McNamara LAW OFFICE

Family Law involves many different aspects of the law developed over many years, and these few pages are intended to be informational only. Please do not rely exclusively on them in evaluating your situation or representing yourself. Before you venture into the Courts system, or become involved with any litigation including family law, you should consult an attorney. Please do not think that this document means that McNamara Law Office, PLLC is your attorney or represents you. We only represent people who have signed an agreement to employ us.

BASIC ISSUES IN TEXAS FAMILY LAW

BRIEF OVERVIEW OF PROCEDURE FOR DIVORCE

To obtain a divorce in Texas at least 3 things must happen. Many more procedures and options are possible.

1. File a Petition to initiate the divorce (in Texas this is a relatively simple document).

2. The respondent spouse must either be served with papers or officially acknowledge the divorce.

3. A divorce decree must be signed by a Judge, either after a trial or submitted by agreement and signed by both spouses and lawyers.

Some of the other common procedures required in a Texas divorce:

1. File Original Petition for Divorce;
2. Attend temporary orders hearing at court, if necessary, for a court order to govern the temporary situation while case is pending;
3. Learn information about the case through “discovery,” if necessary;
4. Attend a course about the effect of parental conflict on children;
5. Prepare and file sworn Inventory & Appraisement;
6. Attend mediation, if necessary;
7. Attend trial, if necessary;
8. File Divorce Decree (either an Agreed Decree or imposed by Court after trial).

The following summary outlines what to expect between the time of filing and finalization of a divorce:

© Copyright 2020

1. MANDATORY WAITING PERIOD. A divorce cannot be finalized until at least 60 days after the date on which the court clerk places a received stamp on the petition that initiates the divorce. It is rare that a divorce decree is ready to be submitted 60 days after the filing of the divorce. A divorce is usually finalized somewhere between the period beginning 60 days after filing and the trial date. Most trial dates are about 10 to 12 months after filing of the petition.

2. PARENT EDUCATION PROGRAM. This applies only to parties who have children under the age of 18 or who are still in high school. Information about the programs available is in the initial packet that you received.

3. ALTERNATE DISPUTE RESOLUTION (ADR). This is often required in divorce cases which are not settled prior to the date the court assigns for trial. In most courts parties are required to participate in mediation if they are unable to reach an agreement. A mediator is a lawyer or former Judge who has been to mediation training and tries to help the parties reach an agreement. Mediation is not arbitration and the mediator cannot impose a resolution. In most instances mediation results in an agreement.

4. SWORN INVENTORY & APPRAISEMENT. This is a very important document and instructions concerning it are very detailed and warrant a separate set of instructions which are included in the initial packet that you received.

5. WITNESSES. You should begin now to make a list (including names, addresses, and telephone numbers) of all persons who have knowledge of any facts involving your situation and, if applicable, knowledge of your parenting abilities. With each name, make a notation of his or her area of knowledge. If you know anyone who your spouse may list as a witness, include that as well, with a notation as to what that person may have to say even if it may be something bad about you.

6. DISCOVERY. This may be the most onerous process you will be required to complete. If your spouse's attorney sends me interrogatories and/or requests for production, they will immediately be forwarded to you. We have a total of 30 days in which to respond. That does not mean that you have 30 days to forward the information to me. Documents will have to be assembled and interrogatory answers placed in proper form for your signature before a notary. Of course, I will also be sending the same types of request to your spouse's attorney and your spouse will be going through the same process.

   Discovery may cover many different areas. Be prepared to produce copies of some or all of the following (and any others requested) which may or may not be requested by your spouse's attorney:

© Copyright 2020

a. Bank records, including statements, canceled checks and deposit slips for at least the last 2 years.
b. Income tax returns for a specified number of years, both individual and corporate.
c. Life insurance policies.
d. Medical insurance policies.
e. Information concerning retirement and profit-sharing plans through your employment.
f. The items listed in connection with the inventory.

Another type of discovery is the taking of depositions. It may or may not be necessary for your attorney to take your spouse's deposition or for your spouse's attorney to take your deposition. If it is necessary, you will be notified and we will go over what to expect at that time.

When a Scheduling Order has been received from the Court, a copy will be sent to you and we will review it at that time. A Scheduling Order tells you when your trial is and deadlines by which the above tasks should be completed. The Court usually issues a Scheduling Order 1-5 months after the Original Petition is filed.

PROPERTY

1. All community property is divided as "the Court deems just and right, having due regard for the rights of each party and any children of the marriage." "Just and right" does not mean 50/50.

   A. Community property is all property acquired during marriage that is not separate.

   B. Separate property is:
      1. Owned before marriage;
      2. Acquired during marriage by gift, or inheritance; Or
      3. Personal injury damages, except recovery for lost wages. (Lost wage recovery is community property).

2. The law presumes that marital property is community unless proven otherwise by "clear and convincing evidence."

3. Separate property is not divided in a divorce.

4. FACTORS AFFECTING DIVISION OF COMMUNITY PROPERTY:

   A. Disparate earning ability between spouses, i.e. a substantially higher earning spouse may be awarded a smaller percentage;

© Copyright 2020

B. Fault in the breakup of the marriage, such as cruelty, adultery, felony conviction, & abandonment (at least 1 year).

SPOUSAL MAINTENANCE (ALIMONY) (TX Family code Ch. 8)

Introduced to Texas in 1995, & difficult to qualify for.

1. Eligibility: A spouse seeking maintenance must be unable to earn sufficient income to provide for his or her minimum reasonable needs (including the spouse's financial resources at the time of divorce) and also meet one of the following criteria:

   A. Suffer from an incapacitating physical or mental disability;

   B. Has been married to the other spouse at least ten years; or

   C. Is the custodian of a child of the marriage who requires substantial care and personal supervision because of a physical or mental disability.

   Or,

   The spouse from whom maintenance is sought was convicted of family violence within 2 years before filing for divorce or while the divorce is pending. (Deferred adjudication also counts).

2. Maximum Amount:

   20% of payer's average monthly gross income; OR
   $5,000, whichever is less.

3. The *maximum duration* of a spousal maintenance order varies from 5 to 10 years depending on the length of the marriage.

CHILDREN

1. The law favors Joint Managing Conservatorship (not necessarily joint custody).

   "The sharing of the rights and duties of a parent by two parties, ordinarily the parents, even if the exclusive right to make certain decisions may be awarded to one party." (TX Family Code sec. 101.016).

© Copyright 2020

Most important rights regarding children:

A. With whom the children will live primarily, and where, i.e. is there a residence restriction;
B. Who has the right to make educational decisions;
C. Who has the right to authorize invasive, non-emergency, medical, psychiatric and psychological care?

Other rights and duties of conservators found in TX Family Code chapter 153, subchapter B, C, & D.

2. The legislature has provided a detailed visitation schedule called the Standard Possession Order. It distinguishes between parents living within one hundred miles of each other and more than one hundred miles apart.

> "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 and, **in the absence of mutual agreement**, shall have possession of the child under the specified terms set out in the standard order." (TX Family Code sec. 153.311)

The Standard Possession Order is only effective when the parents cannot agree on visitation.

3. Highlights of Standard Possession Order when parents live within 100 miles of each other:

A. First, third & fifth weekend of each month;
B. Every Thursday evening;
C. Every other spring break;
D. Thirty days in the summer;
E. Every other Thanksgiving;
F. ½ of Christmas school vacation;
G. All Father's Day or Mother's Day weekend.

The Standard Possession Order is detailed and you should study it if it governs your children's visitation periods. Section 153.317 provides for an expanded possession schedule that is overnight every Thursday and after school on Friday until school starts on Monday on the 1st, 3rd, & 5th weekends (see attached).

© Copyright 2020

4. Child Support

Child support is calculated based on the income of the person paying it (the payer). The income of the parent receiving support is usually not relevant. The payer's monthly net income is calculated using charts provided by Texas Attorney General.

Calculate the annual income of the payer, including average bonuses, overtime, etc, subtract taxes withheld for a single person (Attorney General chart), union dues, and the cost of the children's health insurance, divide by twelve, and this is the net monthly income. Apply the following percentages to the first $9,200.00 of net monthly income:

One child	20%
Two children	25%
Three children	30%
Four children	35%
Five children	40%

The calculated amount equals the monthly child support obligation of the payer. If the payer has other children who are not part of your case, the percentages will be somewhat lower.

© Copyright 2020

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 moral and religious training, and to designate the residence of the child;
- (2) the duty to care, control, protection, and reasonable discipline 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 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;
- (5) except as provided by Section 264.0111, the right to the services and earnings of the child;
- (6) the right to consent to 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 hold or disburse those funds for the benefit of the child;
- (9) the right to inherit from and through the child;
- (10) the right to make decisions concerning the child's education;
- (11) the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admission requirements; and
- (12) any other right or duty existing between a parent and child by virtue of law.

. . .

(d) The rights and duties of a parent are subject to:
- (1) a court order affecting the rights and duties

. . .

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; including school lunches, performances, and field trips;
- (7) to be designated on the child's records as a person to be notified in case of an emergency;
- (8) to consent to 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 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 the 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.

Continued on next page--->

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 rights 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 to medical, dental, and surgical treatment involving invasive procedures;
(3) the right to consent to psychiatric and psychological treatment;
(4) the right 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;
(5) the right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
(6) the right to consent to marriage and to enlistment in the armed forces of the United States;
(7) the right to make decisions concerning the child's education;
(8) the right to designate the school the child will attend and to enroll the child in the school, subject to any eligibility or admissions requirements;
(9) the right to the services and earnings of the child;
(10) 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; and
(11) the right to:
  (A) apply for a passport for the child;
  (B) renew the child's passport; and
  (C) maintain possession of the child's passport.

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 conservator in the order.

Texas Standard Possession Schedule

§153.3101. Reference to "school" in Standard Possession Order:

In a standard possession order, "school" means 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.

§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 possession order.

§153.312. Parent 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 throughout the year 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; and

(2) on Thursdays of each week during the regular school term beginning at 6 p.m. and ending at 8 p.m., unless the court finds that visitation under this subdivision is not in the best interest of the child.

(b) The following provisions govern possession of the child for vacations and certain specific holidays and supersede conflicting weekend or Thursday 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. on the day before school resumes after that vacation, and the managing conservator shall have possession for the same 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 with each period of possession beginning and ending at 6 pm on each applicable day; 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 picks up the child from the possessory conservator and returns the child to that same place; and

(4) if the managing conservator gives 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 not later than seven days before school resumes at the end of the 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 Father's Day if the possessory conservator is the father of the child.

(c) Notwithstanding Section 153.316, after receiving notice from the managing conservator under Subsection (b)(3) of this section designating the summer weekend during which the managing conservator is to have possession of the child, the possessory conservator, not later than the 15th day before the Friday that begins that designated weekend, must give the managing conservator written notice of the location at which the managing conservator is to pick up and return 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 possession beginning on the first, third, and fifth Friday as provided under the terms applicable to parents who reside 100 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. on 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 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. on the day before 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, with each period of possession beginning and ending at 6 p.m. on each applicable day; 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 by April 15 of 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 exceeds 30 days, the managing 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 with each period of possession beginning and ending at 6 p.m. on each applicable day, 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 28, and the managing conservator shall have 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 28 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 at 6 p.m. on the day the child is dismissed from school before Thanksgiving and ending at 6 p.m. on the following Sunday, and the managing conservator shall have possession for the same period in even-numbered years;

(4) the parent not otherwise entitled under this standard possession order to present possession of a child on the child's birthday 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 possession 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 possession 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.

§153.315. Weekend Possession extended by Holiday:

(a) If a weekend period of possession of the possessory conservator coincides with a student holiday or 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 with a federal, state, or local holiday that falls on a Monday during the summer months in which school is not in session, the weekend possession shall end at 6 p.m. on Monday.

(b) If a weekend period of possession of the possessory conservator coincides with a student holiday or teacher in-service day that falls on a Friday during the regular school term, as determined by the school in which the child is enrolled, or with a federal, state, or local holiday that falls on a Friday during the summer months in which school is not in session, the weekend possession shall begin at 6 p.m. on Thursday.

§153.316. General Terms and Conditions:

The court shall order the following general terms and conditions of possession of a child to apply without regard to the distance between the residence of a parent and the child:

(1) the managing conservator shall surrender the child to the possessory conservator at the beginning

of each period of the possessory conservator's possession at the residence of the managing conservator;

(2) if the possessory conservator elects to begin a period of possession at the time the child's school is regularly dismissed, the managing conservator shall surrender the child to the possessory conservator at the beginning of each period of possession at the school in which the child is enrolled;

(3) the possessory conservator shall be ordered to do one of the following:

(A) the possessory conservator shall surrender the child to the managing conservator at the end of each period of possession at the residence of the possessory conservator; or

(B) the possessory conservator shall return the child to the residence of the managing conservator at the end of each period of possession, except that the order shall provide that the possessory conservator shall surrender the child to the managing conservator at the end of each period of possession at the residence of the possessory conservator if:

(i) at the time the original order or a modification of an order establishing terms and conditions of possession or access the possessory conservator and the managing conservator lived in the same county, the possessory conservator's county of residence remains the same after the rendition of the order, and the managing conservator's county of residence changes, effective on the date of the change of residence by the managing conservator; or

(ii) the possessory conservator and managing conservator lived in the same residence at any time during a six-month period preceding the date on which a suit for dissolution of the marriage was filed and the possessory conservator's county of residence remains the same and the managing conservator's county of residence changes after they no longer live in the same residence, effective on the date the order is rendered;

(4) if the possessory conservator elects to end a period of possession at the time the child's school resumes, the possessory conservator shall surrender the child to the managing conservator at the end of each period of possession at the school in which the child is enrolled;

(5) each conservator shall return with the child the personal effects that the child brought at the beginning of the period of possession;

(6) either parent may designate a competent adult to pick up and return the child, as applicable; a parent or a designated competent adult shall be present when the child is picked up or returned;

(7) a parent shall give notice to the person in possession of the child on each occasion that the parent will be unable to exercise that parent's right of possession for a specified period;

(8) written notice, including notice provided by electronic mail or facsimile, shall be deemed to have been timely made if received or postmarked before or at the time that notice is due; and

(9) if a conservator's time of possession of a child ends at the time school resumes and for any reason the child is not or will not be returned to school, the conservator in possession of the child shall immediately notify the school and the other conservator that the child will not be or has not been returned to school.

§153.317. Alternative Beginning and Ending Possession Times:

(a) If elected by a conservator, the court shall alter the standard possession order under Sections 153.312, 153.314, and 153.315 to provide for one or more of the following alternate beginning and ending possession times for the described periods of possession, unless the court finds that the election is not in the best interest of the child:

(1) for weekend periods of possession under Section 153.312(a)(1) during the regular school term:

(A) beginning at the time the child's school is regularly dismissed;

(B) ending at the time the child's school resumes after the weekend; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B).

(2) for Thursday periods of possession under Section 153.312(a)(2):

(A) beginning at the time the child's school is regularly dismissed;

(B) ending at the time the child's school resumes on Friday; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B);

(3) for spring vacation periods of possession under Section 153.312(b)(1), beginning at the time the child's school is dismissed for those vacations;

(4) for Christmas school vacation periods of possession under Section 153.314(1), beginning at the time the child's school is dismissed for the vacation;

(5) for Thanksgiving holiday periods of possession under Section 153.314(3), beginning at the time the child's school is dismissed for the holiday;

(6) for Father's Day periods of possession under Section 153.314(5), ending at 8 a.m. on the Monday after Father's Day weekend;

(7) for Mother's Day periods of possession under Section 153.314(6):

(A) beginning at the time the child's school is regularly dismissed on the Friday preceding Mother's Day; or

(B) ending at the time the child's school resumes after Mother's Day; or

(C) beginning at the time described by Paragraph (A) and ending at the time described by Paragraph (B);

(8) for weekend periods of possession that are extended under Section 153.315(b) by a student holiday or teacher in-service day that falls on a Friday, beginning at the time the child's school is regularly dismissed on Thursday; or

(9) for weekend periods of possession that are extended under Section 153.315(a) by a student holiday or teacher in-service day that falls on a Monday, ending at 8 a.m. Tuesday.

(b) A conservator must make an election under Subsection (a) before or at the time of the rendition of a possession order. The election may be made:

(1) in a written document filed with the court; or

(2) through an oral statement made in open court on the record.

§153.3171. Beginning and Ending Posession Times for Parents Who Resides 50 Miles or Less -

(a) Except as provided by Subsection (b), if the possessory conservator resides not more than 50 miles from the primary residence of the child, the court shall alter the standard possession order under Sections 153.312, 153.314, and 153.315 to provide that the conservator has the right to possession of the child as if the conservator has made the elections for alternative beginning and ending possession times under Sections 153.317(a)(1)(C), (2)(C), (3), (4), (5), (6), (7)(C), (8), and (9).

(b) Subsection (a) does not apply if:

(1) the possessory conservator declines one or more of the alternative beginnings and endings possession times under Subsection (a) in a written document filed with the court or through an oral statement made in open court on the record;

(2) the court is denying, restricting, or limiting the posssessory conservator's possession of or access to the child in the best interest of the child under Section 153.004; or

(3) the court finds that one or more of the alternative beginning and ending possession times under Subsection (a) are not in the best interest of the child, including:

(A) because the distances between the residences make the possession schedule described by Subsection (a) unworkable or inappropriate considering the circumstances of the parties or the area in which the parties reside;

(B) because before the filing of the suit, the possessory conservator did not frequently and continuously exercise the rights and duties of a parent with respect to the child; or

(C) for any other reason the court considers relevant.

(c) on the request of a party, the court shall make findings a fact and conclusions of law regarding the order under this section.

§153.701. Military Duty Definitions:

In this subchapter:

(1) "Designated person" means the person ordered by the court to temporarily exercise a conservator's rights, duties, and periods of possession and access with regard to a child during the conservator's military deployment, military mobilization, or temporary military duty.

(2) "Military deployment" means the temporary transfer of a service or member of the armed forces of this state or the United States serving in an active-duty status to another location in support of combat or some other military operation.

(3) "Military mobilization" means the call-up of a National Guard or Reserve service member of the armed forces of this state or the United States to extended active duty status. The term does not include National Guard or Reserve annual training.

(4) "Temporary military duty" means the transfer of a service member of the armed forces of this state or the United States from one military base to a different location, usually another base, for a limited time for training or to assist in the performance of a noncombat mission.

§153.702. Temporary Orders:

(a) If a conservator is ordered to military deployment, military mobilization, or temporary military duty that involves moving a substantial distance from the conservator's residence so as to materially affect the conservator's ability to exercise the conservator's rights and duties in relation to a child, either conservator may file for an order under this subchapter without the necessity of showing a material and substantial change of circumstances other than the military deployment, military mobilization, or temporary military duty.

(b) The court may render a temporary order in a proceeding under this subchapter regarding:

(1) Possession of or access to the child; or

(2) Child support

(c) A temporary order rendered by the court under this subchapter may grant rights to and impose duties on a designated person regarding the child, except that if the designated person is a nonparent, the court may not require the designated person to pay child support.

(d) After a conservator's military deployment, military mobilization, or temporary military duty is concluded, and the conservator returns to the conservator's usual residence, the temporary orders under this section terminate and the rights of all affected parties are governed by the terms of any court order applicable when the conservator is not ordered to military deployment, military mobilization, or temporary military duty.

§153.703. Appointing Designated Person for Conservator with Exclusive Right to Designate Primary Residence of Child:

(a) If the conservator with the exclusive right to designate the primary residence of the child is ordered to military deployment, military mobilization, or temporary military duty, the court may render a temporary order to appoint a designated person to exercise the exclusive right to designate the primary residence of the child during

the military deployment, military mobilization, or temporary military duty in the following order of preference:

(1) the conservator who does not have the exclusive right to designate the primary residence of the child;

(2) if appointing the conservator descried by Subdivision (1) is not in the child's best interest, a designated person chosen by the conservator with the exclusive right to designate the primary residence of the child; or

(3) if appointing the conservator described by Subsection (1) or the person chosen under Subsection (2) is not in the child's best interest, another person chosen by the court.

(b) A nonparent appointed as a designated person in a temporary order rendered under this section has the rights and duties of a nonparent appointed as sole managing conservator under Section 153.371.

(c) The court may limit or expand the rights of a nonparent named as a designated person in a temporary order rendered under this section as appropriate to the best interest of the child.

§153.704. Appointing Designated Person to Exercise Visitation for Conservator with Exclusive Right to Designate Primary Residence of Child in Certain Circumstances:

(a) If the court appoints the conservator without the exclusive right to designate the primary residence of the child under Section 153.703I(a)(1), the court may award visitation with the child to a designated person chosen by the conservator with the exclusive right to designate the primary residence of the child.

(b) The periods of visitation shall be the same as the visitation to which the conservator without the exclusive right to designate the primary residence of the child was entitled under the court order in effect immediately before the date the temporary order is rendered.

(c) The temporary order for visitation must provide that:

(1) the designated person under this section has the right to possession of the child for the periods and in the manner in which the conservator without the exclusive right to designate the primary residence of the child is entitled under the court order in effect immediately before the date the temporary order is rendered;

(2) the child's other conservator and the designated person under this section are subject to the requirements of Section 153.316, with the designated person considered for purposes of that section to be the possessory conservator;

(3) the designated person under this section has the rights and duties of a nonparent possessory conservator under Section 153.376(a) during the period that the person has possession of the child; and

(4) the designated person under this section is subject to any provision in a court order restricting or prohibiting access to the child by any specified individual.

(d) The court may limit or expand the rights of a nonparent designated person named in a temporary order rendered under this section as appropriate to the best interest of the child.

§153.705. Appointing Designated Person to Exercise Visitation for Conservator without Exclusive Right to Designate Primary Residence of Child:

(a) If the conservator without the exclusive right to designate the primary residence of the child is ordered to military deployment, military mobilization, or temporary military duty, the court may award visitation with the child to a designated person chosen by the conservator, if the visitation is in the best interest of the child.

(b) The temporary order for visitation must provide that:

(1) the designated person under this section has the right to possession of the child for the periods and in the manner in which the conservator described by Subsection (a) would be entitled if not ordered to military deployment, military mobilization, or temporary military duty;

(2) the child's other conservator and the designated person under this section are subject to the requirements of Section 153.316, with the designated person considered for purposes of that section to be the possessory conservator;

(3) the designated person under this section has the rights and duties of a nonparent possessory conservator under Section 153.376(a) during the period that the person has possession of the child; and

(4) the designated person under this section is subject to any provision in a court order restricting or prohibiting access to the child by any specified individual.

(c) The court may limit or expand the rights of a nonparent designated person named in a temporary order rendered under this section as appropriate to the best interest of the child.

§153.707. Expedited Hearing:

(a) On a motion by the conservator who has been ordered to military deployment, military mobilization, or temporary military duty, the court shall, for good cause shown, hold an expedited hearing if the court finds that the conservator's military duties have a material effect on the conservator's ability appear in person at a regularly scheduled hearing.

(b) A hearing under this section shall, if possible, take precedence over other suits affecting the parent-child relationship not involving a conservator who has been ordered to military deployment, military mobilization, or temporary military duty.

(c) On a motion by any party, the court shall, after reasonable advance notice and for good cause shown, allow a party to present testimony and evidence by electronic means, including by teleconference or through the internet.

§153.708. Enforcement:

Temporary orders rendered under this subchapter may be enforced by or against the designated person to the same extent that an order would be enforceable against the conservator who has been ordered to military deployment, military mobilization, or temporary military duty.

§153.709. Additional Periods of Possession or Access:

(a) Not later than the 90th day after the date a conservator without the exclusive right to designate the primary residence of the child who is a member of the armed services concludes the conservator's military deployment, military mobilization, or temporary military duty, the conservator may petition the court to:

(1) compute the periods of possession of or access to the child to which the conservator would have otherwise been entitled during the conservator's deployment; and

(2) award the conservator additional periods of possession of or access to the child to compensate for the periods described by Subdivision (1).

(b) If the conservator described by Subjection (a) petitions the court under Subsection (a), the court:

(1) shall compute the periods of possession or access to the child described by Section (a)(1); and

(2) may award to the conservator additional periods of possession of or access to the child for a length of time and under terms the court considers reasonable, if the court determines that:

(A) the conservator was on military deployment, military mobilization, or temporary military duty in a location where access to the child was not reasonably possible; and

(B) the award of additional periods of possession of or access to the child is in the best interest of the child.

(c) In making the determination under Subjection (b)(2), the court:

(1) shall consider:

(A) the periods of possession of or access to the child to which the conservator would be otherwise have been entitled during the conservator's military deployment, military mobilization, or temporary military duty, as computed under Subsection (b)(1).

(B) whether the court named a designated person under Section 153.705 to exercise limited possession of the child during the conservator's deployment; and

(C) any other factor the court considers appropriate; and

(2) is not required to award additional periods of possession of or access to the child that equals the possession or access to which the conservator would have been entitled during the conservator's military deployment, military mobilization, or temporary military duty, as computed under Subsection (b)(1).

(d) After the conservator described by Subsection (a) has exercised all additional periods of possession or access awarded under this section, the rights of all affected parties are governed by the terms of the court order applicable when the conservator is not ordered to military deployment, military mobilization, or temporary military duty.

2026 Employed Tax Table

Monthly Gross Income	Soc. Sec. (6.2%)	Medicare (1.45%)	Federal Income Tax	Employed Net Income
$1,400.00	$86.80	$20.30	$5.83	$1,287.07
$1,600.00	$99.20	$23.20	$25.83	$1,451.77
$1,800.00	$111.60	$26.10	$45.83	$1,616.47
$2,000.00	$124.00	$29.00	$65.83	$1,781.17
$2,200.00	$136.40	$31.90	$85.83	$1,945.87
$2,400.00	$148.80	$34.80	$106.33	$2,110.07
$2,600.00	$161.20	$37.70	$130.33	$2,270.77
$2,800.00	$173.60	$40.60	$154.33	$2,431.47
$3,000.00	$186.00	$43.50	$178.33	$2,592.17
$3,200.00	$198.40	$46.40	$202.33	$2,752.87
$3,400.00	$210.80	$49.30	$226.33	$2,913.57
$3,600.00	$223.20	$52.20	$250.33	$3,074.27
$3,800.00	$235.60	$55.10	$274.33	$3,234.97
$4,000.00	$248.00	$58.00	$298.33	$3,395.67
$4,200.00	$260.40	$60.90	$322.33	$3,556.37
$4,400.00	$272.80	$63.80	$346.33	$3,717.07
$4,600.00	$285.20	$66.70	$370.33	$3,877.77
$4,800.00	$297.60	$69.60	$394.33	$4,038.47
$5,000.00	$310.00	$72.50	$418.33	$4,199.17
$5,200.00	$322.40	$75.40	$442.33	$4,359.87
$5,400.00	$334.80	$78.30	$466.33	$4,520.57
$5,600.00	$347.20	$81.20	$496.17	$4,675.43
$5,800.00	$359.60	$84.10	$540.17	$4,816.13
$6,000.00	$372.00	$87.00	$584.17	$4,956.83
$6,200.00	$384.40	$89.90	$628.17	$5,097.53
$6,400.00	$396.80	$92.80	$672.17	$5,238.23
$6,600.00	$409.20	$95.70	$716.17	$5,378.93
$6,800.00	$421.60	$98.60	$760.17	$5,519.63
$7,000.00	$434.00	$101.50	$804.17	$5,660.33
$7,200.00	$446.40	$104.40	$848.17	$5,801.33
$7,400.00	$458.80	$107.30	$892.17	$5,941.73
$7,600.00	$471.20	$110.20	$936.17	$6,082.43
$7,800.00	$483.60	$113.10	$980.17	$6,223.13
$8,000.00	$496.00	$116.00	$1,024.17	$6,363.83
$8,200.00	$508.40	$118.90	$1,068.17	$6,504.53
$8,400.00	$520.80	$121.80	$1,112.17	$6,645.23
$8,600.00	$533.20	$124.70	$1,156.17	$6,785.93
$8,800.00	$545.60	$127.60	$1,200.17	$6,926.63
$9,000.00	$558.00	$130.50	$1,244.17	$7,067.33
$9,200.00	$570.40	$133.40	$1,288.17	$7,208.03
$9,400.00	$582.80	$136.30	$1,332.17	$7,348.73
$9,600.00	$595.20	$139.20	$1,376.17	$7,489.43
$9,800.00	$607.60	$142.10	$1,420.17	$7,630.13
$10,000.00	$620.00	$145.00	$1,464.17	$7,770.83
$10,200.00	$632.40	$147.90	$1,509.17	$7,910.53
$10,400.00	$644.80	$150.80	$1,557.17	$8,047.23
$10,600.00	$657.20	$153.70	$1,605.17	$8,183.93
$10,800.00	$669.60	$156.60	$1,653.17	$8,320.63

2026 Self-Employed Tax Table

Soc. Sec. (12.4%)	Medicare (2.9%)	Federal Income Tax	Self-Employed Net Income
$160.32	$37.49	$0.00	$1,202.19
$183.22	$42.85	$14.53	$1,359.40
$206.13	$48.21	$33.12	$1,512.54
$229.03	$53.56	$51.70	$1,665.71
$251.93	$58.92	$70.29	$1,818.86
$274.83	$64.28	$88.88	$1,972.01
$297.74	$69.63	$108.29	$2,124.34
$320.64	$74.99	$130.60	$2,273.77
$343.54	$80.34	$152.90	$2,423.22
$366.44	$85.70	$175.20	$2,572.66
$389.35	$91.06	$197.51	$2,722.08
$412.25	$96.41	$219.81	$2,871.53
$435.15	$101.77	$242.12	$3,020.96
$458.06	$107.13	$264.42	$3,170.39
$480.96	$112.48	$286.73	$3,319.83
$503.86	$117.84	$309.03	$3,469.27
$526.76	$123.19	$331.34	$3,618.71
$549.67	$128.55	$353.64	$3,768.14
$572.57	$133.91	$375.94	$3,917.58
$595.47	$139.26	$398.25	$4,067.02
$618.38	$144.62	$420.55	$4,216.45
$641.28	$149.98	$442.86	$4,365.88
$664.18	$155.33	$465.16	$4,515.33
$687.08	$160.69	$490.91	$4,661.32
$709.99	$166.05	$531.80	$4,792.16
$732.89	$171.40	$572.69	$4,923.02
$755.79	$176.76	$613.59	$5,053.86
$778.70	$182.11	$654.48	$5,184.71
$801.60	$187.47	$695.37	$5,315.56
$824.50	$192.83	$736.26	$5,446.41
$847.40	$198.18	$777.15	$5,577.27
$870.31	$203.54	$818.04	$5,708.11
$893.21	$208.90	$858.93	$5,838.96
$916.11	$214.25	$899.83	$5,969.81
$939.01	$219.61	$940.72	$6,100.66
$961.92	$224.96	$981.61	$6,231.51
$984.82	$230.32	$1,022.50	$6,362.36
$1,007.72	$235.68	$1,063.39	$6,493.21
$1,030.63	$241.03	$1,104.28	$6,624.06
$1,053.53	$246.39	$1,145.18	$6,754.90
$1,076.43	$251.75	$1,186.07	$6,885.75
$1,099.33	$257.10	$1,226.96	$7,016.61
$1,122.24	$262.46	$1,267.85	$7,147.45
$1,145.14	$267.81	$1,308.74	$7,278.31
$1,168.04	$273.17	$1,349.63	$7,409.16
$1,190.95	$278.53	$1,390.52	$7,540.00
$1,213.85	$283.88	$1,431.42	$7,670.85
$1,236.75	$289.24	$1,472.31	$7,801.70

2026 Employed Tax Table

2026 Self-Employed Tax Table

Monthly Gross Income	Soc. Sec. (6.2%)	Medicare (1.45%)	Federal Income Tax	Employed Net Income	Soc. Sec. (12.4%)	Medicare (2.9%)	Federal Income Tax	Self-Employed Net Income
$11,000.00	$682.00	$159.50	$1,701.17	$8,457.33	$1,259.65	$294.60	$1,514.66	$7,931.09
$11,200.00	$694.40	$162.40	$1,749.17	$8,594.03	$1,282.56	$299.95	$1,559.27	$8,058.22
$11,400.00	$706.80	$165.30	$1,797.17	$8,730.73	$1,305.46	$305.31	$1,603.87	$8,185.36
$11,600.00	$719.20	$168.20	$1,845.17	$8,867.43	$1,328.36	$310.67	$1,648.48	$8,312.49
$11,800.00	$731.60	$171.10	$1,893.17	$9,004.13	$1,351.27	$316.02	$1,693.09	$8,439.62
$12,000.00	$744.00	$174.00	$1,941.17	$9,140.83	$1,374.17	$321.38	$1,737.70	$8,566.75
$12,200.00	$756.40	$176.90	$1,989.17	$9,277.53	$1,397.07	$326.73	$1,782.31	$8,693.89
$12,400.00	$768.80	$179.80	$2,037.17	$9,414.23	$1,419.97	$332.09	$1,826.92	$8,821.02
$12,600.00	$781.20	$182.70	$2,085.17	$9,550.93	$1,442.88	$337.45	$1,871.53	$8,948.14
$12,800.00	$793.60	$185.60	$2,133.17	$9,687.63	$1,465.78	$342.80	$1,916.14	$9,075.28
$13,000.00	$806.00	$188.50	$2,181.17	$9,824.33	$1,488.68	$348.16	$1,960.75	$9,202.41
$13,200.00	$818.40	$191.40	$2,229.17	$9,961.03	$1,511.58	$353.52	$2,005.35	$9,329.55
$13,400.00	$830.80	$194.30	$2,277.17	$10,097.73	$1,534.49	$358.87	$2,049.96	$9,456.68
$13,600.00	$843.20	$197.20	$2,325.17	$10,234.43	$1,557.39	$364.23	$2,094.57	$9,583.81
$13,800.00	$855.60	$200.10	$2,373.17	$10,371.13	$1,580.29	$369.58	$2,139.18	$9,710.95
$14,000.00	$868.00	$203.00	$2,421.17	$10,507.83	$1,603.20	$374.94	$2,183.79	$9,838.07
$14,100.00	$874.20	$204.45	$2,445.17	$10,576.18	$1,614.65	$377.62	$2,206.09	$9,901.64
$14,200.00	$880.40	$205.90	$2,469.17	$10,644.53	$1,626.10	$380.30	$2,228.40	$9,965.20
$14,300.00	$886.60	$207.35	$2,493.17	$10,712.88	$1,637.55	$382.98	$2,250.70	$10,028.77
$14,400.00	$892.80	$208.80	$2,517.17	$10,781.23	$1,649.00	$385.65	$2,273.01	$10,092.34
$14,500.00	$899.00	$210.25	$2,541.17	$10,849.58	$1,660.45	$388.33	$2,295.31	$10,155.91
$14,600.00	$905.20	$211.70	$2,565.17	$10,917.93	$1,671.90	$391.01	$2,317.62	$10,219.47
$14,700.00	$911.40	$213.15	$2,589.17	$10,986.28	$1,683.36	$393.69	$2,339.92	$10,283.03
$14,800.00	$917.60	$214.60	$2,613.17	$11,054.63	$1,694.81	$396.37	$2,362.23	$10,346.59
$14,900.00	$923.80	$216.05	$2,637.17	$11,122.98	$1,706.26	$399.04	$2,384.53	$10,410.17
$15,000.00	$930.00	$217.50	$2,661.17	$11,191.33	$1,717.71	$401.72	$2,406.83	$10,473.74
$15,100.00	$936.20	$218.95	$2,685.17	$11,259.68	$1,729.16	$404.40	$2,429.14	$10,537.30
$15,200.00	$942.40	$220.40	$2,709.17	$11,328.03	$1,740.61	$407.08	$2,451.44	$10,600.87
$15,300.00	$948.60	$221.85	$2,733.17	$11,396.38	$1,752.06	$409.76	$2,473.75	$10,664.43
$15,400.00	$953.25	$223.30	$2,757.17	$11,466.28	$1,763.52	$412.44	$2,496.05	$10,727.99
$15,500.00	$953.25	$224.75	$2,781.17	$11,540.83	$1,774.97	$415.11	$2,518.36	$10,791.56
$15,600.00	$953.25	$226.20	$2,805.17	$11,615.38	$1,786.42	$417.79	$2,540.66	$10,855.13
$15,700.00	$953.25	$227.65	$2,829.17	$11,689.93	$1,797.87	$420.47	$2,562.97	$10,918.69
*$15,713.51	$953.25	$227.85	$2,832.41	$11,700.00	$1,799.42	$420.83	$2,565.98	$10,927.28
$15,800.00	$953.25	$229.10	$2,853.17	$11,764.48	$1,809.32	$423.15	$2,585.27	$10,982.26
$15,900.00	$953.25	$230.55	$2,877.17	$11,839.03	$1,820.77	$425.83	$2,607.57	$11,045.83
$16,000.00	$953.25	$232.00	$2,901.17	$11,913.58	$1,832.22	$428.50	$2,629.88	$11,109.40
$16,100.00	$953.25	$233.45	$2,925.17	$11,988.13	$1,843.68	$431.18	$2,652.18	$11,172.96
$16,200.00	$953.25	$234.90	$2,949.17	$12,062.68	$1,855.13	$433.86	$2,674.49	$11,236.52
$16,300.00	$953.25	$236.35	$2,973.17	$12,137.23	$1,866.58	$436.54	$2,696.79	$11,300.09
$16,400.00	$953.25	$237.80	$2,997.17	$12,211.78	$1,878.03	$439.22	$2,719.10	$11,363.65
$16,500.00	$953.25	$239.25	$3,021.17	$12,286.33	$1,889.48	$441.89	$2,741.40	$11,427.23
$16,600.00	$953.25	$240.70	$3,045.17	$12,360.88	$1,900.93	$444.57	$2,763.71	$11,490.79
$16,700.00	$953.25	$242.15	$3,069.17	$12,435.43	$1,906.50	$447.25	$2,786.72	$11,559.53
$16,800.00	$953.25	$243.60	$3,093.17	$12,509.98	$1,906.50	$449.93	$2,810.39	$11,633.18
*$16,890.74	$953.25	$244.92	$3,114.94	$12,577.63	$1,906.50	$452.36	$2,831.88	$11,700.00

$11,700

*This amount represents the point where the monthly gross wages would result in $9,200.00 of net resources.