

**Visitation under the Texas Family Code
for Children Under 3 and Other Young Children**

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**2010 Infant Mental Health Advocacy Conference
Texas Association for Infant Mental Health
1199 S. Beltline Road, Suite 100
Coppell, Texas 75019
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This article includes relevant sections of the Texas Family Code. These sections concern visitation for children under 3 years old and other young children. The Family Code provisions included herein are not the entirety of the Family Code. Rather, they are only selected provisions that are relevant to the discussion by the speakers.

CURRICULUM VITAE

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Dallas, Texas 75225
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DATE OF BIRTH: December 8, 1946

TAX ID Number 75-1773351

PRESENT POSITIONS:

Private Practice – Child, Adolescent and Adult Psychiatry
Psychiatry, Dallas, Texas
1977 – Present

Clinical Professor, Department of Psychiatry, The University of
Texas Southwestern Medical Center at Dallas
1977 – Present

PREVIOUS POSITIONS:

Director, Child & Adolescent Service, Timberlawn Psychiatric Hospital,
Dallas, Texas; 1981 – 1987; 1994 – 1996

Director, Professional Education, Timberlawn Psychiatric Hospital,
Dallas, Texas; 1990 – 1996

Clinical Director, Timberlawn Psychiatric Hospital
Dallas, Texas; 1986 – 1995

Board of Directors, Timberlawn Psychiatric Hospital,
Dallas, Texas; 1983 – 1995

Medical Staff, Timberlawn Psychiatric Hospital,
Dallas, Texas; 1977 – 1996

Director, General Psychiatry Residency Training Program,
Timberlawn Psychiatric Hospital, Dallas, Texas; 1993 – 1994

Director, Child Psychiatry Residency Training Program,
Timberlawn Psychiatric Hospital, Dallas, Texas
1983 – 1994

Research Associate, Timberlawn Psychiatric Research Foundation,
Dallas, Texas

1981 – Present

EDUCATION:

1961 – 1964 Hillcrest High School
1964 – 1967 Southern Methodist University
1967 – 1971 University of Texas Southwestern Medical School
at Dallas

POSTGRADUATE TRAINING:

1971 – 1973 General Psychiatry Residency, Timberlawn Psychiatric
Hospital
1973 – 1975 Child Psychiatry Fellowship, University of Texas Health
Science Center at Dallas

LICENSURE:

Texas, 1971 – Present
North Carolina, 1975

BOARD CERTIFICATION:

American Board of Psychiatry & Neurology
Diplomate in Psychiatry, 1976
Diplomate in Child Psychiatry, 1977

CONSULTATIONS:

1972 – 1973 MHMR (Adult) Center, Dallas, Texas
1974 – 1975 Plano Child Guidance Clinic
1975 MHMR, COCARE (Children's Service), Dallas, Texas
1974 – 1975 Pediatric's Clinic, Children's Medical Center, Dallas, Texas

1975 – 1977	Camp LeJeune Base Schools
1975 – 1977	Onslow County Mental Health Center, Children’s Service
1975 – 1977	Department of Social Services, Onslow County, North Carolina
1975 – 1977	Child Advocacy Committee, Naval Regional Medical Center
1975 – 1977	PACT
1977 – 1979	Terrell State Hospital, Child & Adolescent Services
1978 – 1981	Fowler Adolescent Residential Treatment Center
1980	Consultant to the Board, Dallas Child Guidance Clinic (April, 1980)
1981 – 1990	Consultant, Dallas Child Guidance Clinic
1994 – 1997	Child Psychiatry Consultation, Kaiser – Permanente

FORENSIC CONSULTATION:

Consultation, expert opinion, and testimony. Expert consultation regarding a variety of medical-legal issues for plaintiffs, defendants and the court; custody and divorce, medical malpractice, sexual molestation and harassment, medical fraud, hospitalization, suicide, confidentiality, ethics, therapist-patient boundary violations, personal injury, RICO, wrongful death and others.

COMMUNITY:

Consultation for a therapeutic preschool nursery for emotionally disturbed, deprived, and abused children, age birth to 5 years, 1976-1977

Lectures – Postgraduate Continuing Education, A. Webb Roberts Center, Baylor University Medical Center, Dallas, Texas
1977-1980

Lectures – Consultation and Panels, Discussions for the Dallas Independent School District, Richardson Independent School District, various PTA’s, Texas Women’s University Nursing School, Private Elementary Schools, YMCA’s, and various Single Parents Groups.

1997-

Jewish Family Service, Clinical Service Committee, 1986 – 1987

Presentations to PTA's health care and educational professionals
Dallas Independent School District Management, and
Community agencies; 1977 -

TEACHING EXPERIENCE:

Interviewing Techniques Course, Timberlawn Psychiatric
Hospital, 1972 – 1973

Clinical conferences and supervision of medical students,
1973 – 1975

Supervision of nursing service staff, C.M.C.

Supervision Clinical Psychology Graduate Students,
University of Texas Health Science Center at Dallas,
Children's Medical Center, 1974 – 1975

Child Development Course, Onslow Mental Health Center
and the Department of Social Services, 1975 – 1977

Child Development Course, Camp LeJeune Base Schools,
1975 – 1977

In-service training for inpatient staff, Naval Regional Medical
Center, Camp LeJeune, 1975 – 1977

Play therapy course – Timberlawn Psychiatric Hospital, General
Psychiatry Residency Training, 1977-1992

Supervision – Timberlawn Psychiatric Hospital Residency
Program, 1977 – 1994

Supervision including medical students, psychologists, and
Psychiatrists, 1977 –

University of Texas Health Science Center, Department of
Psychiatry, Division of Child Psychiatry, 1980 – Present
Child Development Course – Timberlawn Psychiatric Hospital,
General Psychiatry Residency Program, 1977 – 1994

Timberlawn Psychiatric Hospital, General Psychiatry
Residency Program – Coordinator, Child Psychiatry

Rotation, 1980 – 1985

Timberlawn Psychiatric Hospital, Director, Child
Psychiatry Residency Training Program, 1983 – 1994

Timberlawn Psychiatric Hospital, Director, Professional
Education, 1990 – 1994

Department of Psychiatry, University of Texas Health Science
Center at Dallas, Division of Child & Adolescent Psychiatry,
*Didactic Courses, 1995 – 2000 (Psychopathology of Childhood;
Psychotherapy with Children and Adolescents)
*Supervision Child Psychiatry Fellows 1995 -
*Child Psychiatry Forensic Didactic Module 2004 –

RESEARCH:

Primary Investigator of Timberlawn Child Inpatient Treatment Assessment
Follow-Up Study exploring individual, family, and treatment variables as
related to prognosis, (see references) 1979 - 1996

Epidemiologic study establishing an association of childhood genitourinary
surgery and later emotional disturbance

Children's Medical Center, Psychiatric Inpatient Unit -Latency-Age Group
Therapy and Behavioral Response, 1973 - 1975

Surgery Department, University of Texas Southwestern Medical School,
Dallas - Penetrating Abdominal Wounds and Surgical Infections –
1967 - 1971; Ronald Jones, M.D.

Organic Chemistry Research Assistantship at SMU, 1966; Ed Biehl, Ph.D.

EDITORIAL EXPERIENCE

Associate Editor - Academy Books, American Academy Child &
Adolescent Psychiatry, 1992

Publications Board - Group for the Advancement of Psychiatry, 1991 - 1993

Editorial reviewer - Journal American Academy of Child & Adolescent Psychiatry,
1987 - 1992

OTHER PROFESSIONAL EXPERIENCE:

Examiner, American Board of Psychiatry and Neurology, General & Child Psychiatry, 1978 - 1996

Leader - Inpatient Staff Group, Children's Medical Center, 1974 - 1975

Clinical administrative responsibility, Children's Medical Center, Child Psychiatric Inpatient Unit, 1973 - 1975; Kenneth Wiggins, M.D., Supervisor

Student fellowship, University of Texas Southwestern Medical School, Department of Psychiatry; Summer, 1969 and 1970; Larry Kimsey, M.D.

COLLEGE HONORS:

Most outstanding freshman chemistry student, Southern Methodist University, 1964

Kappa Mu Epsilon Honorary Mathematics Fraternity, Southern Methodist University, 1965 – 1966

PROFESSIONAL HONORS & RECOGNITION

Group for the Advancement of Psychiatry

American College of Psychiatrists

Town & Country, Nationwide Referral Guide to Psychiatrists, March, 1988

D Magazine, Top Doctors, Pediatric Specialties, Psychiatry, July, 1992

Good Housekeeping, The Best Mental Health Experts, Childhood and Adolescent Disorders, February, 1994

Who's Who in Executives and Professionals
2001-2002

Best Doctors, Inc.
2001-2002; 2005-2006; 2007-2008

National Leadership Award, National Republican Congressional Committee, 2002

The Wilmington Institute Network (WIN) Advisory Board, 2009

PROFESSIONAL ORGANIZATIONS:

American Board of Psychiatry and Neurology, Inc.
Committee on Child and Adolescent Psychiatry
Written Committee Member 1989 - 1994

Committee on Certification in Child and Adolescent
Psychiatry, 1991 - 1996
Chair, Credentials Subcommittee, 1993 -
Chair, Appeals Subcommittee, 1993 -
Vice Chair, 1993 - 1995
Chair, 1995 - 1996

American College of Psychiatrists
Member 1981
Program Committee 1984 - 88
Fellow 1987

Group for the Advancement of Psychiatry, 1988 -
Publications Board, 1991 - 1993

American Psychiatric Association
Member 1972 - 1985
Fellow 1985 - 2003
Distinguished Fellow 2003
Distinguished Life Fellow 2007 -
Chair, Task Force on Confrontational Therapies 1982 - 1985

North Texas Psychiatric Association
Member 1972 -
Committee to Welcome New Members 1983 - 1989
Fellowship Committee 1985 - 88

American Academy of Child and Adolescent Psychiatry
Member 1975 - 1981; Fellow 1981 - 2007; Life Fellow 2008 -
Hospital Committee 1977 - 1980
Psychotherapy Committee 1981 - 1986
Task Force on Suicide Prevention - 1987
Task Force on Managed Health Care - 1991 - 1993
Associate Editor, Academy Books - 1992 - 1993

Society of Professors Child and Adolescent Psychiatry
Member Emeritus 1984
Program Committee 1989 - 1991
Committee on Education and Curriculum 1989 - 1992

American Association of Directors of Psychiatry Residency
Training 1983 – 1994
Child Psychiatry, Regional Coordinator, Area V
1989 - 1991
Charter Fellowship Committee, Area V, 1989 - 1990

Association for Academic Psychiatry, 1989 -

American Society of Adolescent Psychiatry, Member 1972 -

North Texas Society of Adolescent Psychiatry
Member 1972 -
Executive Committee 1985 -

American Medical Association 1973 -
Dallas County Medical Society 1973 -
Texas Medical Association 1973 -

Texas Society of Child and Adolescent Psychiatry
Member 1977 -
Program Chairman 1980
Alternate Delegate to AACAP Assembly 1987 - 1989

Texas Pediatric Society
Member 1979
Committee on Adoption Dependent Care 1980 - 1985

American Orthopsychiatric Association
Member 1978 - 1983
Fellow 1983 -

Texas Institute for Medical Assessment and Patient Care Review, 1979 - 1984

Southern Medical Association, 1979 - 1984

American Association of Psychiatric Services for Children, 1983 - 1990

Physicians for Social Responsibility, 1984 - 1992

International Society for Adolescent Psychiatry, Charter member 1985 -

The American Academy of Psychiatrists in Alcoholism and Addictions
Founding Member 1986 – 1998

American Academy of Psychiatry and the Law, Member 2002 –

The Collaborative Law Institute of Texas, Member 2006 –

PRESENTATIONS:

"An Egalitarian Model for Inpatient Management" (Blotcky, Offutt, Hagebak, Stewart) - presented at the Annual Meeting of the American Psychiatric Association, Honolulu, May 1973

Discussion of "A New Model for a Psychiatric Residency, The Albert Einstein College of Medicine - Bronx State Hospital Tremont Residency Training Program" - presented at the Annual Meeting of the American Psychiatric Association, Honolulu, May 1973

"The Development of a Therapist-Staff Alliance on a Children's Inpatient Unit" - presented at the Annual Meeting of the American Association of Psychiatric Services to Children, New Orleans, November 1975

"A Panoply of Services for the Anorexia Nervosa Patient" (Forgotson, Blotcky, Wiggins) - presented at the Annual Meeting of the American Association of Psychiatric Services to Children, San Francisco, November 1976

"Psychological Implications of Childhood Genitourinary Surgery: An Empirical Study" (Blotcky, Grossman) - presented at the Annual Meeting of the American Academy of Child Psychiatry, Houston, October 1977

"Teaching an Assessment of the Meaning of Symptoms in Adolescents" (Looney, Oldham, Blotcky) - presented at the Annual Meeting of the American Academy of Child Psychiatry, Houston, October 1977

"Assessing Psychological Symptoms in Adolescents" (Looney, Oldham, Blotcky) - presented at the 71st Annual Scientific Assembly, Southern Medical Association, Dallas, November 1977

"Psychotherapy with the Nonproductive Child or Adolescent" (Blotcky, Looney) - presented at the Annual Meeting of the American Academy of Child Psychiatry, October 1978

"Normal Psychological Development of Adolescence: An Overview of Theory and Research" (Blotcky, Looney) - presented at the American College of Psychiatrists Continuing Education Workshop, January 1979

"The Evaluation of Adolescents in Distress" (Looney, Blotcky, Carson) - presented at the American college of Psychiatrists Continuing Education Workshop, January 1979

- "A Family Systems Model of Inpatient Treatment"(Looney, Blotcky) - presented at the Annual Meeting of the American Society for Adolescent Psychiatry, Chicago, May 1979
- "Psychiatrists' Transition from Training to Career: Stress and Mastery" (Looney, Harding, Blotcky, Barnhart) - presented at the Annual Meeting of the American Psychiatric Association, Chicago, May 1979
- "The Use of Physical Restraints in Inpatient Management" (Blotcky, Sadler) - workshop presented at the Annual Meeting of the American Academy of Child Psychiatry, Atlanta, October 1979
- "Idealization in Disturbed Adolescents: Family Treatment after Divorce" (Grace, Blotcky, Looney) - presented at the Annual Meeting of the American Association of Psychiatric Services for Children, Chicago, November 1979
- "Family Assessment in the Treatment of Children" (Stewart, Grace, Blotcky) - presented at the Annual Meeting of the American Association of Psychiatric Services for Children, Chicago, November 1979
- "Psychiatric Hospitalization of Children" - presented as Visiting Lecturer, Department of Psychiatry, Ochsner Clinic, New Orleans, March 27, 1980
- "Psychiatric Inpatient Treatment of Children" - Presented as Guest Lecturer, Touro Infirmary, New Orleans, March 27, 1980
- "Anorexia Nervosa: An Overview" - presented at the Annual Meeting of the National Medical Association, Dallas, August 7, 1980
- "Residential Treatment of Adolescence: Milieu Characteristics" - presented by invitation to Houston American Society of Adolescent Psychiatry, October 8, 1980
- "Treatment of the Adopted Adolescent: Involvement of the Biologic Mother" (Blotcky, Looney, Grace) - presented at the Annual Meeting of the American Academy of Child Psychiatry, Chicago, October 18, 1980
- "A Systems Model for Residential Treatment of Children" (Blotcky, Nash, Dimperio, Looney) - presented at the Annual Meeting of the American Orthopsychiatric Association, New York, March 1981
- "A Comprehensive Treatment Approach to Anorexia Nervosa" (Blotcky, A., Blotcky, M., Dimperio) - presented at the Central Neuropsychiatric Hospital Association, March 18, 1982
- "Alliance Formation with Families of Children in Residential Treatment" (Sheehan, Blotcky, Grace) - workshop presented at the Annual Meeting of the American

Academy of Child Psychiatry, Washington, October 1982

"Adolescent Antitherapeutic Gangs in the Hospital: Recognition, Theory of Their Moral Development and Intervention" (Berland, Blotcky, Chamberlin, Homlish, Staunton) - presented at the Annual Meeting of the American Academy of Child Psychiatry, Washington, October 1982

"Schizophrenia in Children and Adolescents" (Blotcky) - presented at the Sixth Annual Psychiatric Potpourri, Timberlawn Psychiatric Hospital, Dallas, November 19, 1982

"The Use of Physical Restraints and the Management of Inpatient Adolescents" (Blotcky) - presented at the North Texas Society for Adolescent Psychiatry, Dallas, February 9, 1983

"Combined Treatment Approach to Anorexia Nervosa" (Lawlis, Blotcky) - presented at the Childhood Depression and Suicide Program for the American Association of Psychiatric Services for Children, Oklahoma City, Oklahoma, June 10, 1983

"Alliance Formation and Parent Support Groups as Adjuncts to Treatment of Adolescents and Children in a Residential Care Setting" (Lewis, III, Lawlis, Sheehan, Jones, Hunt, Blotcky) - presented at Annual Meeting of the American Association of Psychiatric Services for Children, Washington, D.C., February 10, 1984

"Alliance Formation with the Families of Hospitalized Children and Adolescents" (Sheehan, Grace, Blotcky) - presented at the Annual Meeting of the American Orthopsychiatric Association, Toronto, April 1984

"Integration of Educational Therapy in a Residential Treatment Milieu for Children" (Blotcky, Lichtenstein) - presented at the Annual Meeting of the American Orthopsychiatric Association, Toronto, April 1984

"Child Psychiatry for the General Psychiatrist" (Blotcky, Lewis, III, Lawlis) - Course presented at the Annual Meeting of the American Psychiatric Association, Dallas, May, 1985

Discussion Group leader for American Psychiatric Association, National Conference on Chronically Ill and Emotionally Handicapped Children, Dallas, Texas, April 1985

"Adolescent Psychological Development Revisited" (Blotcky, Looney) - presented at the International Society for Adolescent Psychiatry, Paris, France, July 21, 1985

"Developmental Aspects of Adolescence" (Blotcky) - presented at the International Society for Adolescent Psychiatry, Paris, France, July, 1985

- "Careers in Child Psychiatry" (Dulcan, Blotcky, Hagamen, Rapoport, Ross, Terr) - Symposium at Annual Meeting of the American Academy of Child Psychiatry, San Antonio, Texas, October 1985
- "Follow-up of Children Treated in a Psychiatric Hospital: A Pilot Report" (Blotcky, Dimperio, Doyle, Gossett) -presented at the Annual Meeting of the American Academy of Child Psychiatry, October 1985
- "Report of the U.S. Congressional Office of Technology Assessment on Children's Mental Health: Problems and Treatment" - (Meeks, Saxe, Janssen, Blotcky) - Workshop presented at the Annual Meeting of the National Association of Private Psychiatric Hospitals, New Orleans, January 1986
- "Child Psychiatry Residency Program Organization" (Blotcky, Beresin) - workshop presented at the Annual Meeting of the American Association of Psychiatric Residency Training Directors, New Orleans, January 1986
- "Supervision of Child Psychiatry Trainees" (Blotcky, Enzer) - workshop at the Annual Meeting of the American Association of Psychiatric Residency Training Directors, New Orleans, January 1986
- "Power and the Psychotherapeutic Hospital" (Blotcky) - Grand Rounds, Timberlawn Psychiatric Hospital, Dallas, Texas, April 2, 1986
- "Cognitive Techniques and Dynamic Psychotherapy with Adolescents" (Chair, Meeks - Blotcky, King, Meagher) - workshop at the Annual Meeting of the American Psychiatric Association, Washington, D.C., May 16, 1986
- "Power and the Psychotherapeutic Relationship" (Chair, Blotcky - Lucas, Kinlan, Hartmann, Enzer) - component workshop at the Annual Meeting of the American Psychiatric Association, Washington, D.C., May 16, 1986
- "Careers in Child Psychiatry" (Chair, Dulcan - Blotcky, Hagamen, Maloney, Rapoport, Simmons, Terr) - Symposium at Annual Meeting American Academy of Child & Adolescent Psychiatry, Los Angeles, CA, October 16, 1986
- "Inpatient Treatment Assessment: Research, Design and Methodology" (Chair, Blotcky - Dimperio, Goodrich, Wells, Gossett) - Symposium at Annual Meeting American Academy of Child & Adolescent Psychiatry, Los Angeles, CA, October 16, 1986
- "Organizing a New Child Fellowship" (Blotcky, Beresin) -Workshop AADPRT Annual Meeting San Francisco, CA, January 15-18, 1987
- "Child and Adolescent Psychiatric Inpatient Hospitalization: Clinical, Organizational, and Economic Perspectives" (Chair, Albright - Egan, Berland, Blotcky, Lourie) - AACAP Annual Meeting, Washington, D.C. October, 1987

AACAP Institute: "Technique of Adolescent Psychotherapy: Alliance, Resistance, and Transference" (Chair, Blotcky - Anthony, Meeks, Enzer, and Sarles) - AACAP Annual Meeting, Washington, D.C., October, 1987

AACAP Institute: "Techniques of Play Therapy" (Chair, Blotcky - Enzer, Kernberg, Lewis) - AACAP Annual Meeting, Seattle, October, 1988

"On Developing an Adolescent Halfway House Program" (Roberts, Lewis, Blotcky) AACAP Annual Meeting, Seattle, October, 1988

AACAP Institute: "New Directions in Inpatient Child and Adolescent Psychiatry" (Chair, Cotton, Harper - Geraty, Blotcky) - AACAP Annual Meeting, New York, October, 1989

Children's Relationships with Peers and Staff in a Psychiatric Hospital and Relation to Follow-Up" (Sittle, Blotcky, Shores-Wilson, Dimperio, Lewis III, Callahorn, Zivney) - AACAP Annual Meeting, New York, October, 1989

"Timberlawn Child Follow-up Project: Level of Family Functioning and Parent Personality Adjustment as Predictors of Long Treatment Adjustment after Hospital Treatment" (Dimperio, Blotcky, Doyle, Sitterle, Asay, Shores-Wilson) - AACAP Annual Meeting, New York, October, 1989

AACAP Symposium: "Adolescent Psychotherapy" (Seift, Bleiberg, Blotcky, Esman) - AACAP Annual Meeting, New York, October, 1989

SPCP Annual Meeting: Child Inpatient Treatment Assessment, Florida, March, 1991

CME Series: "Case Formulation and Treatment Planning" Dallas, TX, May 28, 1991

AACAP: Family Therapy Workshop (Blotcky, Josephson, Lewis III, Sholevar, Stewart); Consultation with an Expert: Family Therapy (Blotcky); - AACAP Annual Meeting, San Francisco, October, 1991

"Living with Managed Care" (Lewis III, Blotcky) - AADPRT Mid-Winter Meeting, New Orleans, January 18, 1992

AACAP Symposium: "Developmental Issues of Gender Identity: Biological and Psychological Determinants" (Blotcky, Friedman, Lewis III, Shadid, Shapiro) - AACAP Annual Meeting, Washington D.C., October, 1992

“Pervasive Developmental Disorders: Diagnosis, Intervention and the Role of Medication” at Arlington Pediatric Therapists, Chicago, IL, March 4, 2005

“The Criminal Defense of Child Sexual Abuse Allegations: A Psychiatric Perspective”, Invited Presentation for the 18th Annual Rusty Duncan Advanced Criminal Law Course, Texas Criminal Defense Lawyers Association, June 17, 2005

“Cross-Examination of Child Witnesses”, Stanley G. Schneider and Mark J. Blotcky, M.D., Invited Presentation for the 19th Annual Rusty Duncan Advanced Criminal Law Short Course, San Antonio, Texas, June 15-17, 2006

“Sexual Abuse Allegations by a Young Child”, Invited Presentation for the 19th Annual Rusty Duncan Advanced Criminal Law Short Course, San Antonio, Texas, June 15-17, 2006

“The Role of an Expert in the Defense of Allegations of Child Sexual Molestation”, invited Presentation for the 5TH Annual Forensic Conference, Texas Criminal Defense Lawyers Association, October 4- 5, 2007, Dallas, Texas

“The Psychology of Possession”, Blotcky, M.J., Connell, M.A., Naylor, S. J., University of Texas School of Law, Marriage Dissolution Institute, April 16-17, 2009, Ft. Worth, Texas

“Effective Cross-Examination of Mental Health Experts: Re-Shrinking the Experts,” Blotcky, M.J., Nelson, K.M., University of Texas School of Law, 9th Annual Family Law On the Front Lines, June 18-19, 2009, San Antonio, TX

PUBLICATIONS:

"Initial Management of Severely Injured Patient" (Jones K., Blotcky, M.) - Southern Medical Journal, 62:260-265, 1969

"Childhood Depression" (Blotcky M., Kimsey L.) - Texas Medicine, 66:69-74, April 1970

"A Developmental Model for Inpatient Management" (Blotcky M., Offutt D., Hagebak R., Stewart R.) - Bulletin of the Menninger Clinic, 39:183-199, March 1975

"Adolescence: When Isn't It 'Just a Phase'?" Blotcky M.) - JAMA, No. 20, 237:2232-2233, 1977

"Psychological Implications of Childhood Genitourinary Surgery: An Empirical study" (Blotcky M., Grossman I.) - J. American Academy of Child Psychiatry, No. 3, 17:488-497, 1978

"The Development of a Therapist-Staff Alliance on a Children's Inpatient Unit" (Blotcky M., Wiggins K., Sheinbein M., Forgotson J.) - Acta Paedopsychiatrica, 43:233-241, 1978

"Childhood Enuresis: A Psychological Perspective" (Blotcky M., Grossman I.) - Southern Medical Journal, No. 10, 71:1203-1205, 1978

"Assessing Psychological Symptoms in Adolescents" (Looney J., Oldham D., Blotcky M.) - Southern Medical Journal, No. 10, 71:1197-1202, 1978

"The Evaluation of Adolescents in Distress" (Looney J., Blotcky M., Carson D.) - Audio Digest, 8:9, 1979

"A Psychotherapeutic Approach to Silent Children" (Blotcky M., Looney J.) - American Journal of Psychotherapy, No. 4, 24:487-495, 1980

"Psychotherapy with Silent Nonproductive Adolescents" (Blotcky M., Looney J.) - in New Directions for Mental Health, Vol. 5, pp 25-35 (ed) Lamb, R., San Francisco: Josey-Bass, 1980

"Psychogenic Water Intoxication: A Fatality" (Blotcky M., Grossman I., Looney J.) - Texas Medicine, 76:58-59, 1980

"Normal Female and Male Adolescent Psychological Development: An Overview of Theory and Research" (Blotcky M., Looney J.) - Adolescent Psychiatry, Vol. VIII: 184-199, 1980

"Psychiatrists' Transition from Training to Career: Stress and Mastery" (Looney J., Harding R., Blotcky M., Barnhart D.) - American Journal of Psychiatry, 137 (1): 32-36, 1980

"A Family Systems Model for an Adolescent Inpatient Unit" (Looney J., Blotcky M., Carson D., Gossett J.) - Adolescent Psychiatry, Vol. VIII:499-511, 1980

"Clinical Assessment of Symptoms in Adolescents" (Oldham D., Looney J., Blotcky M.) - American Journal of Orthopsychiatry, 50:697, 1980

"A Verbal Group Technique for Ego-Disturbed Children: Action to Words" (Blotcky M., Sheinbein M., Wiggins K., Forgotson J.) - International Journal of Psychoanalytic Psychotherapy, VIII:203-241, 1980-81

"Special Perspectives on Treatment Planning For children" (Looney J., Blotcky M.) - in Treatment Planning in Psychiatry (ed) Lewis J., and Usdin G., American Psychiatric Association, WA DC, 287-336, 1982

"Treatment of the Adopted Adolescent: Involvement of the Biologic Mother" (Blotcky M., Looney, J., Grace K.) -Journal of the American Academy of Psychiatry, 21, 3:281-285, 1982

"A Systems Model for Residential Treatment of Children" (Blotcky, M., Dimperio, T., Blotcky, A., Looney, J.) Milieu Therapy, Vol. III, No. 2, 3-11, Summer, 1983

"Treatment of Adolescents in Family Therapy After Divorce" (Blotcky M., Grace K., Looney J.) - Journal of the American Academy of Child Psychiatry, 23, 2:222-225, 1984

Letter to the Editor in Response to: "Homosexuality: Kick and Kickback" (Blotcky M., Lewis, III J., Murphy K.) - Southern Medical Journal, 77, 8:1065-1066, 1984

"Follow-up of Children Treated in Psychiatric Hospitals: A Review of Studies" (Blotcky M., Dimperio T., Gossett J.) - American Journal of Psychiatry, 141:1499-1507, 1984

"Forming an Alliance with Families of Hospitalized Children" (Sheehan W., Blotcky, M. Grace K.) - Residential Group Care & Treatment, Vol. 3, No. 1 3-12, 1985

"Consultation: Lovers' divergent reactions to separation" (Blotcky M.) - Physician & Patient, pg. 11, March 1985

"Integration of Education in Child Residential Treatment" (Blotcky M., Lichtenstein A.) - Residential Treatment for Children and Youth, Vol. 4, No. 1, Fall, 1986

"The Timberlawn Child Functioning Scale: A Preliminary Report on Reliability and Validity" (Dimperio T., Blotcky M., Gossett J., Doyle A.) - The Psychiatric Hospital, Vol. 27, No. 3, 1986

"The Withdrawn Child" (Lewis, III J., Blotcky M.) - Medical Aspects of Human Sexuality 94-103, May, 1987

"Group Therapy with Children & Adolescents" (Blotcky M.) - Comprehensive Textbook of Psychiatry V, (ed. Kaplan H. and Sadock B.) Baltimore, MD Williams & Wilkins 1988

"Problems and Solutions in the Private Sector" (Blotcky M.) - In: Chronic Mental Illness in Children & Adolescents (ed, Looney J.), APA Press, WA DC, 1988

"Adolescent Gangs in the Hospital," (Berland, D., Homlish, S., Blotcky, M.) - In: Bulletin of the Menninger Clinic, Vol. 53, No.1, Jan., 1989, (ed. Allen, J.)

"Adolescent Psychological Development Revisited," (Blotcky, M. Looney, J.) - In: International Annals of Adolescent Psychiatry, Vol. I (ed. Esman, A.H.), The University of Chicago Press, Chicago, Il., 1988

"Therapeutic Communities: A Review and Assessment," (Blotcky, M., Kinlan, J., Lucas, A.). APA's Task Force on Confrontational Therapies: 1988

"Psychiatric Inpatient Treatment for Adolescents," (Blotcky, M., Gossett, J.). - In: The Psychiatric Hospital, Vol. 20, No. 2, 1989

"Residential and Day-hospital Treatments," (Lewis, J. III, Blotcky, M.) - In: Handbook of Studies on Child Psychiatry, Elsevier Science Publishers B.V., New York, 1990

"Administrative Principles in Child and Adolescent Psychiatry," (Blotcky, M.) - In: American Academy of Child and Adolescent Psychiatry Newsletter, Washington, DC, summer 1991, (ed. McKelvey, R.)

"Living and Learning With Managed Care," (Lewis, J. III, Blotcky, M.) - In: Academic Psychiatry, Vol. 17, No. 4, Winter, 1993

Committee On Government Policy, Forced Into Treatment: The Role of Coercion in Clinical Practice, APPI, Washington, D.C., 1993

Committee on Child & Adolescent Psychiatry, GAP

"What is the Outcome for Children's Mental Health Needs in National Health Care Reform?" J. American Academy of Child & Adolescent Psychiatry. Vol. 33, No. 9, Nov./Dec. 1994, pp.1221-1222

Child Therapy: Concepts, Strategies and Decision Making, Lewis, III, J., Blotcky, M., Brunner/Mazel, 1997

"Observation, Interview, and Mental Status Assessment (OIM): Unwilling or Resistant," (Blotcky, M.) In: Handbook of Child and Adolescent Psychiatry, Vol. 5, Joseph D. Nospitz (Ed.), Wiley & Sons, 1998

"The Titanic: A View From the Bridge," (Blotcky, M.) In: Academic Psychiatry, Vol. 23, No. 3, Fall, 1999

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PROFESSIONAL HISTORY:

McCCurley, Orsinger, McCurley, Nelson & Downing, L.L.P. (2006-present)

Actively practicing in the areas of family law and appeals.

Appellate experience includes interlocutory appeals, direct appeals, petitions for review, preparation of appellate briefs, oral advocacy in appellate proceedings, and original proceedings.

Cooper & Scully, P.C.

Shareholder

2002-2006

Trials and appeals in family law, medical malpractice, insurance defense, and general civil litigation.

Holmes, Woods, Diggs & Eames (Present Name) 1997-2002

Full-service trials and appeals in family law, civil litigation, and probate litigation.

Law Offices of Brad M. LaMorgese

1996-1997

EDUCATION

Trinity University (B.A. 1993) (University Court Appellate Justice); Southern Methodist University (J.D. *cum laude*, 1996) (Top 20%) (Fort Worth Real Estate Law Council Award for the highest grade in Property)

BAR ADMISSIONS

State Bar of Texas, United States Supreme Court, United States Court of Appeals - Federal Circuit, United States 1st Circuit Court of Appeals, United States 5th Circuit Court of Appeals, United States 6th Circuit Court of Appeals, United States 11th Circuit Court of Appeals, United States District Court (Northern, Southern, Western, Eastern District of Texas)

AWARDS AND HONORS

Fellow – American Academy of Matrimonial Lawyers

Board Certified – Family Law – Texas Board of Legal Specialization

Texas Super Lawyers – *Texas Monthly and Law & Politics Magazine* (2004-2009)

Top Lawyers under 40 – *D Magazine* (2002), (2004), (2006)

Texas Rising Stars – *Texas Monthly and Law & Politics Magazine* (2004)

Award of Merit – Nation Center of Missing and Exploited Children (2005) (for 5th Circuit appeal)

Published Author of Law Review Article in University of Texas Law Journal

Visiting Attorney Associate Judge - Dallas County Family District Courts

PROFESSIONAL ORGANIZATIONS

American Academy of Matrimonial Lawyers

Texas Academy of Family Law Specialists

State Bar of Texas (Family, Appellate Sections)

State Bar Family Law Section Amicus Curiae Committee (2006-present)

State Bar Family Law Section Checklist Committee (2009)

Dallas Bar Association (Family, Appellate Sections)

Dallas Bar Association Family Law Section Board of Directors (2007-present)

Dallas Bar Association Clerk and Coordinator Training Seminar Planning Committee (2006)

Texas Board of Legal Specialization (Family Law Legal Assistants Testing Commission 2006-present)

Federalist Society – Dallas Lawyers Chapter

The Annette Stewart American Inn of Court

The College of the State Bar of Texas (Member)

Episcopal Church of the Incarnation – Member
Republican Lawyers of Dallas – Executive Committee
Republican Precinct Chair – Dallas County Precinct 4642 and 4644 (2006-present)
Alternate Election Judge – Dallas County 2006-09; Elections Pollwatcher – Dallas County 2006

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General Provisions

§ 153.001. Public Policy

(a) 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.

(b) A court may not render an order that conditions the right of a conservator to possession of or access to a child on the payment of child support.

§ 153.002. Best Interest of Child

The best interest of the child shall always be the primary consideration of the court in determining the issues of conservatorship and possession of and access to the child.

§ 153.003. No Discrimination Based on Sex or Marital Status

The court shall consider the qualifications of the parties without regard to their marital status or to the sex of the party or the child in determining:

- (1) which party to appoint as sole managing conservator;
- (2) whether to appoint a party as joint managing conservator; and
- (3) the terms and conditions of conservatorship and possession of and access to the child.

§ 153.004. History of Domestic Violence

(c) The court shall consider the commission of family violence in determining whether to deny, restrict, or limit the possession of a child by a parent who is appointed as a possessory conservator.

(d) The court may not allow a parent to have access to a child for whom it is shown by a preponderance of the evidence that there is a history or pattern of committing family violence during the two years preceding the date of the filing of the suit or during the pendency of the suit, unless the court:

- (1) finds that awarding the parent access to the child would not endanger the child's physical health or emotional welfare and would be in the best interest of the child; and

(2) renders a possession order that is designed to protect the safety and well-being of the child and any other person who has been a victim of family violence committed by the parent and that may include a requirement that:

- (a) the periods of access be continuously supervised by an entity or person chosen by the court;
- (b) the exchange of possession of the child occur in a protective setting;
- (c) the parent abstain from the consumption of alcohol or a controlled substance, as defined by Chapter 481, Health and Safety Code, within 12 hours prior to or during the period of access to the child; or
- (d) the parent attend and complete a battering intervention and prevention program as provided by Article 42.141, Code of Criminal Procedure, or, if such a program is not available, complete a course of treatment under Section 153.010.
- (e) It is a rebuttable presumption that it is not in the best interest of a child for a parent to have unsupervised visitation with the child if credible evidence is presented of a history or pattern of past or present child neglect or physical or sexual abuse by that parent directed against the other parent, a spouse, or a child.
- (f) In determining under this section whether there is credible evidence of a history or pattern of past or present child neglect or physical or sexual abuse by a parent directed against the other parent, a spouse, or a child, the court shall consider whether a protective order was rendered under Chapter 85,1 Title 4, against the parent during the two-year period preceding the filing of the suit or during the pendency of the suit.

§ 153.007. Agreed Parenting Plan

- (a) To promote the amicable settlement of disputes between the parties to a suit, the parties may enter into a written agreed parenting plan containing provisions for conservatorship and possession of the child and for modification of the parenting plan, including variations from the standard possession order.
- (b) If the court finds that the agreed parenting plan is in the child’s best interest, the court shall render an order in accordance with the parenting plan.
- (c) Terms of the agreed parenting plan contained in the order or incorporated by reference regarding conservatorship or support of or access to a child in an order may be enforced by all remedies available for enforcement of a judgment, including contempt, but are not enforceable as a contract.
- (d) If the court finds the agreed parenting plan is not in the child’s best interest, the court may request the parties to submit a revised parenting plan. If the parties do not submit a revised parenting plan satisfactory to the court, the court may, after notice and hearing, order a parenting plan that the court finds to be in the best interest of the child.

§ 153.009. Interview of Child in Chambers

(a) In a nonjury trial or at a hearing, on the application of a party, the amicus attorney, or the attorney ad litem for the child, the court shall interview in chambers a child 12 years of age or older and may interview in chambers a child under 12 years of age to determine the child's wishes as to conservatorship or as to the person who shall have the exclusive right to determine the child's primary residence. The court may also interview a child in chambers on the court's own motion for a purpose specified by this subsection.

(b) In a nonjury trial or at a hearing, on the application of a party, the amicus attorney, or the attorney ad litem for the child or on the court's own motion, the court may interview the child in chambers to determine the child's wishes as to possession, access, or any other issue in the suit affecting the parent-child relationship.

(c) Interviewing a child does not diminish the discretion of the court in determining the best interests of the child.

(d) In a jury trial, the court may not interview the child in chambers regarding an issue on which a party is entitled to a jury verdict.

(e) In any trial or hearing, the court may permit the attorney for a party, the amicus attorney, the guardian ad litem for the child, or the attorney ad litem for the child to be present at the interview.

(f) On the motion of a party, the amicus attorney, or the attorney ad litem for the child, or on the court's own motion, the court shall cause a record of the interview to be made when the child is 12 years of age or older. A record of the interview shall be part of the record in the case.

§ 153.010. Order for Family Counseling

(a) If the court finds at the time of a hearing that the parties have a history of conflict in resolving an issue of conservatorship or possession of or access to the child, the court may order a party to:

(1) participate in counseling with a mental health professional who:

(A) has a background in family therapy;

(B) has a mental health license that requires as a minimum a master's degree; and,

(C) has training in domestic violence if the court determines that the training is relevant to the type of counseling needed; and

(2) pay the cost of counseling.

(b) If a person possessing the requirements of Subsection (a)(1) is not available in the county in which the court presides, the court may appoint a person the court believes is qualified to conduct the counseling ordered under Subsection (a).

§ 153.014. Visitation Centers and Visitation Exchange Facilities

A county may establish a visitation center or a visitation exchange facility for the purpose of facilitating the terms of a court order providing for the possession of or access to a child.

§ 153.015. Electronic Communication With Child by Conservator.

(a) In this section, “electronic communication” means any communication facilitated by the use of any wired or wireless technology via the Internet or any other electronic media. The term includes communication facilitated by the use of a telephone, electronic mail, instant messaging, videoconferencing, or webcam.

(b) If a conservator of a child requests the court to order periods of electronic communication with the child under this section, the court may award the conservator reasonable periods of electronic communication with the child to supplement the conservator’s periods of possession of the child. In determining whether to award electronic communication, the court shall consider:

- (1) whether electronic communication is in the best interest of the child;
- (2) whether equipment necessary to facilitate the electronic communication is reasonably available to all parties subject to the order; and
- (3) any other factor the court considers appropriate.

(c) If a court awards a conservator periods of electronic communication with a child under this section, each conservator subject to the court’s order shall:

- (1) provide the other conservator with the e-mail address and other electronic communication access information of the child;
- (2) notify the other conservator of any change in the e-mail address or other electronic communication access information not later than 24 hours after the date the change takes effect; and
- (3) if necessary equipment is reasonably available, accommodate electronic communication with the child, with the same privacy, respect, and dignity accorded all other forms of access, at a reasonable time and for a reasonable duration subject to any limitation provided by the court in the court’s order.

(d) The court may not consider the availability of electronic communication as a factor in determining child support. The availability of electronic communication under this section is not intended as a substitute for physical possession of or access to the child, where otherwise appropriate.

(e) In a suit in which the court’s order contains provisions related to a finding of family violence in the suit, including supervised visitation, the court may award periods of electronic communication under this section only if:

- (1) the award and terms of the award are mutually agreed to by the parties; and

(2) the terms of the award:

(A) are printed in the court's order in boldfaced, capitalized type; and

(B) include any specific restrictions relating to family violence or supervised visitation, as applicable, required by other law to be included in a possession or access order.

§ 153.134. Court-Ordered Joint Conservatorship

(a) If a written agreed parenting plan is not filed with the court, the court may render an order appointing the parents joint managing conservators only if the appointment is in the best interest of the child, considering the following factors:

(1) whether the physical, psychological, or emotional needs and development of the child will benefit from the appointment of joint managing conservators;

(2) the ability of the parents to give first priority to the welfare of the child and reach shared decisions in the child's best interest;

(3) whether each parent can encourage and accept a positive relationship between the child and the other parent;

(4) whether both parents participated in child rearing before the filing of the suit;

(5) the geographical proximity of the parents' residences;

(6) if the child is 12 years of age or older, the child's preference, if any, regarding the person to have the exclusive right to designate the primary residence of the child; and

(7) any other relevant factor.

(b) In rendering an order appointing joint managing conservators, the court shall:

(1) designate the conservator who has the exclusive right to determine the primary residence of the child and:

(A) establish, until modified by further order, a geographic area within which the conservator shall maintain the child's primary residence; or

(B) specify that the conservator may determine the child's primary residence without regard to geographic location;

(2) specify the rights and duties of each parent regarding the child's physical care, support, and education;

(3) include provisions to minimize disruption of the child's education, daily routine, and association with friends;

(4) allocate between the parents, independently, jointly, or exclusively, all of the remaining rights and duties of a parent as provided by Chapter 1511; and

(5) if feasible, recommend that the parties use an alternative dispute resolution method before requesting enforcement or modification of the terms and conditions of the joint conservatorship through litigation, except in an emergency.

§ 153.135. Equal Possession Not Required

Joint managing conservatorship does not require the award of equal or nearly equal periods of physical possession of and access to the child to each of the joint conservators.

Possession Order Provisions

§ 153.251. Policy and General Application of Guidelines

(a) The guidelines established in the standard possession order are intended to guide the courts in ordering the terms and conditions for possession of a child by a parent named as a possessory conservator or as the minimum possession for a joint managing conservator.

(b) It is the policy of this state to encourage frequent contact between a child and each parent for periods of possession that optimize the development of a close and continuing relationship between each parent and child.

(c) It is preferable for all children in a family to be together during periods of possession.

(d) The standard possession order is designed to apply to a child three years of age or older.

§ 153.252. Rebuttable Presumption

In a suit, there is a rebuttable presumption that the standard possession order in Subchapter F:

(1) provides reasonable minimum possession of a child for a parent named as a possessory conservator or joint managing conservator; and

(2) is in the best interest of the child.

§ 153.253. Standard Possession Order Inappropriate or Unworkable

The court shall render an order that grants periods of possession of the child as similar as possible to those provided by the standard possession order if the work schedule or other special circumstances of the managing conservator, the possessory conservator, or the child, or the year-round school schedule of the child, make the standard order unworkable or inappropriate.

§ 153.254. Child Less Than Three Years of Age

(a) The court shall render an order appropriate under the circumstances for possession of a child less than three years of age.

(b) The court shall render a prospective order to take effect on the child's third birthday, which presumptively will be the standard possession order.

§ 153.255. Agreement

The court may render an order for periods of possession of a child that vary from the standard possession order based on the agreement of the parties.

§ 153.256. Factors for Court to Consider

In ordering the terms of possession of a child under an order other than a standard possession order, the court shall be guided by the guidelines established by the standard possession order and may consider:

- (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.

§ 153.257. Means of Travel

In an order providing for the terms and conditions of possession of a child, the court may restrict the means of travel of the child by a legal mode of transportation only after a showing of good cause contained in the record and a finding by the court that the restriction is in the best interest of the child. The court shall specify the duties of the conservators to provide transportation to and from the transportation facilities.

§ 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. 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 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 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 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.

§ 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.

§ 153.317. 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 alternative 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; or

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

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

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

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

(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

(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.

(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.