

## Sample Language re Joint Managing Conservatorship

### Conservatorship

IT IS ORDERED AND DECREED that \_\_\_\_\_, Petitioner, and \_\_\_\_\_, Respondent, are appointed Joint Managing Conservators of the child.

#### Rights at All Times:

It is ORDERED that, at all times, the Joint Managing Conservators shall each retain the following rights of a parent, regardless who has possession of the child:

1. the right to receive information from any other conservator concerning the health, education, and welfare of the child;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child;
3. the right of access to medical, dental, psychological, and educational records of the child;
4. the right to consult with a physician, dentist, or psychologist of the child;
5. the right to consult with school officials concerning the child's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the child's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
9. the right to manage the estate of the child to the extent the estate has been created by the parent or the parent's family.

#### Rights and Duties during Periods of Possession:

It is ORDERED that, during their respective periods of possession, the Joint Managing Conservators shall each retain the following rights and duties of a parent:

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.

Rights to Be Exercised Jointly:

It is ORDERED that the Joint Managing Conservators shall exercise jointly the following rights, which exercise shall require the joint agreement of both parents:

**(SELECT ANY OR ALL OF THE RIGHTS – DON'T DUPLICATE IN “Exclusive” SECTION BELOW)**

1. the right to consent to medical, dental and surgical treatment involving invasive procedures;
2. the right to consent to psychiatric and psychological treatment of the child;
3. the right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
4. the right to consent to marriage and to enlistment in the armed forces of the United States;
5. the right to make decisions concerning the child's education;
6. except as provided by section 254.0111 of the Texas Family Code, the right to the services and earnings of the child;
7. 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
8. the right to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents.

Exclusive Rights of \_\_\_\_\_:

It is ORDERED that \_\_\_\_\_ shall have the following exclusive rights:

**(SELECT ANY OR ALL OF THE RIGHTS – DON'T DUPLICATE IN “Jointly Exercised” SECTION ABOVE)**

1. the right to designate the primary residence of the child, so long as such residence is located within Travis County, Texas, or any contiguous county, as more specifically set out below under the section entitled *Child's Primary Residence*;
2. the right to consent to medical, dental and surgical treatment involving invasive procedures;
3. 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;
4. the right to consent to psychiatric and psychological treatment 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. except as provided by section 254.0111 of the Texas Family Code, the right to the services and earnings of the child;
9. 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
10. the right to manage the estate of the child to the extent the estate has been created by community property or the joint property of the parents.

Parents' Duty to Provide Information:

Pursuant to §153.076 of the Texas Family Code, each parent shall have the duty to provide the following information to the other parent:

1. It is ORDERED that each conservator of a child has the duty to inform the other conservator of the child in a timely manner of significant information concerning the health, education, and welfare of the child.
2. It is ORDERED that each conservator of a child has the duty to notify the other conservator of the child if the conservator resides with for at least 30 days, marries, or intends to marry a person who the conservator knows: (1) is registered as a sex offender under Chapter 62, Code of Criminal Procedure; or (2) is currently charged with an offense for which on conviction the person would be required to register under that chapter. This notice shall be made as soon as practicable but not later

than the 40<sup>th</sup> day after the date the parent begins to reside with the person or the 10<sup>th</sup> day after the date the marriage occurs, as appropriate. The notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged.

A PERSON COMMITS AN OFFENSE, PUNISHABLE AS A CLASS C MISDEMEANOR, IF THE PERSON FAILS TO PROVIDE NOTICE IN THE MANNER REQUIRED UNDER THIS SECTION.

Child's Primary Residence:

The Court finds that the parties have agreed and it is ORDERED that the primary residence of the child shall be located in Travis County, Texas, or any county contiguous to Travis County, Texas, and the parties shall not remove the child from this geographical area for the purpose of changing the primary residence of the child until modified by further order of the court of continuing jurisdiction or by written agreement signed by the parties and filed with the court. However, in the event \_\_\_\_\_ moves his/her residence out of this restricted domicile area, then \_\_\_\_\_ shall thereafter have the right to designate the children's primary residence without regard to geographical location.

Notice of Medical Condition. IT IS FURTHER ORDERED AND DECREED that each party who is a conservator shall inform the other party within 2 hours of any medical condition of the child requiring surgical intervention and/or hospitalization.

Dispute Resolution. IT IS ORDERED AND DECREED that the parties shall attempt to settle future disputes by a dispute resolution method before seeking enforcement or modification of the terms and conditions of the joint conservatorship established by this decree through litigation, except in emergency situations requiring ex parte orders to protect the child.