



An Administrator's Guide to Reading Custody Orders

Presented by:
Andrea L. Mooney
October 3, 2023

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Andrea L. Mooney

Andrea, a shareholder in our Plano office, received her Juris Doctor from Texas Tech University School of Law. She graduated magna cum laude with a Bachelor of Business Administration in Management also from Texas Tech University.

Andrea has an extensive background in litigation. Prior to joining our firm, she practiced family law for several years, successfully representing clients in highly contested divorce, custody, and adoption matters. This experience makes Andrea invaluable not only in court, but also in training school personnel in family law issues and in handling sensitive situations with parents and students.

Currently, one focus of Andrea's practice is the area of disability rights. She represents school districts in ARD meetings, Section 504 meetings, OCR complaints, mediations, and due process hearings. She also litigates appeals of due process hearings in the federal courts. She has prevailed in oral arguments before the United States Fifth Circuit Court of Appeals and has authored countless briefs and motions resulting in victories for school districts at the district and appellate court levels.

In addition, Andrea routinely litigates employment, personnel, and contract matters in both administrative and court proceedings. She is also a frequent speaker at school districts and regional education service centers across Texas on a wide variety of topics, including special education, personnel, family law, and student issues.

Andrea is admitted to practice in the United States Fifth Circuit Court of Appeals and the United States District Courts of the Northern, Eastern, Southern and Western Districts of Texas. She is a member of the School Law section of the Texas Bar and the Texas Council of School Attorneys.

Andrea's email address is amooney@edlaw.com.



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An Administrator's Guide to Reading Custody Orders

Andrea L. Mooney, Shareholder

Three Steps to Success

1. Review the Start and the End
2. Know the Parties
3. Check for Key Words



FILED
TARRANT COUNTY
2023 FEB 10 11:11:01
THOMAS A. WILDER
DISTRICT CLERK

NO. 22-37729-0

IN THE INTEREST OF § IN THE DISTRICT COURT
 §
PEBBLES § 322ND JUDICIAL DISTRICT
FLINSTONE §
 §
A CHILD § TARRANT COUNTY, TEXAS

ORDER IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP

On September 20, 2023 the Court heard this case.

Appearances

Petitioner, FRED FLINSTONE appeared in person and through attorney of record, Betty Rubble, and announced ready for trial.

Respondent, WILMA FLINSTONE, appeared in person and through attorney of record, Dino Saur, and announced ready for trial.

Jurisdiction

The Court, after examining the record and the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case. All persons entitled to citation were properly cited.

Jury

A jury was waived, and all questions of fact and of law were submitted to the Court.

Record

The record of testimony was duly reported by the court reporter for 322nd Judicial District Court.

Order in Suit Affecting the Parent-Child Relationship

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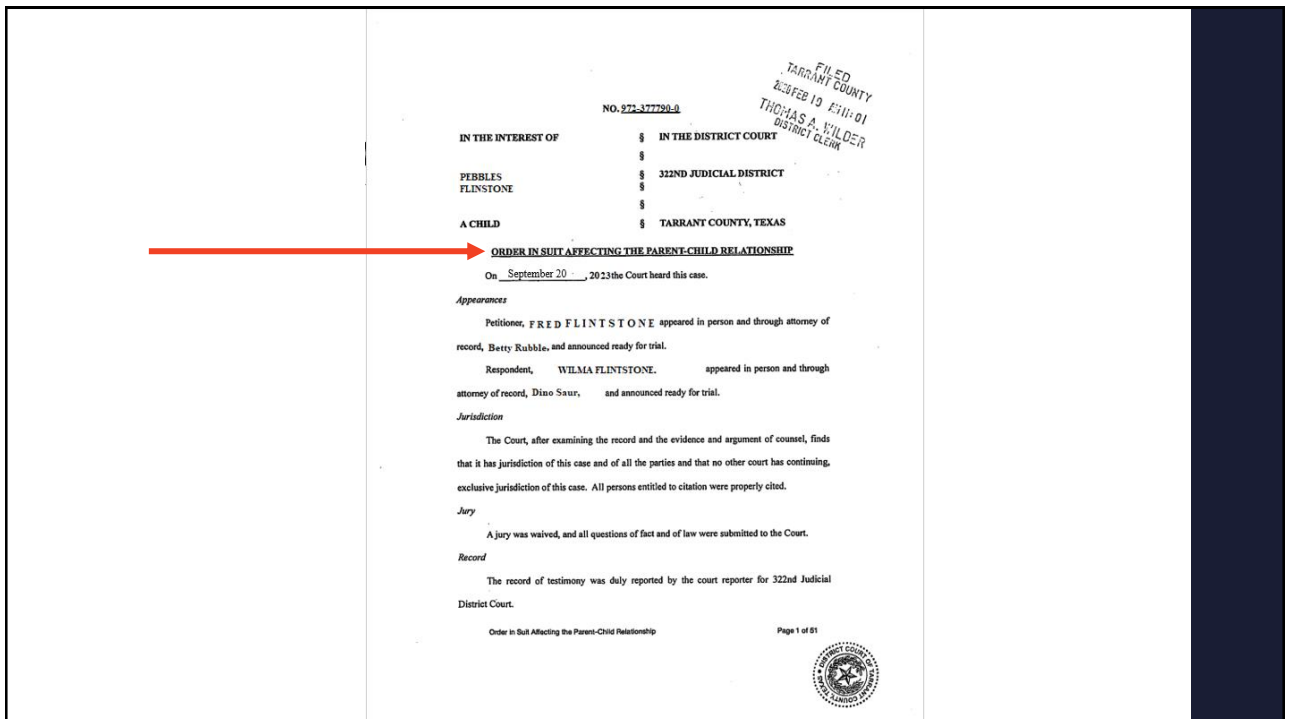


1. Review the Start and the End

- To begin, look at the **title** of the document.
- You're looking for the word "**Order**" or "**Decree.**"
- If it's not an order, we will not rely upon it.

It May Say...

- Final Decree of Divorce
- Temporary Orders
- Order in Suit Affecting Parent-Child Relationship
- Order in Suit to Modify Parent-Child Relationship



NOTICE: THIS DOCUMENT
CONTAINS SENSITIVE DATA

CAUSE NO. 867-5309-123

IN THE INTEREST OF

A.B.C.

A CHILD

§
§
§
§
§

IN THE DISTRICT COURT

296TH JUDICIAL DISTRICT

COLLIN COUNTY, TEXAS

→ AGREED ORDER IN SUIT TO MODIFY THE PARENT-CHILD RELATIONSHIP

972-37790-00

NO. _____

FILED
TARRANT COUNTY
8/8/2023 2:29 PM
THOMAS A. WILDER
DISTRICT CLERK

IN THE MATTER OF
THE MARRIAGE OF

FRED FLINTSTONE

AND

WILMA FLINTSTONE

AND IN THE INTEREST OF

PEBBLES FLINTSTONE, A CHILD

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

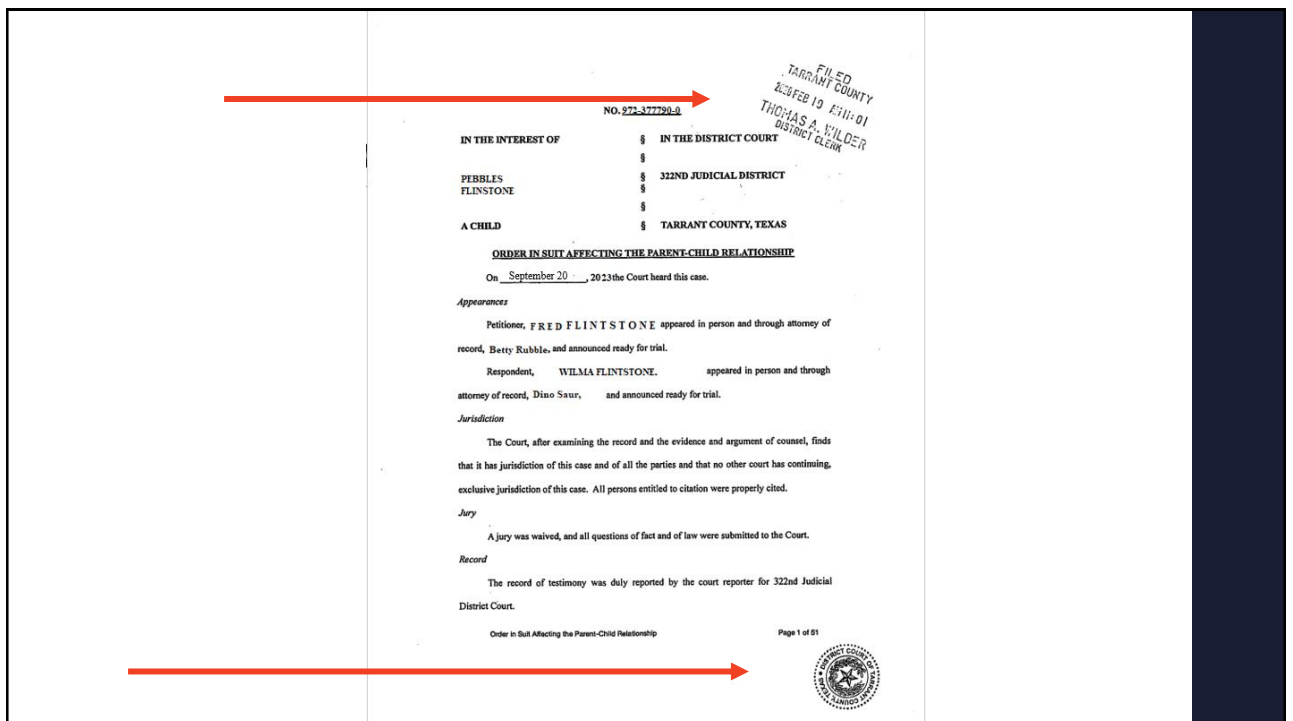
____ JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

→ ORIGINAL PETITION FOR DIVORCE

1. Review the Start and the End

- Then, check the end of the document
- We need a Judge's signature
- Look for a seal!
- Sometimes these are electronic



Temporary Orders

IT IS ORDERED that the Temporary Orders be the bases of the enforcement actions filed by the parties continue to survive this Order. The matter is set before the Associate Judge.

Attorney's Fees

IT IS ORDERED that attorney's fees are to be borne by the party who incurred them.

Costs

IT IS ORDERED that costs of court are to be borne by the party who incurred them.

Discharge from Discovery Retention Requirement

IT IS ORDERED that the parties and their respective attorneys are discharged from the requirement of keeping and storing the documents produced in this case in accordance with rule 191.4(d) of the Texas Rules of Civil Procedure.

Relief Not Granted


IT IS ORDERED that all relief requested in this case and not expressly granted is denied.

Date of Order

SIGNED on 2-7-2020


JUDGE PRESIDING



A CERTIFIED COPY
ATTEST 2-10-20
THOMAS A. WILDER
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY: 
DEPUTY
Edward Scott

Order in Suit Affecting the Parent-Child Relationship

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Petitioner prays that Petitioner's name be changed as requested above.

Petitioner prays for attorney's fees, expenses, and costs as requested above.

Petitioner prays for general relief.

Respectfully submitted,

Slaghoope PLLC
11 Stone Age Dr.
Bowling, Bedrock 98745
Tel: 22-555
Fax: 22-554

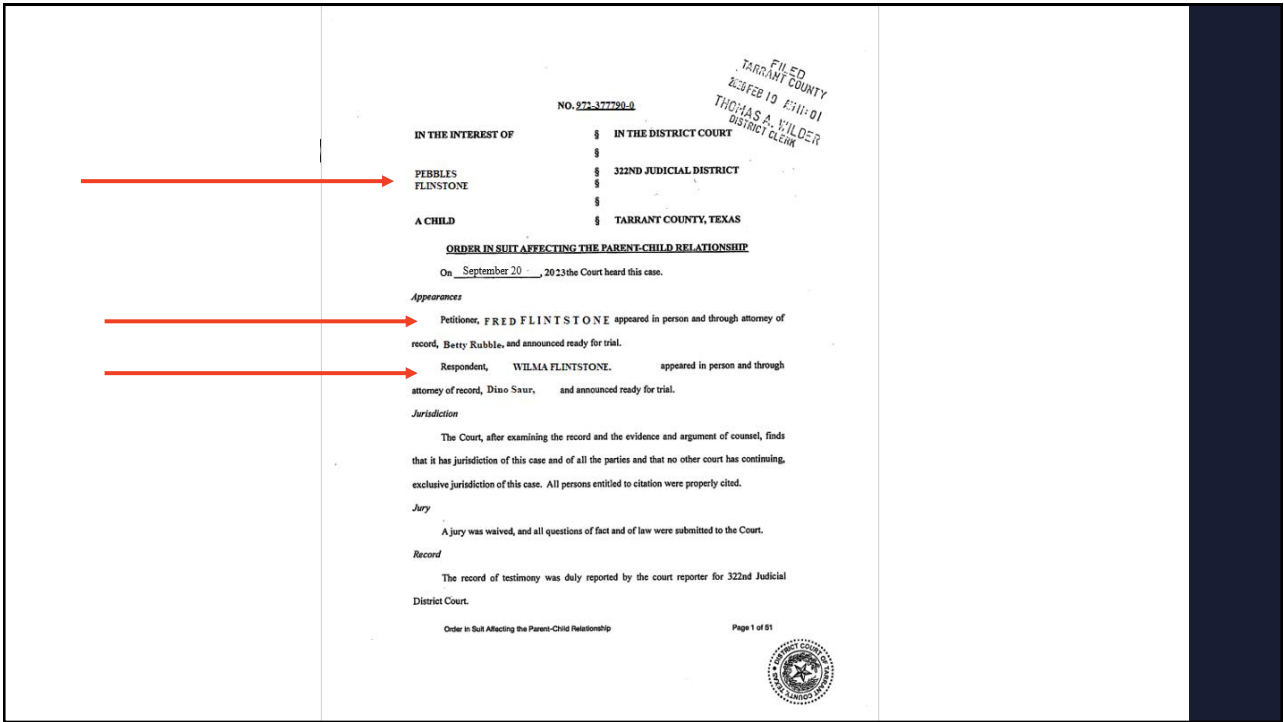
By: 
Penel Slaghoope
State Bar No. 35823001
pslaghoope@bedrocklaw.com
Attorney for Petitioner

2. Know the Parties

- Make sure you know:
 - Parents' names
 - Child(ren)'s names
- Know their titles
 - Who is “Petitioner”
 - Who is “Respondent”

Terms to Know: Parties

- Petitioner - whomever filed the lawsuit
- Respondent - whomever was the person sued in the lawsuit



3. Look for Key Words

- Joint Managing Conservator
- Possessory Conservator
- Sole Managing Conservator
- Decisions concerning the child's **education**
- School Activities
- Residence
- Access

Vocabulary to Know

- **Joint Managing Conservator** – both parties will share responsibilities for the child(ren)
- **Possessory Conservator** – this person has rights to the child(ren), but not viewed as the primary parent.
 - More of a right “to be informed” and to make less routine decisions.
- **Sole Managing Conservator** – this person has rights to the child(ren) to make the routine, impactful decisions for the child, and is typically viewed as the primary parent

Joint Managing Conservator

“It is a **rebuttable presumption** that the appointment of the parents of a child **as joint managing conservators** is in the **best interest of the child**. A finding of a history of family violence involving the parents of a child removes the presumption under this subsection.”

Tex. Fam. Code § 153.131(b)

Joint Managing Conservators

- FRED FLINTSTONE* is designated as the conservator with
- a. the exclusive right to designate the primary residence of the child and
 - maintain the child's primary residence in *BEDROCK* county;
 - may determine the child's primary residence without regard to geographic location;
 - b. the duty, except when a 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 a state, the United States, or a foreign government;
 - c. the right to the services and earnings of the child;
 - d. the right to consent to marriage and to enlistment in the armed forces of the United States;
 - e. the right to consent to medical, dental, and surgical treatment involving invasive procedures;
 - f. the right to consent to psychiatric and psychological treatment;

ORDER IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP

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- g. the power to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
 - h. the right and power to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child;
 - i. the right to make decisions concerning the child's education.
- Unless limited by court order, each parent appointed as a conservator of the child retains the following rights and duties during the period the parent has possession of the child:
- a. the duty of care, control, protection, and reasonable discipline of the child;
 - b. the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care and education;
 - c. the right to consent for the child to medical and dental care not involving an invasive procedure; and
 - d. the right to direct the moral and religious training of the child.

Conservatorship

The following orders are for the safety and welfare and in the best interest of the following child:

Name: PEBBLES FLINTSTON
Sex: Female
Birth date: 601 B.C.
Home state: Bedrock

IT IS ORDERED that *Wilma Flintstone* is appointed ~~Sole Managing Conservator~~ of the child.

IT IS ORDERED that *FRED FLINTSTONE* is appointed ~~Possessory Conservator~~ of the child.

FINAL ORDERS IN SUIT TO MODIFY PARENT-CHILD RELATIONSHIP

1

IT IS ORDERED that **WILMA FLINTSTONE**, as a parent Sole Managing Conservator, shall have the following rights and duty:

1. the right to receive information from any other conservator of the child concerning the health, education, and welfare of the child;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child;
3. the right of access to medical, dental, psychological, and educational records of the child;
4. the right to consult with a physician, dentist, or psychologist of the child;
5. the right to consult with school officials concerning the child's welfare and educational status, including school activities;
6. the right to attend school activities, including school lunches, performances, and field trips;
7. the right to be designated on the child's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
9. the right to manage the estates of the child to the extent the estates have been created by the parent's family or by the parent, other than by the community or joint property of the parent.
10. the sole right to receive and give receipt for periodic payment for the support of the child and hold or disburse the funds for the benefit of the child.
11. the sole right to establish the primary residence of the child within Tarrant County, Texas or contiguous counties.

IT IS ORDERED that, at all times, **FRED FLINTSTONE**, as a parent possessory managing conservator, shall have the following rights:

1. the right to receive information from any other conservator of the children concerning the health, education, and welfare of the child;
2. the right to confer with the other parent to the extent possible before making a decision concerning

FINAL ORDERS IN SUIT TO MODIFY PARENT-CHILD RELATIONSHIP

2

Parent/teacher conferences, ARD meetings, etc.

Helpful for permission slips and enrollment data

CONSERVATORS

It is FOUND that the appointment of the parents as Joint Managing Conservators is not in the best interests of the child.

WILMA FLINTSTONE is APPOINTED as the Managing Conservator of the child.

FRED FLINTSTONE is APPOINTED as a Possessory Conservator of the child.

Each parent appointed as a conservator of the child has at all times the following rights and duties of a parent:

ORDER IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP

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- a. to receive information from any other conservator of the child concerning the health, education, and welfare of the child;
- b. to confer with the other parent before making a decision concerning the health, education, and welfare of the child;
- c. of access to medical, dental, psychological and educational records of the child;
- d. to consult with any physician, dentist, or psychologist of the child;
- e. to consult with school officials concerning the child's welfare and educational status, including school activities;
- f. to attend school activities;
- g. to be designated on any records as a person to be notified in case of an emergency;
- h. to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child;
- i. to inform the other conservator of the child as soon as practicable but not later than the timeframe required under Texas Family Code § 153.076 (-1) if the conservator:
 - i. establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established,
 - ii. resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the 60-day period following the date the final protective order is issued; or
 - iii. is the subject of a final protective order issued after the date of the order establishing conservatorship;
- j. to manage the estate of the child to the extent the estate has been created by the parent or the parent's family; and
- k. the right to inherit from and through the child.

POSSESSION AND ACCESS

The Court FINDS that awarding *WILMA FLINTSTONE* access to the child would endanger the child's physical health or emotional welfare and is not in the best interest of the child.

IT IS ORDERED that, during their periods of possession, Wilma Flintstone and Fred Flintstone, as a parent possessory conservator, shall have the following rights and duties:

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.

IT IS ORDERED that Barney Rubble and Betty Rubble, as a nonparent sole managing conservator, shall have the following rights and duties:

1. the right to have physical possession and to direct the moral and religious training of the child;
2. the duty of care, control, protection, and reasonable discipline of the child;
3. the duty to provide the child with clothing, food, shelter, education, and medical, psychological, and dental care and to have access to the child's medical records;
4. the right to consent for the child to medical, psychiatric, psychological, dental, and surgical treatment;
5. the right to receive and give receipt for payments for the support of the child and to hold or disburse funds for the benefit of the child;
6. except as provided by section 264.0111 of the Texas Family Code, the right to the services and earnings of the child;
7. the right to consent to marriage and to enlistment in the armed forces of the United States;



Possession Schedules

- We look to see who can pick the child up from school
- Check to see if possession for a party requires supervision
- Look for words such as “**standard,**” or “**modified**”

Standard Possession Order

Presumption that the Standard Possession Order is the **minimum possession** for non-custodial parent and is in the **best interest** of the child.

Tex. Fam. Code § 153.252

Factors to Modify Possession Order

The Court considers the following in whether to modify the standard possession order:

- (1) the age, developmental status, circumstances, needs, and best interest of the child;
- (2) the circumstances of the managing conservator and of the parent named as a possessory conservator; and
- (3) any other relevant factor.

Tex. Fam. Code § 153.256

Standard Possession Schedules

- Depends on how far apart the parties live:
- When parents live **50 or less** miles apart, noncustodial parent can choose “default” or “election” options.
- There are additional standard schedules for parents living **51-100** miles apart, and parents living **over 100** mile apart.

Weekends – 1st, 3rd and 5th of Fridays each month

Default:

Pickup at the time school is dismissed for the weekend and drop-off at the time school resumes after the weekend during the school term. When school is not in session, pickup on Friday at 6 p.m. and drop-off Sunday at 6 p.m.

Election:

Pickup on Friday at 6 p.m. and drop-off Sunday at 6 p.m.

Drop-off schedule on a parenting time weekend that is extended by a school holiday or teacher in-service day that falls on a Monday

Default:

Drop-off at 8 a.m. on Tuesday.

Election:

Drop-off at 6 p.m. on Monday.

Pickup schedule on a parenting time weekend that is extended by a school holiday or teacher in-service day that falls on a Friday

Default:

Pickup at the time school is dismissed on Thursday.

Election:

Pickup at 6 p.m. on Thursday.

Except as otherwise expressly provided in this Possession Order, if a weekend period of possession by **FRED FLINTSTONE** 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 the time the child's school is regularly dismissed and ending at the time the child's school resumes on Friday.

MODIFIED POSSESSION AND ACCESS ORDER
DEFINITIONS

Child The term "child" refers to the child or children of the parties who are the subjects of this suit and shall include the plural form whenever appropriate to the context.

School The term "school" refers to the elementary or secondary school in which the child is enrolled, or, if the child is not enrolled in an elementary or secondary school, the public school district in which the child primarily resides. It is ORDERED that the parents may have possession of the child at any and all times mutually agreed to in advance and, in the absence of mutual agreement, it is ORDERED that they shall have possession of the child as follows:

**INITIAL PERIODS OF POSSESSION AND ACCESS
OF THE CHILD BY THE OBLIGOR**

It is FOUND that the age, developmental status, circumstances, needs, and best interests of the child warrant the following variance from the standard possession order. The Obligor shall have the following initial rights to possession of the child:

beginning at 1:00 p.m. and ending at 5:00 p.m. on the first, third, and fifth Saturdays of each month for 4 periods of possession. These periods of possession of the child shall be supervised by the Obligee or a competent adult designated by the Obligee. Upon completion of this phase, all subsequent periods of possession of the child by the Obligor shall be without the requirement of such supervision;

beginning at 1:00 p.m. and ending at 5:00 p.m. on the first, third, and fifth Saturday of each month for 0 periods of possession;

beginning at 8:00 a.m. and ending at 5:00 p.m. on the first, third, and fifth Saturday of each month for 4 periods of possession; and

beginning at 6:00 p.m. on the first, third, and fifth Saturday of each month and ending at 6:00 p.m. on the following Sunday for 4 periods of possession.

Each phase above must be completed in full on the requisite number of scheduled periods before advancement to the next phase. Once the initial phases of possession of the child by the Obligor have been completed, the parties shall have possession of the child in accordance with the standard possession order below.

When in Doubt, Call Your Attorney

- Things can get complicated if there is a history of family violence
- Perhaps there are grandparent conservators
- If you only have “Temporary Orders” on file
- If you’re presented with a newly signed order after having a previous order

Questions?

CONTACT US



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