator is the father of the child.

§ 153.313 Parents Who Reside Over 100 Miles Apart

If the possessory conservator resides more than 100 miles from the residence of the child, the possessory conservator shall have the right to possession of the child as follows:

(1) either regular weekend possessions beginning on the first, third, and fifth Friday as provided under the terms applicable to parents who reside 1200 miles or less apart or not more than one weekend per month of the possessory conservator's choice beginning at 6 p.m. on the day school recesses for the weekend and ending at 6 p.m. in the day before school resumes after the weekend, provided that the possessory conservator gives the managing conservator 14 days' written or telephonic notice preceding a designated weekend, and provided that the possessory conservator elects an option for this alternative period of possession by written notice given to the managing conservator within 90 days after the parties begin to reside more than 100 miles apart, as applicable;

(2) each year beginning on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before school resumes after that vacation;

(2) each year the beginning on the day the child is dismissed from school for the school's spring vacation and ending at 6 p.m. on the day before re school resumes after that vacation;

(3) if the possessory conservator:

(A) gives the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 42 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; or

(B) does not give the managing conservator written notice by April 1 of each year specifying an extended period or periods of summer possession, the possessory conservator shall have possession of the child for 42 consecutive days beginning at 6 p.m. on June 15 and ending at 6 p.m. on July 27;

(4) if the managing conservator gives the possessory conservator written notice April 15 each year the managing conservator shall have possession of the child on one weekend beginning Friday at 6 p.m. and ending at 6 p.m. on the following Sunday during one period of possession by the possessory conservator under Subdivision (3), provided that if a period of possession by the possessory conservator may have possession of the child under the terms of this subdivision on two nonconsecutive weekends during that time period, and further provided that the managing conservator picks up the child from the possessory conservator and returns the child to that same place; and

(5) if the managing conservator gives the possessory conservator written notice by April 15 of each year, the managing conservator may designate 21 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, during which the possessory conservator may not have possession of the child, provided that the period or periods so designated do not interfere with the possessory conservator's period or periods of extended summer possession or with Father's Day if the possessory conservator is the father of the child.

§ 153.314 Holiday Possession Unaffected by Distance Parents Reside Apart

The following provisions govern possession of the child for certain specific holidays and supersede conflicting weekend or Thursday periods of possession without regard to the distance the parents reside apart. The possessory conservator and the managing conservator shall have rights of possession of the child as follows:

(1) the possessory conservator shall have possession of the child in even-numbered years, beginning at 6 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26, and the managing conservator shall have the possession for the same period in odd-numbered years;

(2) the possessory conservator shall have possession of the child in odd-numbered years beginning at noon on December 26 and ending at 6 p.m. on the day before school resumes after that vacation, and the managing conservator shall have possession for the same period in even-numbered years;

(3) the possessory conservator shall have possession of the child in odd-numbered years, beginning 6 p.m. on the day the child is dismissed from school before Thanksgiving and ending at 8 p.m. on that day, provided that the parent picks up the child from the residence of the conservator entitled to possession and returns the child to that same place;

(4) the parent not otherwise entitled under this standard order to present the possession of a child on the child's birth day shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that the parent picks up the child from the residence of the conservator entitled to possession and returns the child to that same place;

(5) if a conservator, the father shall have possession of the child beginning at 6 p.m. on the Friday preceding Father's Day and ending on Father's Day at 6 p.m., provided that, if he is not otherwise entitled under this standard order to present possession of the child, he picks up the child from the residence of the conservator entitled to possession and returns the child to that same place; and

(6) if a conservator, the mother shall have possession of the child beginning at 6 p.m. on the Friday preceding Mother's Day and ending on Mother's Day at 6 p.m., provided that, if she is not otherwise entitled under this standard order to present possession of the child, she picks up the child from the residence of the conservator entitled to possession and returns the child to that same place.

§ Weekend Possession Extended by Holiday

(a) If a weekend period of possession of the possessory conservator coincides with a school holiday during the regular school term or with a federal, state, or local holiday during the summer months in which school is not in session, the weekend possession shall end at 6 p.m. on a Monday holiday or a school holiday or shall end at 6 p.m. on a Monday holiday or a school holiday or shall begin at 6 p.m. Thursday for a Friday holiday or school holiday, as applicable.