

Information & Instructions: ~~Family violence possession order~~

PREVIEW

1. The Family Code modifications for 1999 specified the creation of a possession order applicable where there has been family violence.

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Form: Family violence possession order

PREVIEW

POSSESSION ORDER

The Court makes a specific finding that the provisions contained in Standard Possession Order meet the requirements of and do comply with Section 153.004 of the Texas Family Code regarding access to a child in which there has been proved, by a preponderance of evidence, a history or pattern of committing family violence as defined by Section 71.004 of the Texas Family Code during the two years preceding the date of the filing of the suit or during the pendency of the suit,

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The Court reiterates that the public policy of this state is to (1) assure that children will have frequent and continuing contact with parents who have shown 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.

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The Court finds that awarding [Respondent Name] access to the child will not endanger the child's physical health or emotional welfare and is in the best interest of the child.

This Possession Order, as rendered, is designed to protect the safety and wellbeing of the child and any other person who has been a victim of family violence committed by [Respondent Name].

The Court ORDERS that [Petitioner Name] and [Respondent Name] shall comply with all of the terms and provisions of this order. The Court FURTHER ORDERS that this Possession order is effective immediately upon the signing of this Order and shall apply to all periods of possession which occur on or after the signing date. The Court THEREFORE ORDERS the following conditions:

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Conditions

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1. supervision
2. exchange of possession designated
3. abstain from alcohol or substance
4. attend batterers program

Periods of access to the child by [Respondent Name] shall be continuously supervised by [Supervision].

The exchange of possession of the child will occur in a protective setting that the Court finds to be [Exchange Location].

[Respondent Name] shall abstain from the consumption of alcohol or controlled substance, as defined by Chapter 481,2-16 Health and Safety Code, within 12 hours prior to or during the period of access to the child;

[Respondent Name] shall attend and complete a battering intervention and prevention program as provided by Article 4214, Code of Criminal Procedure. If such program is not available, complete a course of treatment under Section 153.010 of the Texas Family Code.

Periods of Access:

The Court ORDERS the following access to the child by [Respondent Name]:

- a. [Period of Access]

General Terms and Conditions.

Unless stated otherwise in this Possession Order, the following terms and conditions of possession of the child apply without regard to the distance between the residence of a parent and the child:

1. **Surrender of Child by [Petitioner Name].** [Petitioner Name] is ORDERED to surrender the child to [Respondent Name] at the beginning of each period of [Respondent Name]'s

possession at [Exchange Location].

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2. **Surrender of Child by [Respondent Name].** [Respondent Name] is ORDERED by the Court to surrender the child to [Petitioner Name] at [Exchange Location] at the end of each period of possession.

3. **Personal Effects.** The Court ORDERS each conservator to return with the child the personal effects that the child brought at the beginning of the period of possession.

4. **Inability To Exercise Possession.** The Court ORDERS each conservator to give notice to the other conservator on each occasion that the conservator will be unable to exercise that conservator's right of possession for a specified period. The parties are warned that repeated failure of a conservator to give the required notice of inability to exercise possessory rights may be a factor in a modification of those rights.

This concludes the Possession Order.

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