

Can I Change the Visitation Schedule for My Child?

You can change an existing "visitation" schedule based on one of the following grounds:

1. A significant change in circumstances of one of the parties or the child.
2. The current visitation schedule has become clearly and substantially "unworkable".
3. The party with custody has moved away (usually out of the "geographically restricted area" denoted in the court order) without giving the other parent proper notice.
4. The visiting parent has a problem with violence, drugs or alcohol.
5. The visiting party consistently fails to exercise his or her right to visit with the child.
6. Courts generally do not allow parents to modify visitation due to slight changes or mere inconveniences.

Since the above are "general" guidelines, a few examples are:

- Your decree may contain "child under three" provisions that state that you will automatically proceed to a standard possession order once the child becomes three years of age. Usually, this does not cause any problems. However, in your case, if your child has a diagnosed psychological issue -- the parent could file for a modification order with the Court to stop the automatic standard possession order. (Please note that this is an unusual situation and frivolous filings made only to interfere with a parent's right to visit would be heavily frowned upon by the Court)
- Maybe you have specific provisions in your particular decree about days and hours but one of you has changed jobs or your work schedule is making it impossible to follow your decree's visitation schedule.
- If your ex-spouse has a new boyfriend, girlfriend (or spouse) who has a criminal record, and/or issues with violence, drugs or alcohol, you may wish to obtain a permanent injunction to keep them away from your child. You may want them to never be present at the residence of your "ex" while your children are there. You may also never want your "ex" to have them in the company of your child.
- If you are the parent who has these kinds of issues, you could end up with supervised visitation -- either by a friend or family member, or in an official supervised environment such as the "SAFE" program.
- If you do NOT exercise your right to visit with your child, you may lose your rights to the current visitation schedule. Nothing is sadder than a child wearing a backpack and standing at the door waiting for a parent to come who doesn't show up.

If you have any questions about modifying visitation, please call us at [281.550.6650](tel:281.550.6650) for an attorney consultation.