

SAPCR: Custody, Visitation & Support When You're Not Divorcing

This brochure answers basic questions about filing a **Suit Affecting the Parent-Child Relationship**, also called a **SAPCR**. It is not a substitute for the advice and help of a lawyer. Even if you decide to represent yourself, you should talk to a lawyer about how the law applies to you and what is best in your particular situation, *before* filing anything.

What is a SAPCR?

A SAPCR is a type of court case that asks a judge to order custody, visitation, child support, and medical support for a child.

Who can file a SAPCR?

You have "standing" to file a SAPCR if:

- ✓ you are the child's parent, **or**
- ✓ you have had actual care, control and possession of the child for at least 6 months ending not more than 90 days before the date you file the SAPCR *and* you are not a foster parent, **or**
- ✓ you have lived with the child and the child's parent, guardian or conservator for at least 6 months ending not more than 90 days before the date you file the SAPCR, *and* the child's parent, guardian or conservator has died, **or**
- ✓ you are the child's grandparent, great-grandparent, sister, brother, aunt, uncle, niece or nephew *and*:
 - both parents are dead, **or**
 - both parents, the surviving parent or managing conservator agree, **or**
 - the child's present circumstances will significantly harm the child's physical health or emotional development.
- ✓ you are the foster parent of a child placed by the Department of Family & Protective Services who has been in your home for at least a year ending not more than 90 days before the date you file the SAPCR.

See Texas Family Code Sections 102.003 & 102.004.

Note: Do not use the www.TexasLawHelp.org SAPCR forms if the child is disabled. Talk to a lawyer or call 1-800-374-4673.

What if I'm afraid of the other parent?

If there has been violence, or if at any time you feel unsafe, call the **Texas Family Violence Legal Line** 1-800-374-4673 or the **National Domestic Violence Hotline** at 1-800-799-7233 *before* filing anything with the Court.

What if paternity hasn't been established?

If you are the child's parent and paternity of the child has not been legally established, you should usually file a **Paternity case** instead of a SAPCR. Get information and Paternity case forms at www.TexasLawHelp.org.

If you are not the child's parent and paternity of the child has not been legally established, you can still file a SAPCR. A non-parent cannot file a Paternity case.

What if there's already a court order?

If there's already a court order about the child, you should usually file a **Modification case** instead of a SAPCR. Get information about filing a Modification case at www.TexasLawHelp.org.

Can anyone help me file a SAPCR?

Talk to a lawyer or contact the Office of the Attorney General for help filing a SAPCR.

To apply for the services offered by the Office of the Attorney General call 1-800-252-8014 or visit www.oag.state.tx.us/cs/index.shtml.

For help finding a lawyer, or if your income is low a free Legal Aid program, call the Lawyer Referral Information Service 1-800-252-9690.

Can I hire a lawyer just to give me advice?

Yes! You can hire a lawyer just to give you advice, review your forms, or help you prepare for a hearing. This is called **limited scope representation**.

Steps for an Uncontested SAPCR

Use these instructions with the **FREE** do-it-yourself SAPCR forms available at www.TexasLawHelp.org.

These instructions are written for uncontested cases. Your case is **uncontested** when it is:

- ✓ **agreed** – you and the other people in the case (*Respondents*) agree about all the issues, **or**
- ✓ **default** – you give a Respondent legal notice by Official Service of Process or Publication and s/he does not file a written response with the Court or appear at a hearing.

Step 1: Fill out the Petition.

Fill out the *Petition in Suit Affecting the Parent Child Relationship* (*Petition*) form. You are the “Petitioner.” The other people involved are the “Respondents.”



The following people must be listed as the Respondents in your *Petition*:

- ✓ the child’s mother, **and**
- ✓ anyone with a court-ordered relationship with the child, **and**
- ✓ any man alleged to be the child’s father, **and**
- ✓ any man who signed an *Acknowledgment of Paternity*, **and**
- ✓ any man presumed by law to be the child’s father. Presumed fathers include:
 - any man married to the mother when the child was born or at any time during the 300 days before the child was born,
 - any man who married the mother after the child was born and voluntarily claimed paternity of the child with the Vital Statistics Unit, on the child’s birth certificate, or in a record in which he promised to support the child as his own, **and**
 - any man who continuously lived with the child during the first two years of the child’s life and represented to others that the child was his own.

Fill out these additional starting forms, if applicable:

- *Information on Suit Affecting the Family Relationship* (all cases)
- *Out-of-State Party Affidavit* (only if someone lives outside of Texas)
- *Affidavit of Indigency* (only if you can’t afford the filing fee and other court costs because you have a low income). The *Affidavit of Indigency* form must be signed in front of a notary. Or, if you don’t have the necessary photo ID to get this form notarized you may complete and attach an *Unsworn Declaration* form.

Step 2: File (turn in) your *Petition*.

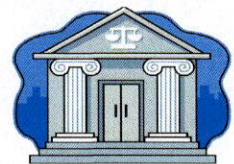
File (turn in) your completed *Petition* and other starting form(s) at the courthouse in the county where the child or children live.

Pay the filing fee (or file your *Affidavit of Indigency* form if you cannot afford the fee).

Ask the clerk if there are local rules or instructions you need to know about for your case.

The clerk will “file-stamp” your papers with the date and time and write your “Cause Number” and “Court Number” at the top of the first page of your *Petition*.

The clerk will ask if you want to have the Respondent or Respondents “served.” Served is when you give a Respondent legal notice by “Official Service of Process” or “Publication.” See Step 3 for more information.



Step 3: Give Legal Notice.



You must give each Respondent **legal notice**. Here are 3 ways to give legal notice. Choose the way that best fits your situation.

(1) Legal Notice by Waiver of Service or Answer (use this way if a Respondent **AGREES**)

A *Waiver of Service* is a form a Respondent signs to tell the Court s/he has received a file-stamped copy of your *Petition* and doesn't need to be formally served with another one. In order to be valid, the *Waiver* must be signed by the Respondent in front of a notary at least one day after you file your *Petition*. The *Waiver* must then be turned in at the courthouse.

Note: The TexasLawHelp *Waiver of Service Only* form only waives the right to be formally served with a copy of the *Petition*. Other *Waiver* forms may also waive the right to know anything else about the case. If someone asks you to sign a *Waiver*, read it carefully. You may want to sign an *Answer* instead.

A *Respondent's Original Answer* (*Answer*) is a form a Respondent signs to tell the Court s/he wants to actively participate in the case. If a Respondent files an *Answer*, s/he does not need to be formally served because the *Answer* enters his or her appearance in the case.

Note: If a Respondent does not have the photo ID needed to get the *Waiver of Service Only* form notarized, s/he may fill out and sign an *Answer* form instead. An *Answer* does not need to be signed in front of a notary.

TIP: If your case is agreed, the Respondent must also sign a completed *Order in Suit Affecting the Parent-Child Relationship* (*Order*) form. It may save you time to fill out the *Order* form now and send it to the Respondent with the *Waiver of Service Only* or *Respondent's Original Answer*. You may also wait to fill out the *Order* form until later in the process. See step 5 for information about filling out the *Order*.

(2) Legal Notice by Official Service of Process - (use this way if a Respondent does **NOT AGREE**)

Official Service of Process is when a Respondent is given formal legal notice of a court case by a constable, sheriff, private process server or the clerk. Use this method if a Respondent will not sign a *Waiver* or *Answer* or you don't want to have personal contact with the Respondent. *Note:* There will be an additional fee to give notice by Official Service of Process (unless you file an *Affidavit of Indigency*).

Follow these steps to give legal notice by Official Service of Process.

1. When you file your *Petition*, tell the clerk you want to have the Respondent served. The clerk will print out a form called a "citation" and attach a copy of your *Petition*.
2. Send the citation to a constable, sheriff or official process server in the county where the Respondent lives or works. The constable, sheriff or official process server will deliver the paperwork to the Respondent in person. The Respondent does not have to sign anything. The constable, sheriff or official process server will complete a *Return of Service* form stating when the Respondent was served.
3. Make sure the *Return of Service* form is filed at the courthouse. It must be filed at least 12 days before you finish the case.

(3) Legal Notice by Publication - (use this way if you can't find a Respondent)

If you can't find a Respondent, you may give legal notice by Publication. You must first look really hard for the Respondent. You will also be required to hire a lawyer to be the **Attorney ad Litem** for the Respondent. Get information and forms for *Service by Publication* at www.TexasLawHelp.org.

Step 4: Send a copy of your Petition to the Attorney General (if applicable).

If the child gets TANF or Medicaid or got it in the past, you must send a file-stamped copy of your *Petition* to the Office of the Attorney General Child Support Division.

Step 5: Fill out the Order form.

Fill out an *Order in Suit Affecting the Parent-Child Relationship* (Order) form. The Court signs this form to finish the case.



If only the parents are involved, use the *Parent Custody* version of the Order. Note: The *Parent Custody Order* includes the Standard Possession Order as Exhibit A. Talk to a lawyer if this standard visitation schedule does not meet the needs of your family or would not be safe for the child. A lawyer can help you write a possession order that is appropriate for your case - such as a Modified Possession Order, Supervised Possession Order, or a Possession Order for Child Under 3.

If a non-parent will have primary custody, use the *Non-Parent Custody* version of the Order. The *Non-Parent Custody Order* includes a Modified Possession Order as Exhibit A. Talk to a lawyer if this form does not meet the needs of your family or would not be safe for the child. A lawyer can help you write a possession that is appropriate for your case.

It's a good idea to have a lawyer review the Order form after you fill it out. Remember, you can hire a lawyer *just* to review your forms. Or, if your income is low, you may be able to have your completed forms reviewed at a free legal clinic in your area.

Fill out the *Income Withholding Order for Support* form if child support will be ordered.

Step 6: Confirm your case is uncontested & get ready for Court.

Your case is **uncontested** when it is agreed or default (or both).

Is your case AGREED? If your case is agreed, ask each Respondent who filed a *Waiver of Service* or *Answer* to sign your completed *Order in Suit Affecting the Parent-Child Relationship*.

Is your case a DEFAULT? If you gave a Respondent legal notice by Official Service of Process or Publication and s/he does not file an *Answer* during the Answer period (and does not file an *Answer* before you go to court) your case is a DEFAULT and you can finish your case without further notice to that Respondent.

To determine the Answer period: Find the day the Respondent was served on a calendar, count out 20 more days, and then go to the next Monday. This Monday is the last day of the Respondent's answer period. Call the clerk's office to learn if the Respondent filed an *Answer*.



If your case is a DEFAULT, you must also fill out these forms:

- *Certificate of Last Known Address*
- *Military Status Affidavit*
- *Statement of Evidence* (only if a Respondent was served by Publication.)

The *Return of Service* form must also have been on file at the courthouse for at least 12 days.

Is your case CONTESTED? Your case is contested if any Respondent filed a *Waiver of Service* or *Answer* with the Court and will not sign the *Order in Suit Affecting the Parent-Child Relationship*. It's very important to talk to a lawyer if your case is contested.

Step 7: Go to Court to finish your case.

If your case is uncontested, call the clerk to learn when and where the court hears uncontested cases.

Bring these papers with you to the courthouse on the day you plan to finish your case.



*If your case is **agreed** bring:*

- ✓ a file-stamped copy of your *Petition in Suit Affecting the Parent-Child Relationship*
- ✓ the *Waiver of Service Only* (or *Answer*) signed by the Respondent
- ✓ a completed *Order in Suit Affecting the Parent-Child Relationship* signed by you and each Respondent
- ✓ a completed *Income Withholding Order for Support* if child support will be ordered

*If your case is a **default** bring:*

- ✓ a file-stamped copy of your *Petition in Suit Affecting the Parent-Child Relationship*
- ✓ a completed *Order in Suit Affecting the Parent-Child Relationship* signed by you
- ✓ a completed *Income Withholding Order for Support* if child support will be ordered
- ✓ a completed *Certificate of Last Known Address*
- ✓ a completed *Affidavit of Military Status*
- ✓ a completed Statement of Evidence (only if you gave legal notice by Publication)
- ✓ the Attorney ad Litem for the Respondent (only if you gave legal notice by Publication)

When you get to the courthouse, go to the clerk's office. Ask if you need the court file or docket sheet (list of what has been filed in your case). If your case is a default, file the *Certificate of Last Known Address* and the *Affidavit of Military Status* in the clerk's office before you go to Court. Bring a file-stamped copy of each form with you to court.

When you get to the courtroom, tell the clerk you are there and give the clerk your paperwork. Read "Tips for the Courtroom" at www.TexasLawHelp.org for more information about going to Court.

After the judge signs your *Order in Suit Affecting the Parent-Child Relationship*, turn it in to the clerk's office. Your case is NOT finished until you do so. Get a certified copy of your *Order* from the clerk while you are there. The clerk may charge a fee for the certified copy.

If child support was ordered, ask the clerk what you need to do to set up a child support account.

Frequently Asked Questions

What if the child doesn't live in Texas or hasn't been here very long?

Generally, a Texas court can only make orders about a child who has lived in Texas for at least the past 6 months or since birth for an infant. There are exceptions to this rule. Talk with a lawyer if this is an issue.

Has paternity been legally established?

Paternity is the legal identification of a child's father. If the child's parents are married when the child is born, the law presumes that the husband is the legal father. If the child's parents are *not* married, paternity can be established when both parents sign an *Acknowledgment of Paternity* or by court order. Get information about Paternity at www.texasattorneygeneral.gov/cs/parents/ or www.TexasLawHelp.org.

What is conservatorship?

"Conservatorship" is the legal word for custody.

In Texas, the law presumes that parents will be **joint managing conservators**. This means the parents will share most rights and duties. It does not usually mean the child's time will be split equally between the parents. The child will live primarily with the parent the court order says has the exclusive right to designate the child's residence.

When there is a good reason to do so - such as in cases of family violence or child abuse - one parent (or a non-parent) can be named **Sole Managing Conservator** (SMC) of a child. A SMC will have the exclusive right to make most decisions about the child. The other parent is usually named a **Possessory Conservator**. A Possessory Conservator's rights may be restricted by the Court if necessary to protect the child.

Read the law about conservatorship in the *Texas Family Code*, Chapter 153. Talk to a lawyer if you have questions.

What is possession and access?

"Possession and access" is the legal word for visitation. A possession order says when each parent (or non-parent conservator) has the right to possession of the child.

What is the "Standard Possession Order"?

Texas law presumes that the **Standard Possession Order (SPO)** is best for a child age 3 or older. The SPO says that the parents may have possession of the child whenever they both agree. The SPO says that if the parents don't agree, the non-custodial parent has the right to possession of the child as set out below:

When the parents live within 100 miles of each other, the non-custodial parent has the right to possession:

- 1st, 3rd and 5th weekends of every month,
- Thursday evenings during the school year,
- alternating holidays, and
- an extended period of time (30 days) during summer vacation.

When the parents live over 100 miles apart:

- the weekend schedule may be the same or reduced to one weekend per month,
- there is no mid-week visit,
- holidays are the same, and
- the non-custodial parent has the child a longer period of time (42 days) during summer vacation and every spring break.

Can the Court change the SPO?

Yes. If the Standard Possession Order (SPO) is not in the child's best interest or is unworkable, the judge can make a different possession order. If the judge is concerned about the safety of the child, the judge can impose a supervised possession order and/or make any other orders necessary to protect the child.

Read the law about possession and access in the *Texas Family Code*, Chapter 153. Talk to a lawyer if you have questions or need help writing a proposed possession order.

Who gets child support?

Child support is paid to the person the children live with more than half of the time. This is usually a parent, but not always.

How is child support calculated?

In Texas, child support is usually calculated based on a percentage of the non-custodial parent's net resources:

- 1 child = 20% of net resources
- 2 children = 25% of net resources
- 3 children = 30% of net resources
- 4 children = 35% of net resources
- 5 children = 40% of net resources
- 6 or more children = not less than 40%.

These percentages change if the noncustodial parent is supporting other children.

The Court may also consider other factors when setting child support.

"Resources" is money from all sources, including wages, overtime, tips, bonuses, etc. "Net resources" is resources *after* taxes (using only one deduction) and the cost of providing health insurance for the child.

It's a good idea to ask a lawyer to help you calculate the correct amount of child support.

Read the law about child support in the *Texas Family Code*, Chapter 154. Get more information at www.texasattorneygeneral.gov/cs/parents/ or www.TexasLawHelp.org.

Who pays for the child's health insurance?

The parent paying child support is generally the parent ordered to pay for health insurance by:

- providing health insurance through his or her employer or another source, *or*
- reimbursing the other parent for the cost of health insurance, *or*
- paying cash medical support if the child receives Medicaid or C.H.I.P.

Read the law about medical support in the *Texas Family Code*, Chapter 154.

What if the other parent and I can't agree on child support?

If you and the other parent don't agree on child support or medical support the Office of the Attorney General may be able to help.

Although the Attorney General cannot represent you, they can ask the court to order child support (including retroactive child support), medical support, custody and visitation.

For information about opening a case with the Attorney General call 1-800-255-8014 or go to their website at www.oag.state.tx.us/cs.

What if I need orders right away?

If you need orders right away, you may ask the Court to make **temporary orders** after notice and a hearing. Talk to a lawyer if you need temporary orders. Your county law library may also have temporary order forms available.

If you need a **protective order** because of family violence call the Texas Family Violence Legal Line at 1-800-374-HOPE (4673) or the National Domestic Violence Hotline at 1-800-799-SAFE (7233).

Where can I get more information?

Get more information at:

www.TexasLawHelp.org

www.hba.org Family Law Handbook

www.texasattorneygeneral.gov/cs/parents/

You may also call the Texas Advocacy Project's Family Law Hotline at 1-800-777-FAIR.

For help finding a lawyer or, if your income is low, a free Legal Aid program call the Lawyer Referral Information Service 1-800-252-9690.

Special Instructions for Collin County Residents

WARNING: The forms in this packet do not include provisions for spousal maintenance. If you need spousal maintenance, please talk to an attorney.

- File all forms in the District Clerk's office at 2100 Bloomdale Rd, (first floor) McKinney, TX 75071.
- You will need to fill out the "Case Information Sheet" and file it with the Petition. You can find this form in front of the Petition.
- If the other party files an "answer," you will need to set a hearing date. Fill out the top part of the "Order Setting Hearing Date" form and give it to the District Clerk. She will arrange to get a hearing date for you. Once the hearing date is set, send a copy to the other party by one of the methods on the form.
- If there are children, and child support is being paid, you will need to fill out the "Child Support Account Set Up Form" and submit it with the final Decree or Order (when you appear before the judge). You can find this form following the "Income Withholding Order" or IWO (at the back of this packet).
- You need to fill out the "Information on Suit Affecting the Family Relationship" submit it with the Decree or Final Order. You can find this form on the last page of this packet.

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____ COURT (FOR CLERK USE ONLY): _____

STYLED _____

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:	
Name: _____	Email: _____	Plaintiff(s)/Petitioner(s): _____		<input type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____	
Address: _____	Telephone: _____	Defendant(s)/Respondent(s): _____		Additional Parties in Child Support Case:	
City/State/Zip: _____	Fax: _____			Custodial Parent: _____	
Signature: _____	State Bar No: _____			Non-Custodial Parent: _____	
				Presumed Father: _____	
[Attach additional page as necessary to list all parties]					
2. Indicate case type, or identify the most important issue in the case (select only 1):					
Civil			Family Law		
Contract	Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (non-Title IV-D)	
Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ Foreclosure <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ Related to Criminal Matters <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children Other Family Law <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order	
Employment	Other Civil		Parent-Child Relationship		
<input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____		<input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____		
Tax	Probate & Mental Health				
<input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax: _____	Probate/Wills/Intestate Administration <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings		<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____		
3. Indicate procedure or remedy, if applicable (may select more than 1):					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
4. Indicate damages sought (do not select if it is a family law case):					
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

Cause Number: _____
(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

In the Interest of the following Minor Child(ren):

(Print the initials of each child.)

1. _____
2. _____
3. _____
4. _____
5. _____

In the _____
Court Number

☐ District Court

☐ County Court at Law of:

_____ County, Texas

Petition in Suit Affecting the Parent-Child Relationship

My name is: _____
First Middle Last

I am the **Petitioner**, the person asking the Court to make orders about the child or children named below.

My driver's license was issued in (state) _____. The last three numbers of my driver's license number are: _____.

Or ☐ I do not have a driver's license.

The last three numbers of my social security number are: _____.

Or ☐ I do not have a social security number.

I am: (Check one.)

☐ not related to the child(ren).

☐ related to the child(ren). I am the child(ren)'s: _____
Write your relationship to the child(ren).

1. Discovery Level

The discovery level in this case, if needed, is Level 2.

2. Child(ren)

I ask the Court to make orders about the following child(ren):

	Child's name	Date of Birth	County and State where child lives now
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

3. Standing

The law allows me to file this case because I am: (Check one.)

- ☐ the mother of the child(ren).
- ☐ the "legal father" of the child(ren). An Acknowledgment of Paternity form has been signed and filed with the Vital Statistics Unit for each child. A copy of each Acknowledgment of Paternity is attached to this Petition.
- ☐ a person who has had actual care, control, and possession of the child(ren) for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court. I am not a foster parent.
- ☐ a person who lived with the child(ren) and the child(ren)'s parent, guardian, or managing conservator for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court, and the child(ren)'s parent, guardian, or managing conservator is now dead.
- ☐ the grandparent, great-grandparent, sister, brother, aunt, uncle, niece, or nephew of the child(ren) and: (Check the box below that applies to your case.)
 - ☐ both parents are dead.
 - ☐ both parents, the surviving parent, or managing conservator agree to me filing this case.
 - ☐ the child(ren)'s present circumstances will significantly impair (*harm*) the child(ren)'s physical health or emotional development.
- ☐ other: _____

(Read the law about standing in Texas Family Code Sections 102.003, 102.004 and 102.006)

Note: If you are the mother or biological father of the child/ren and an Acknowledgment of Paternity form has not been signed and filed for each child, you may need to file a paternity case instead of a Suit Affecting the Parent-Child Relationship (SAPCR) case. Get information about filing a paternity case at www.TexasLawHelp.org.

4. Jurisdiction

There are no court orders about any of the child(ren). No other Court has continuing jurisdiction over this case or the child(ren).

Texas has authority to decide this case because: (Check one.)

- ☐ The children live in Texas now and have lived in Texas for at least the past 6 months or since birth.
- ☐ The children do not live in Texas now, but they have been gone from Texas less than 6 months. The children had lived in Texas for at least 6 months before they moved. A parent or person acting as a parent continues to live in Texas.

Important: Talk to a lawyer if neither of the above applies.

Note: If there is already a court order about any of the children, you may need to file a modification case instead of a Suit Affecting the Parent-Child Relationship (SAPCR) case. Get information about filing a modification case at www.TexasLawHelp.org.

Note: There may be one or more Respondents. Read the SAPCR instructions at www.TexasLawHelp.org for information about who must be listed as a Respondent and given legal notice of the case.

5. Respondent(s)

Respondent A

Respondent A's name is: _____
PRINT the full name of Respondent A.

Respondent A is: (Check one.)

- ☐ the mother of the child(ren).
☐ the legal father of the following child(ren): _____
☐ an alleged father of the following child(ren): _____
☐ other: _____
Write Respondent A's relationship to the child(ren).

Legal Notice: (Check one.)

- ☐ I will have a sheriff, constable, or process server give a copy of this Petition to Respondent A here:

PRINT Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs form to show the Court that I am unable to pay the fee) and **arrange for service**.

- ☐ I think Respondent A will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent A with this Petition at this time.
☐ I cannot find this Respondent. I ask that this Respondent be served by publication.

Respondent B

- ☐ Check this box if there are no other Respondents and skip to section 6.

Respondent B's name is: _____
PRINT the full name of Respondent B.

Respondent B is: (Check one.)

- ☐ the mother of the child(ren).
☐ the legal father of the following child(ren): _____
☐ an alleged father of the following child(ren): _____
☐ other: _____
Write Respondent B's relationship to the child(ren).

Legal Notice: (Check one.)

- ☐ I will have a sheriff, constable, or process server give a copy of this Petition to Respondent B here:

PRINT Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs to show the Court that I am unable to pay the fee) and **arrange for service**.

- ☐ I think Respondent B will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent B with this Petition at this time.
☐ I cannot find this Respondent. I ask that this Respondent be served by publication.

Respondent C☐ Check this box if there are no other Respondents and skip to section 6.

Respondent C's name is: _____
PRINT the full name of Respondent C.

Respondent C is: (Check one.)

- ☐ the mother of the child(ren).
☐ the legal father of the following child(ren): _____
☐ an alleged father of the following child(ren): _____
☐ other: _____
Write Respondent C's relationship to the child(ren).

Legal Notice: (Check one.)

- ☐ I will have a sheriff, constable, or process server give a copy of this *Petition* to Respondent C here:

PRINT Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs form to show the Court that I am unable to pay the fee) and **arrange for service**.

- ☐ I think Respondent C will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent C with this *Petition* at this time.
☐ I cannot find this Respondent. I ask that this Respondent be served by publication.

Respondent D☐ Check this box if there are no other Respondents and skip to page 5 section 6.

Respondent D's name is: _____
PRINT the full name of Respondent D.

Respondent D is: (Check one.)

- ☐ the mother of the child(ren).
☐ the legal father of the following child(ren): _____
☐ an alleged father of the following child(ren): _____
☐ other: _____
Write Respondent D's relationship to the child(ren).

Legal Notice: (Check one.)

- ☐ I will have a sheriff, constable, or process server give a copy of this *Petition* to Respondent D here:

PRINT Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs form to show the Court that I am unable to pay the fee) and **arrange for service**.

- ☐ I think Respondent D will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent D with this Petition at this time.
- ☐ I cannot find this Respondent. I ask that this Respondent be served by publication.

6. Out-of-State Respondent(s)

(Check one.)

- ☐ Everyone involved in this case lives in Texas.
- ☐ The following Respondent does not live in Texas: _____

Note: You must complete and attach the Exhibit: Out-of-State Party Declaration if you or a Respondent does not live in Texas.

Print the FULL name of the Out-of-State Respondent.

(Check all that apply for the Out-of-State Respondent.)

- ☐ The Respondent agrees that a Texas court can make orders in this case and will file a written response with the court.
- ☐ The children live in Texas because of the Respondent's actions.
- ☐ The Respondent has lived in Texas with the children.
- ☐ The Respondent has lived in Texas and provided prenatal expenses or support for the children.
- ☐ The Respondent had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
- ☐ The child was born in Texas and the Respondent registered with the paternity registry maintained by the Texas Vital Statistics Unit or signed an Acknowledgment of Paternity filed with the Texas Vital Statistics Unit.
- ☐ The Respondent will be personally served with citation in Texas.

7. Conservatorship (Custody)

I ask the court to make conservatorship (custody) orders naming: (Check a, b, c, d, or e.)

- a. ☐ Mother and Father Joint Managing Conservators of the child(ren) with:

(If you checked a, check a-1, a-2, or a-3.)

- a-1. ☐ Father having the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

☐ this county. ☐ this county or in counties adjacent to this county.

☐ Texas. ☐ anywhere. ☐ other: _____.

- a-2. ☐ Mother having the exclusive right to designate the primary residence of the child(ren) within the following geographic area: (Check one box below.)

☐ this county. ☐ this county or county adjacent to this county.

☐ Texas. ☐ anywhere. ☐ other: _____.

- a-3. ☐ Neither parent having the exclusive right to designate the primary residence of the children but both parents ordered not to remove the children's primary residence from the following specific geographic area: (Check one box below.)

☐ this school district: _____ ☐ this county.

☐ this county or county adjacent to this county. ☐ other: _____.

- b. ☐ Mother Sole Managing Conservator of the child(ren).

- c. ☐ Father Sole Managing Conservator of the child(ren).

- d. ☐ _____ Nonparent Sole Managing Conservator of the child(ren).
- e. ☐ _____ and _____
Nonparent Joint Managing Conservators of the child(ren).

8. Child(ren)'s Passports (Check only if applicable.)

- ☐ I ask the Court to order that I have the exclusive right to apply for and renew passports for the child(ren).

9. Possession and Access (Visitation)

I ask the court to make possession and access (visitation) orders as follows: (Check a, b, c, d or e.)

- a. ☐ Father should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)
- b. ☐ Mother should have "standard visitation." (See Texas Family Code Chapter 153, Subchapter F.)
- c. ☐ "Standard visitation" would be unworkable or inappropriate. Possession and access to the children should be as follows:

- d. ☐ One or more of the children is under age 3. Until the child turns 3, possession should be as follows:

After the child turns 3, possession should be as checked above.

- e. ☐ I am concerned about the safety of the children with: ☐ Father ☐ Mother

Therefore, I ask that: (If you checked e, check all that apply below.)

- e-1. ☐ exchanges of the children be supervised, or in the alternative, be in a public place
- e-2. ☐ that parent's possession of the children be limited to day visits
- e-3. ☐ that parent's possession of the children be supervised
- e-4. ☐ that parent have no right to possession or access to the children
- e-5. ☐ that parent be ordered not to use alcohol or illegal drugs 24 hours prior to or during possession of the children.
- e-6. ☐ that parent's possession and access to the children be restricted as follows:

(Check only if applicable.)

- ☐ I am concerned that the other parent may take the child(ren) to another country and refuse to return them. I ask the Court to determine if there is a risk of international kidnapping by the other parent and to take such measures as are necessary to protect the child(ren).

10. Child Support and Medical Support

I ask the court to make appropriate orders for the support of the child(ren), including regular child support, medical support and dental support and, if supported by the evidence, retroactive child support.

11. Protective Order Statement

Note: You **must** provide information about any protective order or pending application for protective order involving a party in this case or a child of a party. This includes information about any: 1) family violence protective order, (2) sexual assault, sexual abuse, trafficking or stalking protective order and/or (3) emergency protective order issued after an arrest.

A "party" includes you (the Petitioner) and anyone listed as a Respondent in this Petition.

You **must also** attach to this Petition a copy of any protective order (even if it's expired) in which one party or a child of a party was the applicant or victim and another party was the respondent or defendant.

If your petition does not accurately reflect whether there is a protective order, the Court may require you to file an amended petition.

(Check the appropriate boxes. Fill in the requested information, if applicable.)

11A. No Protective Order

- ☐ I do not have a protective order and I have not asked for one.
- ☐ No one has a protective order against me or asked for one.

11B. Pending Protective Order

- ☐ I filed paperwork at the courthouse asking for a protective order, but a judge has not decided if I should get it. I asked for a protective order against _____.

I asked for a protective order on _____ in _____ County, _____ State.
Date Filed County State

The cause number of the protective order case is _____.

If I get a protective order, I will file a copy of it before any hearings in this case.

- ☐ The Respondent filed paperwork asking for a protective order, but a judge has not decided if the Respondent will get it. The Respondent asked for a protective order on _____ in _____

_____, _____ County, _____ State.
County State

The Respondent asked for a protective order against _____.

The cause number of the protective order case is _____.

If the Respondent gets a protective order, I will file a copy of it before any hearings in this case.

11C. Protective Order in Place

- ☐ I have a protective order. The protective order is against _____.

I got the protective order on _____ in _____ County, _____ State.
Date of Order County State

The cause number for the protective order is _____.

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this case.

- ☐ A Respondent in this case has a protective order.

The protective order is against _____.

The protective order was made on _____ in _____ County, _____ State.
Date of Order County State

The cause number for the protective order is _____.

Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this case.

12. Family Information (Check only if applicable.)

- ☐ I believe the children or I will be harassed, abused, seriously harmed, or injured if I am required to give the Respondent(s) the information checked below for myself and the children: (Check the boxes below to tell the judge which information you want to be kept confidential.)

- ☐ home address, ☐ mailing address, ☐ employer, ☐ work address,
☐ home phone no., ☐ work phone no. ☐ social security no., ☐ driver's license no.,
☐ email address.

I ask the Court to Order that I not have to give this information or notice of changes in this information to the Respondents. I also ask the Court to keep this information confidential.

13. Children's Property (Check one.)

- ☐ The children do not own any property of significant value in their own name.
☐ The children own the following property of significant value in their own name:

14. Health Insurance Availability for Children

The children: (Check all that apply.)

- ☐ have **private health insurance**.

Name of insurance company: _____

Policy number: _____ Cost of premium: \$ _____

Name of person who pays for insurance: _____

The insurance policy ☐ is ☐ is not available through the parent's work.

- ☐ have health insurance through **Medicaid**.

- ☐ have health insurance through **C.H.I.P.** Cost of premium (if any): _____

- ☐ **do not** have health insurance.

If the children do not have private health insurance also complete the following:

Private health insurance ☐ is ☐ is not available to Father at a reasonable cost.

Private health insurance ☐ is ☐ is not available to Mother at a reasonable cost.

15. Dental Insurance Availability for Children

The child(ren): (Check one.)

☐ have **private dental insurance**.

Name of insurance company: _____

Policy number: _____ Cost of premium: \$ _____

Name of person who pays for insurance: _____

The insurance policy ☐ is ☐ is not available through the parent's work.

☐ **do not** have dental insurance.

If the children do not have private dental insurance also complete the following:

Private dental insurance ☐ is ☐ is not available to Father at a reasonable cost.

Private dental insurance ☐ is ☐ is not available to Mother at a reasonable cost.

16. Public Benefits

The children: (Check all that apply.)

☐ have Medicaid now **or** had in the past.

☐ get TANF (Temporary Assistance for Needy Families) now **or** got it in the past.

Note: If your children have ever received Medicaid or TANF, you **MUST** send a copy of this Petition to the Office of the Attorney General Child Support Division. You **MUST** also sign the "Certificate of Service to the Office of the Attorney General" below.

17. Request for Judgment

I ask that citation and notice be issued as required by law and that the Court make the orders I have asked for in this Petition and any other orders to which I am entitled. I ask for general relief.

Respectfully,

→

Petitioner's Signature

Date

Petitioner's Name (Print)

()

Phone

Mailing Address

City

State

Zip

Email Address:

Fax (if available)

Warning: Each Respondent will get a copy of this form. If you are concerned about a Respondent learning your address, call the Hope Line at 800-374-4673(HOPE) for free advice before filing this form with the court.

I understand that I must notify the Court and each Respondent's attorney (or the Respondent if the Respondent does not have an attorney) in writing if my mailing address or email address changes during these proceedings. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

18. Certificate of Service to the Office of the Attorney General (OAG)

Sign below **only** if your child(ren) receive (or have received) Medicaid or TANF. This tells the judge that you will deliver a copy of this Petition to the Office of the Attorney General Child Support Division as required by law. Get contact information for the Office of the Attorney General Child Support Office in the county where this case will be filed at https://www.texasattorneygeneral.gov/apps/cs_locations/. Bring proof of delivery with you to court.

I certify that a true copy of this Petition was served on the Office of the Attorney General Child Support Division* in person, by certified and first-class mail, by commercial delivery service, by fax, by email, or through the electronic file manager on this date.

→

Petitioner's Signature

Date

Note: For Information about how to file an answer go to www.TexasLawHelp.org

For a referral to a lawyer call your local lawyer referral service
or the State Bar of Texas Lawyer Referral Information Service at 800-252-9690.

For information about free and low-cost legal help in your county go to
www.TexasLawHelp.org or call the Legal Aid office serving your area:

Legal Aid of Northwest Texas 888-529-5277 (serves Dallas / Fort Worth area & Northwest Texas)

Lone Star Legal Aid 800-733-8394 (serves Houston area & East Texas)

Texas Rio Grande Legal Aid 888-988-9996 (serves Austin / San Antonio area, El Paso area & South Texas)

If you have been the victim of family violence, or if at any time you feel unsafe, get help by calling the:

National Domestic Violence Hotline at 800-799-SAFE (7233) or

Texas Advocacy Project Hope Line at 800-374-HOPE (4673) or

Advocates for Victims of Crime (AVOICE): at 888-343-4414.

Exhibit: Out-of-State Party Declaration

Required by Texas Family Code 152.209

Important! If you, the other parent, or anyone else named as a party in your case lives outside of Texas, you must:

- Fill out this form and sign it (under penalty of perjury.)
- File it in the clerk's office.
- Keep a copy for your records.

(All information must be true and correct. Print your answers.)

1. Personal Information

My name is _____

First

Middle

Last

I am the ☐ Petitioner ☐ Respondent

I am representing myself in this case.

If you believe your health, safety, or liberty, or that of your children, would be jeopardized by disclosure of the information in this Declaration, ask the clerk's office to seal this declaration and not disclose the information to the other party or the public, until and unless the court orders the information disclosed after a hearing in which the court takes into consideration the health, safety and liberty of you and your children. This is required by Texas Family Code 152.209(e).

2. Children in This Case (Under 18)

First Child's Name: _____

Present Address: _____

Child now lives with ☐ Mother ☐ Father ☐ Other (explain): _____

When did this child start living at this address? (Month, day, year) _____

List every address for the last 5 years. Start with the most recent.

1st past address: _____

From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

2nd past address: _____

From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

3rd past address: _____

From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

4th past address: _____
From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

Second Child's Name: _____

Present Address: _____

Child now lives with ☐ Mother ☐ Father ☐ Other (explain): _____

When did this child start living at this address? (Month, day, year) _____

List every address for the last 5 years. Start with the most recent.

1st past address: _____
From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

2nd past address: _____
From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

3rd past address: _____
From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

4th past address: _____
From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

Third Child's Name: _____

Present Address: _____

Child now lives with ☐ Mother ☐ Father ☐ Other (explain): _____

When did this child start living at this address? (Month, day, year) _____

List every address for the last 5 years. Start with the most recent.

1st past address: _____
From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

2nd past address: _____

_____ From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

3rd past address: _____ From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

4th past address: _____

_____ From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

If there are more than 3 children, make a copy of this page for each child and attach it to this form.

3. Other Court Cases

Have you taken part in any other court case about any of these children, in Texas or in any other state or country? ☐ Yes ☐ No

Do you know of any other court case that could affect this case, including custody, visitation, child support, civil or criminal cases for domestic violence, protective orders, termination of parental rights, adoptions, and enforcement cases? ☐ Yes ☐ No

If you answered Yes to either of the above questions, complete the following:

<u>County, State, and Country of Court Case</u>	<u>Case number</u>	<u>Type of case</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Warning: You must tell the court if you later find out about a court case about these children, in Texas or in any other state or country.

4. Other People Who Claim Custody or Visitation

Do you know of any other person who has physical possession of the children or claims the right to legal or physical custody or visitation with the children? ☐ Yes ☐ No

If yes complete the following for each person.

Name: _____

Address: _____

Relationship to child: _____

Name: _____
Address: _____
Relationship to child: _____

Declaration In Lieu of Notarized Statement — Texas Civil Practice and Remedies Code 132.001.
(Do not use this declaration if in the Attorney General's Address Confidentiality Program. Use the Verification section instead, and sign this document on front of a notary.)

Warning: Making a false unsworn declaration is a crime. Texas Penal Code 37.02.

My name is: _____
First Middle Last

My date of birth is _____
Month/Day/Year

My address is: _____
Street Address City State Zip Country

I declare under penalty of perjury that all information in this out of state party declaration is true and correct.

Formally signed in _____ County, _____
County State

on this date: _____

Your signature

Verification

(You must sign in front of a notary below. This section is not necessary if you use the Declaration In Lieu of Notarized Statement above.)

I swear under oath that the facts stated in this _____ are true and correct.
Print name of Petition you are filing here

Your Signature - Do NOT sign until you are in front of a notary!

Notary fills out below.

State of _____
(Print name of state where this Petition is notarized)

County of _____
(Print the name of the county where this Petition is notarized)

Sworn and subscribed before me, the undersigned notary, on this date: _____

By _____
(Print name of person who is signing this Petition. NOT the notary's name.)

[Notary stamps here]

Notary's signature

Warning: This form waives all of your legal rights in this case.

DO NOT sign it if you want to know what will be ordered in your case. You may want to file an *Answer* instead. You can find an *Answer* form at www.FreeTexasForms.org in the SAPCR(Suit Affecting the Parent-Child Relationship) kit.

[Fill in Cause number and court information exactly as it is written on your Petition.]

In the interest of (*List children*):

1 Name: _____
2 Name: _____
3 Name: _____
4 Name: _____
5 Name: _____
6 Name: _____

Cause No:

In the _____ ☐ District ☐ County Court of:

_____ County, Texas

Waiver of Service

Instructions to Respondent:

Read the warning at the top of this form. Talk to a lawyer if you do not understand it. If you decide to use this form:

- Make sure the Petitioner has already filed a *Petition in Suit Affecting the Parent-Child Relationship*. Do not sign this *Waiver of Service* until after the *Petition* is filed. If you sign it before the *Petition* is filed, it must be redone. The official court stamp on your copy of the *Petition* will tell you when it was filed.
- Fill out the *Waiver of Service* completely. You **MUST** include your address.
- Sign the *Waiver of Service* in front of a notary. Do not sign until you are physically in front of the notary.
- File the original signed *Waiver of Service* in the court clerk's office and give a copy to the Petitioner.

The person who signed this affidavit appeared, in person, before me, the undersigned notary, and stated under oath:

"I am the Respondent in this case.

"My name is: _____
First Middle Last

"My mailing address is: _____
Mailing Address City State Zip

"My phone number is: (_____) _____ - _____.

"I understand I must tell the Court, Petitioner and Petitioner's attorney (if Petitioner has an attorney) in writing if my mailing address or phone number changes during this case.

"The last three numbers of my driver's license number are: ____ ____ _____. My driver's license was issued in (State) _____.

Or ☐ I do not have a driver's license number.

"The last three numbers of my social security number are: ____ ____ ____.

Or ☐ I do not have a social security number.

"I have been given a copy of the *Petition in Suit Affecting the Parent-Child Relationship* filed in this case. I have read it and understand what it says.

"I understand that I have the right to be given a copy of the *Petition in Suit Affecting the Parent-Child Relationship* and official notice of this case by a constable, sheriff or other official process server. This process is called *issuance and service of citation*. I do not want to be given official notice. I give up my right to *issuance and service of citation* in this case.

"I understand that by signing this form I am entering an appearance, and it is a substitute for going to Court and telling the Court my side of the case.

"I agree that a Judge or Associate Judge in the county and state where this case is filed may make decisions about this case, even if the case should have been filed in another county.

"I do not want a court reporter to make a record of the testimony in this case.

"If I am in the military, I waive all rights, privileges, and exemptions I may have under the Servicemembers Civil Relief Act, including having a lawyer appointed to represent me in this case.

"I agree that the judge may make decisions about this case without further notice to me."

➡
.....
Respondent's signature -- ***Do not sign until you are in front of a Notary***

Notary fills out below

State of Texas, County of _____
(Print the name of county where this affidavit is notarized.)

Sworn to and subscribed before me, the undersigned authority, on this date: _____

by _____
(Print the first and last names of the person who is signing this affidavit.)

I, the Notary Public, who signature appears below, certify that I am not an attorney in this case.

(Notary's seal here)

▶

Notary's signature

Cause Number: _____

Fill in Cause number and court information exactly as it is written on the Petition.

In the Interest of the following Minor Child(ren):

(Write the full name of each child.)

1. _____
2. _____
3. _____
4. _____
5. _____

In the _____
Court Number

- ☐ District Court
☐ County Court at Law

of _____ County, Texas

Respondent's Original Answer
(Answer in Suit Affecting the Parent-Child Relationship)

WARNING: Filing an Answer with the Court enters your appearance in this case. Talk to an attorney before filing an Answer if you 1) **do not live in Texas** and 2) do not want a Texas court to have the power to make orders that would impose a personal obligation on you, such as an order for child support. If you file an Answer (or any other pleading) before filing a Special Appearance, you will give up your right to argue that Texas can't make such orders because you live out of state. Ask a Texas attorney to help you determine if Texas has personal jurisdiction over you. For help finding a private attorney, call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 800-252-9690. To find the Legal Aid office nearest you, go to www.TexasLawHelp.org and click on "Find Legal Assistance." If you are a victim of family violence, get legal help by calling 800-374-4673.

Print your answers.

My name is: _____
First Middle Last

I am a Respondent in this Suit Affecting the Parent-Child Relationship.

The last three numbers of my driver's license number are: _____. My driver's license was issued in (State) _____.

Or ☐ I do not have a driver's license number.

The last three numbers of my social security number are: _____.

Or ☐ I do not have a social security number.

Note: If you are the person who filed the Suit Affecting the Parent-Child Relationship, you are the Petitioner, not the Respondent. Only the Respondent can complete and file this Answer.

1. General Denial

I enter a general denial. I want to be notified of all hearings in this case.

However, if the Petitioner and I reach an agreement and I sign an agreed Order in Suit Affecting the Parent-Child Relationship, I agree that the Judge can finalize this case without my getting notice of the hearing and without my coming to Court.

2. Contact Information

My mailing address is: _____
Mailing Address City State Zip

My email address is: _____

My phone number is: (_____) _____ - _____.

I understand that if my mailing address or email address changes during this case, I must notify the following parties in writing:

- the Court,
- Petitioner's attorney (or Petitioner if Petitioner does not have an attorney), and
- the other Respondents' attorneys (or the Respondent if she or he does not have an attorney),
- the Office of the Attorney General Child Support Division (if the child receives public benefits such as CHIP).

I understand that—unless I provide notice of changes in my mailing address and email address—all information about this case, including the date and time of hearings, will be sent to me at the mailing address or email address in this Answer form.

3. Request for Relief

I ask the Court for general relief.

→

Respondent's Signature

Date

Respondent's Printed Name

Phone Number

Mailing Address

City

State

Zip

Email Address

Fax (if available)

4. Certificate of Service

I will give a copy of this document to each party or attorney of record on the same day this document is filed with (turned in to) the Court as follows:

If I file this document electronically, I will send a copy of it through the electronic file manager if possible. If not possible, I will give a copy to each party or attorney in person, by mail, by commercial delivery service, by fax, or by email.

If I file a paper copy of this document, I will give a copy of it to each party or attorney in person, by mail, by commercial delivery service, by fax, or by email.

→

Respondent's Signature

Date

Case No. _____

In the District Court

Collin County, Texas

_____ Judicial District

ORDER SETTING HEARING DATE

IT IS ORDERED that the hearing on the _____ [Petition OR Motion] be set for _____ o'clock on the _____ day of _____, 20__ in the courtroom of the _____ Court, in the County of Collin in McKinney, Texas.

SIGNED this the _____ day of _____.

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I certify that a true copy of the above _____
[title of motion or petition] has this day been:

_____ delivered by courier with receipted delivery
_____ sent by certified mail, return receipt requested
_____ sent via facsimile with confirmation

To:

_____ [name of other party] at:

_____ [address of

other party].

On this _____ day of _____.

[Signature]

[Typed or Printed Name]

[Address and Telephone No.]

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number: _____

In the Interest of the following Minor Child(ren):

(Print the initials of each child.)

1. _____
2. _____
3. _____
4. _____
5. _____

In the _____
Court Number

- ☐ District Court
☐ County Court at Law

of _____ County, Texas

Order in Suit Affecting the Parent-Child Relationship (Parent Custody Order)

A trial took place on _____, There was no jury. No party asked for a jury.
Date

1. Appearances

Petitioner

The Petitioner's name is: _____
First Middle Last

The Petitioner is the: (Check one.) ☐ Mother. ☐ Legal Father.

(Check one.)

- ☐ The Petitioner **was present**, self-represented, and announced ready for trial.
☐ The Petitioner **was present**, self-represented, and agreed to the terms of this Order.
☐ The Petitioner **was not present** but has signed this Order, agreeing to its terms.

Respondent

The Respondent's name is: _____
First Middle Last

The Respondent is the: (Check one.) ☐ Mother. ☐ Legal Father.

(Check one.)

- ☐ The Respondent **was present**, representing, self-represented, and announced ready for trial.
☐ The Respondent **was present**, self-represented, and agreed to the terms of this Order.
☐ The Respondent **was not present** but filed an Answer or Waiver of Service and has signed this Order, agreeing to its terms.
☐ The Respondent **was not present** but filed a Global Waiver of Service that waived Respondent's right to notice of this hearing and did not otherwise appear.
☐ The Respondent **was not present** but was served and has defaulted. The Petitioner has filed a Certificate of Last Known Address and a Military Status Affidavit.

2. Jurisdiction

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

The Court fills out this box.

3. Record

- ☐ A Court reporter recorded today's hearing.
- ☐ A Court reporter did not record today's hearing because the parties and judge agreed not to make a record.
- ☐ A Statement of the Evidence was signed by the Court.

4. Child(ren)

The Court finds that the child or children listed below are the subject of this case:

	Child's name	Sex	Date of Birth	Place of Birth	Social Security	State where child lives now
1			/ /			
2			/ /			
3			/ /			
4			/ /			
5			/ /			

5. Paternity

The Court finds that the parent-child relationship between _____
Print the full name of the Legal Father.

and each child listed above has been legally established by an Acknowledgment of Paternity signed by both parents and filed with the Vital Statistics Unit. A copy of each Acknowledgment of Paternity is attached to and fully incorporated into this Order.

6. Parenting Plan

The Court finds that the following orders concerning the rights and duties of the parties in relation to the child(ren), including orders for conservatorship (custody), possession and access (visitation), child support, medical support, and dental support are in the child(ren)'s best interest. The Court further finds that these orders constitute the parenting plan of the Court for the child(ren) listed above.

7. Conservatorship (Custody)

7A. Rights and Duties of Both Parents

The Court **ORDERS** that both parents always have the following rights:

Texas Family Code 153.073

1. The right to receive information from the other parent or conservator about the child(ren)'s health, education, and welfare;

2. The right to talk or confer with the other parent, to the extent it is possible, about upcoming decisions concerning the child(ren)'s health, education, and welfare;
3. The right to have access to the child(ren)'s medical, dental, psychological, and educational records;
4. The right to talk or consult with the child(ren)'s doctors, dentists, and psychologists;
5. The right to talk or consult with school officials, including teachers, and school staff, about the child(ren)'s welfare and educational status and school activities;
6. The right to attend the child(ren)'s school activities;
7. The right to be designated as an emergency contact on their child(ren)'s records;
8. The right to give consent for emergency medical, dental, and surgical treatment if the child(ren)'s health or safety is in immediate danger; and
9. Each parent has the right to manage the child(ren)'s estate(s) if they created it for the child(ren) or if that parent's family created it for the child(ren).

The Court **ORDERS** that each parent has the following rights and duties when the parent is in possession of the child(ren): Texas Family Code 153.074

1. The duty to care for, control, protect, and reasonably discipline the child(ren);
2. The duty to support the child(ren), including providing them with food, clothing, and shelter, and medical and dental care that does not involve an invasive procedure;
3. The right to consent to non-invasive medical and dental care for the child(ren); and
4. The right to direct the child(ren)'s moral and religious training.

The Court **ORDERS** that each parent always have the following duties: Texas Family Code 153.076

1. The Court **ORDERS** that each parent has the duty to inform the other parent in a timely manner of significant information concerning the health, education, and welfare of the child(ren).
2. The Court **ORDERS** that each parent has the duty to inform the other parent if the parent resides with for at least thirty days, marries, or intends to marry a person who the parent knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure or is currently charged with an offense that would require the person to register as a sex offender under that chapter, if convicted.

The parent is **ORDERED** to give this notice as soon as practicable, but no later than the 40th day after the date the parent or conservator begins to reside with the person, or within 10 days of marrying the person. The notice must include a description of the offense that required the person to register as a sex offender or the offense that the person is charged with that may require the person to register as a sex offender.

WARNING: A PARENT/CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PARENT/CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

3. The Court **ORDERS** that each parent has the duty to inform the other parent if the parent establishes a residence with a person who the parent knows is the subject of a final protective order sought by an individual other than the parent that is in effect on the date the residence with the person is established.

The parent is ORDERED to give this notice as soon as practicable but not later than the 30th day after the date the parent establishes residence with the person who is the subject of the final protective order.

WARNING: A PARENT/CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PARENT/CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

4. The Court ORDERS that each parent has the duty to inform the other parent if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the parent after the expiration of the 60-day period following the date the final protective order is issued.

The parent is ORDERED to give this notice as soon as practicable but not later than the 90th day after the date the protective order was issued.

WARNING: A PARENT/CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PARENT/CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

5. The Court ORDERS that each parent of a child has the duty to inform the other parent of the child if the parent is the subject of a final protective order issued after the date of the order establishing conservatorship.

The parent is ORDERED to give this notice as soon as practicable but not later than the 30th day after the date the final protective order was issued.

WARNING: A PARENT/CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PARENT/CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

Note: A person who is the subject of a final protective order is the person who the protective order is against.

7B. Parents Appointed Conservators

If the parents will be joint managing conservators, check box **7B(1)** below and fill in the requested information.

If one parent will be the sole managing conservator and the other will be the possessory conservator, skip **7B(1)**. Go to the next page and check box **7B(2)**. Fill in the information requested in box **7B2**.

7B(1) ☐ Joint Managing Conservators

The Court **ORDERS** that the parents are appointed **Joint Managing Conservators and:**

(Check **7B(1)(a)** or **7B(1)(b)**.)

7B(1)(a) ☐ One Parent Has the Exclusive Right to Decide Where the Child(ren) Live.

The Court **ORDERS** that _____

Print the name of the parent who will decide where the child(ren) live.

has the exclusive right to designate the primary residence of the child(ren) and that :

(Check one box.)

☐ may designate the child(ren)'s residence without regard to geographic location.

☐ must designate the child(ren)'s residence within the following geographic area:

(Check one box.)

☐ the school attendance zone of: _____.

☐ this county.

☐ this county or county adjacent to this county.

☐ Texas.

☐ other: _____.

7B(1)(b) ☐ Neither Parent Has the Exclusive Right to Decide Where the Child(ren) Live.

The Court **ORDERS** that neither parent has the exclusive right to designate the primary residence of the child(ren). However, both parents are **ORDERED** not to move the child(ren)'s primary residence from the following geographic area:

(Check one box.)

- ☐ the school attendance zone of: _____
- ☐ this county. ☐ other: _____

The Court **ORDERS** that the parents, as **Joint Managing Conservators**, also have the rights and duties as marked below. The right or duty listed in the 1st column shall be exercised by the parent or parents as marked in the 2nd, 3rd, 4th, or 5th column.

(Check one box in each row.)

	Mother exclusively	Father exclusively	Parents jointly	Parents independently
1. the right to consent to invasive medical, dental, and surgical treatment for the child(ren)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. the right to consent to psychiatric or psychological treatment for the child(ren)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. the right to receive child support and save or spend these funds for the child(ren)'s benefit	<input type="checkbox"/>	<input type="checkbox"/>	No	No
4. the right to represent the child(ren) in a legal action and make important legal decisions that affect the child(ren)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. the right to consent to a child's marriage, or to a child enlisting in the U.S. Armed Forces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Check one box in each row.)

	Mother exclusively	Father exclusively	Parents jointly	Parents independently
6. the right to make decisions concerning the child(ren)'s education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. the right to the services and earnings of the child(ren)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. the right to make decisions for the child(ren) about their estates if required by law (unless the child(ren) have a guardian or attorney ad litem or guardian of the estate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. the duty to manage the child(ren)'s estates to the extent the estates have been created by the parents' community or joint property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

7B(2) ☐ Sole Managing Conservator and Possessory Conservator

The Court **ORDERS** that _____ is
Print the name of the parent appointed Sole Managing Conservator of the child(ren).
 appointed **Sole Managing Conservator** of the child(ren).

The Court **ORDERS** that _____ is
Print the name of the parent appointed Possessory Conservator of the child(ren).
 appointed **Possessory Conservator** of the child(ren).

The Court **ORDERS** that the **Sole Managing Conservator** has the following exclusive rights and duty:

1. the right to designate the primary residence of the child(ren) without geographic restriction;
2. the right to consent to medical, dental, and surgical treatment for the child(ren) involving invasive procedures;
3. the right to consent to psychiatric and psychological treatment of the child(ren);
4. the right to receive child support and to save or spend these funds for the benefit of the child(ren);
5. the right to represent the child(ren) in legal action and to make other decisions of substantial legal significance concerning the child(ren);
6. the right to consent to marriage and to enlistment in the United States Armed Forces;
7. the right to make decisions concerning the child(ren)'s education;
8. the right to the services and earnings of the child(ren);
9. except when a guardian of the child(ren)'s estates or a guardian or attorney ad litem has been appointed for the child(ren), the right to act as an agent of the child(ren) in relation to the child(ren)'s estates if the child(ren)'s action is required by a state, the United States, or a foreign government;
10. the duty to manage the estates of the child(ren) to the extent the estates have been created by community property or the joint property of the parents.
11. the right to apply for, renew, and maintain passports for the child(ren) unless this right is somehow limited by this order or another court order.

7C. Order Regarding Passports for the Child(ren)

The Court **ORDERS** that: (Check one box.)

- ☐ The Sole Managing Conservator named in this order shall have the exclusive right to apply for, renew, and maintain passports for the child(ren).
- ☐ Mother shall have the exclusive right to apply for and renew passports for the child(ren).
- ☐ Father shall have the exclusive right to apply for and renew passports for the child(ren).
- ☐ Neither parent has the exclusive right to apply for or renew passports for the child(ren). A parent who applies for or renews a passport for the child(ren) must obtain the written consent of the other parent.

8. Possession and Access (Visitation)

The Court **ORDERS** that the parents shall have possession and access to the child(ren) as ordered in the:

(Check one box. Attach the appropriate Possession Order. Write "Exhibit A" at the top.)

- ☐ Standard Possession Order attached as Exhibit A and fully incorporated into this Order.
- ☐ Modified Possession Order attached as Exhibit A and fully incorporated into this Order.
- ☐ Supervised Possession Order attached as Exhibit A and fully incorporated into this Order.

(Check only if needed. Attach a Possession and Access Order for Child Under 3. Write "Exhibit B" at the top.)

- ☐ The Court **ORDERS** that until a child is 3 years old, the parents shall have possession and access to the child as ordered in the Possession and Access Order for Child Under 3 attached as Exhibit B and fully incorporated into this Order. The Court **ORDERS** that beginning on the child's 3rd birthday, the parents shall have possession and access to the child as ordered in the Possession and Access Order attached as Exhibit A.

9. Child Support

9A. Order to Pay Child Support

The Court **ORDERS** _____ (**Obligor**) to pay
(Print the name of the parent who will pay child support.)

child support to _____ (**Obligee**) in the amount
(Print the name of the parent who will receive child support.)

and manner described below until one of the following **events that terminate child support** occurs for each child.

9B. Events that Terminate Child Support

The obligation to pay child support for a child terminates when:

- The child turns 18, unless when the child turns 18 he or she is enrolled and complying with attendance requirements in a secondary school program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit then child support terminates at the end of the month in which the child graduates;
- The child marries, dies, or is emancipated by court order;
- The child begins active duty in the United States armed forces;
- A court terminates the parent-child relationship between the man ordered to pay child support and the child based on genetic testing that determines the man is not the child's father; or
- The person ordered to pay child support and the person ordered to receive child support marry or remarry each other unless a nonparent or agency has been appointed conservator of the child.

9C. Obligor and Obligee

The Court **ORDERS** that the parent ordered to **pay** child support in **9A** above is the **Obligor** and will be referred to as the "**Obligor**" throughout this section.

The Court **ORDERS** that the parent ordered to **receive** child support in **9A** above is the **Obligee** and will be referred to as the "**Obligee**" throughout this section.

9D. Child Support Amount(s)

If only one child will receive support, check box **9D(1)** and fill in the child support amount and start date.

If more than one child will receive support, check box **9D(2)** and fill in the child support amounts and start date.

9D(1) ☐ For a Single Child

Obligor is **ORDERED** to pay \$ _____ child support per month. The 1st payment is due on _____. A like payment is due on the 1st day of each month
Month / Day / Year
after that **until** child support terminates for the child.

9D(2) ☐ For Multiple Child(ren)

Obligor is **ORDERED** to pay \$ _____ child support per month. The 1st payment is due on _____. A like payment is due on the 1st day of each month after
Month / Day / Year
that **until** child support terminates for one child.

After child support terminates for one child, Obligor is **ORDERED** to pay \$_____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for one child. A like payment is due on the 1st day of each month after that **until** child support terminates for a second child.

After child support terminates for two child(ren), Obligor is **ORDERED** to pay \$_____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a second child. A like payment is due on the 1st day of each month after that **until** child support terminates for a third child.

After child support terminates for three child(ren), Obligor is **ORDERED** to pay \$_____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a third child. A like payment is due on the 1st day of each month after that **until** child support terminates for a fourth child.

After child support terminates for four child(ren), Obligor is **ORDERED** to pay \$_____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a fourth child. A like payment is due on the 1st day of each month after that **until** child support terminates for a fifth child.

After 1 child support terminates for five child(ren), Obligor is **ORDERED** to pay \$_____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a fourth child. A like payment is due on the 1st day of each month after that **until** child support terminates for a sixth child.

9E. Place of Payment

The Court ORDERS Obligor to send all child support payments to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, for distribution according to law.

The Income Withholding Order for Support authorized in this order shall include the child support payments. Additional payment options are on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

The Court ORDERS Obligor to Include the following information with each payment:

- Obligor's name and Obligee's name
- Cause Number and County of Order
- Attorney General Case Number (if applicable)

Payments should be made out to the Texas State Disbursement Unit or TXSDU.

9F. No Credit for Informal Payments

IT IS ORDERED that money paid by Obligor directly to Obligee or spent while in possession of the child(ren) does **NOT** count as child support and shall be deemed in addition to and not instead of the support ordered in this order.

Warning! Do **not** pay child support directly to the other parent. Send all child support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**. If you pay child support directly to the other parent, you won't get credit and you may have to pay again!

9G. Child Support Account / Fees

Each parent is ORDERED to:

- Fill out any forms necessary to set up a child support account, **and**

- Take the forms to the local Domestic Relations Office or county child support liaison within 5 days after the judge orders child support, **and**
- Pay when due all fees charged to that parent by the state disbursement unit and any other agency authorized by law to charge a fee for the collection and distribution of child support.

9H. Guideline or Non-Guideline Support

The Court finds that the child support ordered above is:

- ☐ **Guideline Support:** The amount of child support is approximately the amount recommended by the Texas Family Code Child Support Guidelines. See Texas Family Code, Chapter 154, Subchapter C.
- ☐ **Non-Guideline Support:** The amount of child support differs significantly from the amount recommended by the Texas Family Code Child Support Guidelines.

(If the amount ordered is not based on the guidelines, you must also provide the following information.)

The net monthly income/resources of the Obligor is \$ _____.

The net monthly income/resources of the Oblige is \$ _____.

Guideline child support would be _____ % of Obligor's net monthly resources, which is \$ _____ per month.

The **actual** monthly child support amount ordered is \$ _____, which is _____ % of Obligor's net monthly income/resources.

Guideline child support would be unjust or inappropriate under the circumstances because:

9I. Income Withholding

IT IS ORDERED that any employer of Obligor is ordered to withhold child support from Obligor's disposable earnings.

If an income withholding for support order is served on Obligor's employer, the employer shall withhold child support payments from Obligor's pay, and send it to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payments shall be recorded, and forwarded to Oblige. All child support withheld and paid in accordance with this order shall be credited against Obligor's child support obligation.

If the employer withholds less than 100% of the child support ordered, Obligor is **ORDERED** to send the balance owed to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

If an income withholding for support order is not served on the employer, or if Obligor's is self-employed or unemployed, Obligor's is **ORDERED** to send all child support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

IT IS ORDERED that the Clerk of this Court shall cause a certified copy of the income withholding for support order to be delivered to any employer of Obligor, if asked to do so by Obligor, Oblige, a prosecuting attorney, the title IV-D agency, a friend of the Court, or a domestic relations office.

9J. Suspension of Income Withholding

Check here if all parties agree not to have the employer withhold child support payments at this time.

☐ The parties agree, and the Court **ORDERS** that an income withholding for support order shall not be served on the employer **unless**: 1) child support payments are more than 30 days late, 2) the past due amount is the same or more than the monthly child support amount, 3) another violation of this child support order occurs or 4) the Office of the Attorney General Child Support Division is providing services to Oblige. Obligor is **ORDERED** to send all child support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payment will be recorded, and forwarded to Oblige.

9K. Change of Employment

Obligor is ORDERED to notify this Court and Obligee by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than **7 days** after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of Obligor and the name and address of Obligor's current employer, whenever that information becomes available.

9L. Child Support After Death

IT IS ORDERED that the provisions for child support in this Order shall be an obligation of Obligor's estate and shall not terminate on Obligor's death. Payments received for the benefit of the child(ren), including payments from the Social Security Administration, Department of Veterans Affairs, or other governmental agency or life insurance proceeds, annuity payments, trust distributions, or retirement survivor benefits, shall be a credit against this obligation. Any remaining balance of the child support is an obligation of Obligor's estate.

9M. Life Insurance Policy Check if the person ordered to pay child support should also be ordered to maintain a life insurance policy for as long as child support is ordered.

☐ As additional child support, the person paying child support under this order is ORDERED to obtain and maintain a life insurance policy on their life for as long as child support is ordered. The value of the policy shall be at least as much as the total child support obligation. The person receiving child support under this order must be named as the primary beneficiary for the benefit of the child(ren).

NOTICE REGARDING MODIFYING (CHANGING) THIS CHILD SUPPORT ORDER

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

- (1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY OR SUBSTANTIALLY CHANGED; OR
- (2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

10. Medical and Dental Support

10A. Duty to Provide Medical and Dental Support

As additional child support, the Court **ORDERS** the parents to provide medical and dental support as set out in this order for each child until one of the following **events that terminate medical and dental support** occurs for the child.

10B. Events that Terminate Medical and Dental Support

The obligation to provide medical and dental support for a child terminates when:

- The child turns 18, unless when the child turns 18 he or she is enrolled and complying with attendance requirements in a secondary school program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit then child support terminates at the end of the month in which the child graduates;
- The child marries, dies, or is emancipated by court order;
- The child begins active duty in the United States armed forces;
- A court terminates the parent-child relationship between the man ordered to pay child support and the child based on genetic testing that determines the man is not the child's father; or
- The person ordered to pay child support and the person ordered to receive child support marry or remarry each other unless a nonparent or agency has been appointed conservator of the child.

10C. Definitions

"Child(ren)" means all child(ren), whether one or more, listed in Section **5A** of this Final Order of Divorce.

"Obligor" means the parent ordered to pay child support.

"Obligee" means the parent ordered to receive child support.

"Health insurance" means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization, or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

"Dental insurance" means insurance coverage that provides preventive dental care and other dental services, including usual dentist services, office visits, examinations, X-rays, and emergency services, that may be provided through a single service health maintenance organization or other private or public organization.

"Health-care expenses" include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

"Health-care expenses that are not reimbursed by insurance" (also called "unreimbursed expenses") include related copayments and deductibles.

"Furnish" means—

- to hand deliver the document by a person eighteen years of age or older either to the recipient or to a person who is eighteen years of age or older and permanently resides with the recipient; **or**
- to deliver the document to the recipient by first-class mail or by certified mail, return receipt requested, to the recipient's last known mailing or residence address; **or**
- to deliver the document to the recipient at the recipient's last known mailing or residence address using any person or entity whose principal business is that of a courier or deliverer of papers or documents either within or outside the United States; **or**

- to deliver the document to the recipient at the recipient's email address if an email address for the recipient is provided below: (Check and print email address(s) if delivery by email is okay.)

☐ Obligee's email address: _____

☐ Obligor's email address: _____

In the event of any change in either recipient's email address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change.

10D. Court Findings About Health Insurance

Note: Texas law says that health insurance is available at a "reasonable cost" if the total cost of health insurance coverage for all child(ren) for which the Obligor is responsible under a medical support order is not more than 9 percent of the Obligor's annual resources. See Texas Family Code 154.181(e).

The Court finds that private health insurance for the child(ren): (Check one.)

- ☐ **is not** available at a reasonable cost to either parent. The Court finds that the child(ren) are:

(Check one.)

☐ currently covered by **Medicaid**.

☐ currently covered by **C.H.I.P.** at this cost: \$ _____.

☐ not currently covered by **Medicaid** or **C.H.I.P.**

- ☐ **is** available at a reasonable cost to the person ordered to pay child support through:

(Check one.)

☐ **Father's** work, membership in a union, trade association, or other organization, or other source available to Father.

☐ **Mother's** work, membership in a union, trade association, or other organization, or other source available to Mother.

10E. Orders about Health Insurance / Medical Support

The Court makes the following orders about health insurance / medical support for the child(ren).

Check box **10E(1)** if the **Obligor** will provide and pay for health insurance for the child(ren).

Check box **10E(2)** if the **Obligee** will provide health insurance for the child(ren) and the **Obligor** will pay cash medical support to reimburse the Obligee for the cost of the insurance.

Check box **10E(3)** if neither parent has access to private health insurance at a reasonable cost. **Obligee** will be ordered to apply for coverage under a government medical assistance program and **Obligor** will be ordered to pay cash medical support.

Note: The **Obligor** is the parent ordered to pay child support. The **Obligee** is the parent who will receive child support.

10E(1) ☐ Obligor to Provide and Pay for Health Insurance

As additional child support, the Court ORDERS **Obligor**, _____,
(Print name of parent ordered to pay child support)

to obtain health insurance for the child(ren) within 15 days of the date of this order.

Obligor is ORDERED to then maintain health insurance for each child until one of the above "events that terminate medical and dental support" occurs for the child.

If health insurance for the child(ren) terminates or lapses, Obligor is ORDERED to enroll the child(ren) in a health insurance plan at the next available enrollment period.

10E(2) ☐ Oblige to Provide Health Insurance / Obligor to Pay Cash Medical Support

As additional child support, the Court ORDERS **Obligee**, _____,
(Print name of parent who will receive child support)

to obtain health insurance for the child(ren) within 15 days of the date of this order.

Obligee is ORDERED to then maintain health insurance for each child until one of the above "events that terminate medical and dental support" occurs for the child.

If health insurance for the child(ren) terminates or lapses, Oblige is ORDERED to enroll the child(ren) in a health insurance plan at the next available enrollment period.

As additional child support, the Court ORDERS **Obligor**, _____,
(Print name of parent ordered to pay child support)

to pay Oblige **cash medical support** of \$ _____ per month for **reimbursement** of health insurance premiums. The 1st payment is due on _____. A like payment is
Month / Day / Year

due on the 1st day of each month after that until one of the above "events that terminate medical and dental support" occurs for each child.

The Court ORDERS Obligor to send all cash medical support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265** for distribution according to law.

The Income Withholding Order for Support authorized in this order shall include the cash medical support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

The Court ORDERS Obligor to Include the following information with each payment:

- Obligor's name
- Oblige's name
- Cause Number and County of Order or Order
- Attorney General Case Number (if applicable)

Payments should be made out to the Texas State Disbursement Unit or TXSDU.

The Court ORDERS that the cash medical support provisions of this order shall be an obligation of the estate of Obligor and shall not terminate on Obligor's death.

Warning! Do **not** pay cash medical support directly to the other parent. Send all payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

10E(3) ☐ Oblige to Apply for Coverage under a Government Medical Assistance Program or Health Plan / Obligor to Pay Cash Medical Support

The Court ORDERS **Obligee**, _____, to apply on behalf of
(Print name of parent who will receive child support)

each child for coverage under a governmental medical assistance program or health plan (i.e., Medicaid or C.H.I.P) **within 15** days of the date this Order or order is signed by the Court. If the child(ren) are already covered under such a program or plan, the Court ORDERS Oblige to continue such coverage.

When such health coverage is obtained, Oblige is ORDERED to maintain the coverage in full force and effect on each child by paying all applicable fees required for the coverage, including but not limited to enrollment fees and premiums for as long as the child(ren) are eligible for such coverage.

As additional child support, the Court ORDERS Obligor, _____, (Print name of parent ordered to pay child support)

to pay Obligee **cash medical support** of \$ _____ per month. The 1st payment is due

on _____. A like payment is due on the 1st day of each month after that until
Month / Day / Year

one of the above "events that terminate medical and dental support" occurs for each child.

The Court ORDERS Obligor to send all cash medical support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265** for distribution according to law.

The Income Withholding Order for Support authorized in this order shall include the cash medical support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

The Court ORDERS Obligor to Include the following information with each payment:

- Obligor's name and Obligee's name
- Cause Number and County of Order or Order
- Attorney General Case Number (if applicable)

Payments should be made out to the Texas State Disbursement Unit or TXSDU.

Warning! Do **not** pay cash medical support directly to the other parent. Send all payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

The Court ORDERS that Obligor is allowed to **stop paying cash medical support**, for the time Obligor is providing health insurance coverage for the child(ren), if:

- a. health insurance for the child(ren) becomes available to Obligor at a reasonable cost; and
- b. Obligor enrolls the child(ren) in the insurance plan and pays all costs of the insurance; and
- c. Obligor provides Obligee and the Texas Office of the Attorney General Child Support Division the following information:
 - (1) proof that health insurance has been provided for the child(ren); and
 - (2) Obligor's social security number; and
 - (3) name and address of the Obligor's employer; and
 - (4) whether the employer is self-insured or has health insurance available; and
 - (4i) if the employer is self-insured, a copy of the schedule of benefits, a membership card, claim forms, and any other information necessary to submit a claim; **or**
 - (4ii) if the employer has health insurance available, the name of the health insurance carrier, the policy number, a copy of the policy and schedule of benefits, a health insurance membership card, claim forms, and any other information necessary to submit a claim.

Note: This provision regarding when the Obligor may stop paying cash medical support is part of section **10E3**. It does **not** apply to any other section.

10F. Court Findings about Dental Insurance

Note: Texas law says that dental insurance is available at a "**reasonable cost**" if the total cost of dental insurance coverage for all child(ren) for which the Obligor is responsible under a dental support order is not more than **1.5 percent** of the Obligor's annual resources. See Texas Family Code 154.1815.

The Court finds that dental insurance for the child(ren): (Check one.)

☐ **is not** available at a reasonable cost to either parent.

☐ **is** available at a reasonable cost to the person ordered to pay child support (**Obligor**) through:

(Check one.)

☐ **Father's** work, membership in a union, trade association, or other organization, or other source available to Father.

- ☐ **Mother's** work, membership in a union, trade association, or other organization, or other source available to Mother.

10G. Orders about Dental Insurance / Dental Support

(Check one.)

- ☐ No orders about dental insurance/dental support are made at this time because neither parent has access to dental insurance at a reasonable cost.
- ☐ The Court makes the following orders about dental insurance / dental support for the child(ren):

Check box **10G(1)** if the **Obligor** will provide and pay for dental insurance for the child(ren).

Check box **10G(2)** if the **Obligee** will provide dental insurance for the child(ren) and the **Obligor** will pay cash dental support to reimburse the Obligee for the cost of the insurance.

Note: The **Obligor** is the parent ordered in this Order to pay child support and the **Obligee** is the parent who will receive child support.

10G(1) ☐ Obligor to Provide and Pay for Dental Insurance

As additional child support, the Court ORDERS **Obligor**, _____,
(Print name of parent ordered to pay child support)

to get dental insurance for the child(ren) within 15 days of the date of this order.

Obligor is ORDERED to then maintain dental insurance for each child until one of the above "events that terminate medical and dental support" occurs for the child.

If dental insurance for the child(ren) terminates or lapses, Obligor is ORDERED to enroll the child(ren) in a dental insurance plan at the next available enrollment period.

10G(2) ☐ Obligee to Provide Dental Insurance / Obligor to Reimburse Cost

As additional child support, the Court ORDERS **Obligee**, _____,
(Print name of parent who will receive child support)

to get dental insurance for the child(ren) within 15 days of the date of this order.

Obligee is ORDERED to then maintain dental insurance for each child until one of the above "events that terminate medical and dental support" occurs for the child.

If dental insurance for the child(ren) terminates or lapses, Obligee is ORDERED to enroll the child(ren) in a dental insurance plan at the next available enrollment period.

As additional child support, the Court ORDERS **Obligor**, _____,
(Print name of parent ordered to pay child support)

to pay Obligee **cash dental support** of \$ _____ per month for **reimbursement** of dental insurance premiums. The 1st payment is due on _____.

Month /Day /Year

A like payment is due on the 1st day of each month after that until one of the above "events that terminate medical and dental support" occurs for each child.

The Court ORDERS Obligor to send all cash dental support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265** for distribution according to law.

The Income Withholding Order for Support authorized in this order shall include the cash dental support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

The Court ORDERS Obligor to Include the following information with each payment:

- Obligor's name
- Obligee's name

- Cause Number and County of Order or Order
- Attorney General Case Number (if applicable)

Payments should be made out to the Texas State Disbursement Unit or TXSDU.

The Court ORDERS that the cash dental support provisions of this order shall be an obligation of the estate of Obligor and shall not terminate on Obligor's death.

10H. Parent to Furnish Information about Health Insurance

The parent providing health insurance for the child(ren) (called the "Insuring Parent" throughout this section) is also ORDERED to furnish to each conservator the following information **within 30 days** of the date the Insuring Parent receives notice of this order:

- Insuring Parent's social security number;
- the name and address of Insuring Parent's employer;
- proof that health insurance has been provided for each child;
- whether Insuring Parent's employer is self-insured or has health insurance available;
- if Insuring Parent's employer has health insurance available:
 - the name of the insurance carrier and the policy number;
 - a copy of the policy and a schedule of benefits;
 - a health insurance membership card;
 - claim forms and any other information necessary to submit a claim; and
- if Insuring Parent's employer is self-insured:
 - a copy of the schedule of benefits;
 - a membership card;
 - claim forms and any other information necessary to submit a claim.

Insuring Parent is ORDERED to furnish to each conservator a copy of any renewals or changes to the health insurance policy covering the child(ren) and any additional information regarding health insurance coverage of the child(ren) **within 15 days** of receipt.

An Obligor ordered to provide health insurance coverage, is ORDERED to notify each conservator and any child support agency enforcing a support obligation against the Obligor of the:

- termination or lapse of the health insurance coverage of the child(ren) **within 15 days** of the date of termination or lapse.
- availability of additional health insurance for the child(ren) **within 15 days** of the date the additional health insurance becomes available.

If health insurance coverage terminates due to a change of employer, the Obligor, Obligee, or the child support agency may send the new employer a copy of the order requiring the employee to provide health insurance.

10I. Parent to Furnish Information about Dental Insurance

The parent providing dental insurance for the child(ren) (called the "Insuring Parent" throughout this section) is ORDERED to furnish to each conservator the following information **within 30 days** of the date the Insuring Parent receives notice of this order:

- Insuring Parent's social security number;
- the name and address of Insuring Parent's employer;
- proof that dental insurance has been provided for each child;
- whether Insuring Parent's employer is self-insured or has dental insurance available;
- if Insuring Parent's employer has dental insurance available:
 - the name of the insurance carrier,
 - the policy number;
 - a copy of the policy and a schedule of benefits;

- a dental insurance membership card;
- claim forms; and
- any other information necessary to submit a claim; and
- If Insuring Parent's employer is self-insured:
 - a copy of the schedule of benefits;
 - a membership card;
 - claim forms; and
 - any other information necessary to submit a claim.

Insuring Parent is ORDERED to furnish to each conservator a copy of any renewals or changes to the dental insurance policy covering the child(ren) and any additional information regarding dental insurance coverage of the child(ren) **within 15 days** of receipt.

An Obligor ordered to provide dental insurance coverage, is ORDERED to notify each conservator and any child support agency enforcing a support obligation against the Obligor of the:

- termination or lapse of the dental insurance coverage of the child(ren) **within 15 days** of the date of termination or lapse.
- availability of additional dental insurance for the child(ren) **within 15 days** of the date the additional dental insurance becomes available.

If dental insurance coverage terminates due to a change of employer, then the Obligor, Obligee or the child support agency may send the new employer a copy of the order requiring the employee to provide dental insurance.

10J. Order for Insurer to Enroll Child(ren)

If the parent ordered to provide health insurance for the child(ren) is eligible for dependent health coverage but fails to apply to obtain coverage for the child(ren), the insurer is ORDERED to enroll the child(ren) on application of the other parent or others as authorized by law. See Texas Insurance Code 1504.051.

If the parent ordered to provide dental insurance for the child(ren) is eligible for dependent dental coverage but fails to apply to obtain coverage for the child(ren), the insurer is ORDERED to enroll the child(ren) on application of the other parent or others as authorized by law. See Texas Insurance Code 1504.051.

10K. Expenses Not Covered by Insurance

Obligor and Obligee are each ORDERED to pay **50 percent** of all reasonable and necessary health-care expenses for the child(ren) that are not covered by health insurance, unless:

- the parent ordered to provide health insurance is not providing health insurance as ordered, then that parent is liable for **100 percent** of all necessary medical expenses of the child(ren) and for the costs of health insurance premiums or contributions, if any, paid on behalf of the child(ren).
- the parent ordered to provide dental insurance is not providing dental insurance as ordered, then that parent is liable for **100 percent** of all necessary dental expenses of the child(ren) and for the costs of dental insurance premiums or contributions, if any, paid on behalf of the child(ren).

If **10E(3)** above is checked, Obligee is ORDERED to pay **50 percent** of all reasonable and necessary health-care expenses for the child(ren) that are not reimbursed by health insurance or covered by the cash medical support paid by Obligor and Obligor is ORDERED to pay **50 percent** of the total unreimbursed health-care expenses that exceed the amount of cash medical support paid by Obligor. Obligor is liable for **100 percent** of all necessary medical expenses incurred for the child(ren) in any month that Obligor neither pays cash medical support nor provides health insurance for the child(ren).

The parent who incurs a health-care expense on behalf of a child (called the "incurring parent") is ORDERED to give the other parent (called the "nonincurring parent") a copy of all forms, receipts, bills, statements, and explanations of benefits that show the portion of the expense not covered by insurance **within 30 days** of receipt. The nonincurring parent is ORDERED to pay their percentage of any uninsured expense **within 30**

days of receiving documentation of the expense by paying the health-care provider directly **or** reimbursing the incurring parent, if the nonincurring parent's portion has already been paid.

10L. Claims

Either parent may file claims and receive payments directly from the insurance carrier. Further, for the sole purpose of Texas Insurance Code 1204.251 and 1204.252, the party who is not carrying the insurance policy is designated the managing conservator or possessory conservator of the child(ren). Any reimbursement payments received from the health insurance carrier belongs to the parent who paid the expense. If the insurance carrier sends reimbursement to the parent who did not pay the expense, they are ORDERED to endorse the check and deliver it to the parent who paid the expense **within 3 days**.

10M. Health Insurance Policy Requirements

Each parent is ORDERED to follow all requirements of any health insurance policy covering the child(ren) to get maximum reimbursement and direct payment from the insurance company. This includes requirements for giving advance notice to the insurance company, getting second opinions, **and** using "preferred providers." If a parent incurs health-care expenses for the child(ren) using "out-of-network" health-care providers or services, or fails to follow the health insurance company procedures or requirements, that parent shall pay all such health-care expenses incurred unless: the expenses are emergency health-care expenses, the parents have a written agreement regarding such health-care expenses, **or** the Court makes a different order. Denial of a bill by an insurance carrier does not excuse the obligation of the parents to pay the expense.

10N. WARNING

A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OR DENTAL EXPENSES OF THE CHILD(REN), WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILD(REN).

11. Parent's Information

11A. Disclosure of Mother's Information (Check one.)

- ☐ The Court ORDERS Mother to disclose the following information and changes in that information to Father, the Court and the State Case Registry as required by Texas Family Code 105.006 and ORDERED in section 12 of this Order. (Fill in the following information for the Mother.)

Name: _____
Home Address: _____
Mailing Address: _____
E-mail Address: _____
Home phone: _____ Work phone: _____
FULL Social Security: _____
Driver's License: _____ Issuing state: **Select State**
Employer: _____
Work address: _____

- ☐ The Court finds, pursuant to Texas Family Code 105.006(c) and 105.007(c), that disclosure of Mother's information to Father is likely to cause Mother or the child(ren) harassment, abuse, serious harm or injury or would subject Mother or the child(ren) to family violence. The Court ORDERS that Mother's address and other identifying information not be disclosed. The Court further ORDERS that Mother is **not** required to give her address or other identifying information to Father or notify Father or the Court of changes in that information. The Court ORDERS Mother to provide her mailing and e-mail addresses and changes in her mailing or e-mail address to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

11B. Disclosure of Father's Information (Check one.)

- ☐ The Court ORDERS Father to disclose the following information and changes in that information to Mother, the Court, and the State Case Registry as required by Texas Family Code 105.006 and ORDERED in section 12 of this Order. (Fill in the following information for the Father.)

Name: _____
Home Address: _____
Mailing Address: _____
E-mail Address: _____
Home phone: _____ Work phone: _____
FULL Social Security: _____
Driver's License: _____ Issuing state: **Select State**
Employer: _____
Work address: _____

- ☐ The Court finds, pursuant to Texas Family Code 105.006(c) and 105.007(c), that disclosure of Father's information to Mother is likely to cause Father or the child(ren) harassment, abuse, serious harm, or injury or would subject Father or the child(ren) to family violence. The Court ORDERS that Father's address and other identifying information **not** be disclosed. The Court further ORDERS that Father is **not** required to give his address or other identifying information to Mother or notify Mother or the Court of changes in that information. The Court ORDERS Father to provide his mailing and e-mail addresses and changes in his mailing or e-mail address to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

12. Required Notices

This section is not applicable if and to the extent it conflicts with the Court's Order regarding disclosure of information in section 11 above.

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EVERY OTHER PARTY, THE COURT, AND THE STATE CHILD SUPPORT REGISTRY OF ANY CHANGE IN THE PARTY'S:

- CURRENT RESIDENCE ADDRESS,
- MAILING ADDRESS,
- E-MAIL ADDRESS,
- HOME TELEPHONE NUMBER,
- NAME OF EMPLOYER,
- ADDRESS OF EMPLOYMENT,
- DRIVER'S LICENSE NUMBER, AND
- WORK TELEPHONE NUMBER.

THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO THE OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO GIVE NOTICE OF THE CHANGE TO PROVIDE 60 DAYS' NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE 5TH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to **every other party** by delivering a copy of the notice to each party by registered or certified mail, return receipt requested.

Notice shall be given to the **Court** by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk.

Notice shall be given to the **State Case Registry** by mailing a copy of the notice to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

13. Warnings to Parties

FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THIS ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

14. Court Costs

Court costs shall be paid by the person who incurred the costs to the extent the incurrer is required to pay such costs. A party who filed a statement of inability to afford payment of court costs or affidavit of indigency that was not successfully contested is not required to pay court costs.

15. Other Orders

The court has the right to make other orders, if needed, to clarify or enforce the orders above.

16. Final Order

Any orders requested that do not appear above are denied. This is a final judgment and is appealable.

Date of Judgment

Judge's Signature

Judge's Printed Name

By signing below, the Petitioner agrees to the form and substance of this Order.

By signing below, the Respondent agrees to the form and substance of this Order.

Petitioner's Signature

Phone number

Petitioner's Name (print)

Date

Mailing
Address: _____

E-mail: _____

Fax: _____

(if
available) _____

Respondent's Signature

Phone number

Respondent's Name (print)

Date

Mailing
Address: _____

E-mail: _____

Fax: _____

(if available) _____

Standard Possession Order

The Court ORDERS that this Standard Possession Order is fully incorporated into the Decree or Order to which it is attached.

The Court ORDERS each conservator to obey this Standard Possession Order. The Court ORDERS that this Standard Possession Order starts immediately and applies to all periods of possession occurring on and after the date the Court signs the Order to which the Standard Possession Order is attached.

1. Designation of Conservators

The Court ORDERS that in this Standard Possession Order the conservators are designated as Parent A and Parent B.

"Parent A" is: _____
Print the name of the parent with the right to designate the child(ren)'s primary residence.

"Parent B" is: _____
Print the name of the other parent.

2. Mutual Agreement

The Court ORDERS that Parent A and Parent B shall have possession of the child(ren) at any and all times mutually agreed to in advance by Parent A and Parent B.

In the absence of mutual agreement, the Court ORDERS that Parent A and Parent B shall have possession of the child(ren) according to the schedules set out in this Standard Possession Order.

3. Definitions

"School" means the elementary or secondary school in which the child is enrolled. If the child is not enrolled in an elementary or secondary school, "school" means the public school district in which the child primarily resides.

"Child" or "Child(ren)" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

4. Undesignated Times

The Court ORDERS that Parent A shall have the right to possession of the child(ren) at all times not specifically designated in this Standard Possession Order for Parent B.

Notice to Peace Officer

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

5. Which Possession Schedules Apply in this Case?

The Standard Possession Order includes 3 possible possession schedules: Expanded, Standard, and Long-Distance. The Court ORDERS which schedules apply in this case and when below.

(a) Does the **Expanded Possession Schedule** apply in this case? (Check one box.)

- ☐ **Yes.** The Court ORDERS that the Expanded Possession Schedule applies when Parent B resides **50 miles or less** from the primary residence of the child(ren).
- ☐ **No.** The Court ORDERS that the Expanded Possession Schedule does not apply in this case because: (Check one box.)
- ☐ Parent B declines the Expanded Possession Schedule.
- ☐ The Court finds that the Expanded Possession Schedule is not in the best interest of the child(ren) because: (Check one box.)
- ☐ the distance between the residences makes the Expanded Possession Schedule unworkable or inappropriate considering the circumstances of the parties or the area in which the parties reside.
- ☐ Parent B has not frequently and continuously exercised the rights and duties of a parent with respect to the child(ren).
- ☐ other: _____.

(b) Does the **Standard Possession Schedule** apply in this case?

(Check one box. If the Expanded Schedule applies in this case, check the first box. If not, check the second box.)

- ☐ **Yes.** The Court ORDERS that the Standard Possession Schedule applies when Parent B resides **51 -100 miles** from the primary residence of the child(ren).
- ☐ **Yes.** The Court ORDERS that the Standard Possession Schedule applies when Parent B resides **100 miles or less** from the primary residence of the child(ren).

(c) Does the **Long-Distance Possession Schedule** apply in this case?

- ☐ **Yes.** The Court ORDERS that the Long-Distance Possession Schedule applies in all cases when Parent B resides **over 100 miles** from the primary residence of the child(ren).

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6. Expanded Possession Schedule (50 miles or less)

If the **Expanded Possession Schedule** applies, **Parent B** shall have the right to possession of the child(ren) as follows - unless otherwise expressly provided in this order.

(a) **Weekends**

Parent B shall have the right to possession of the child(ren) on the 1st, 3rd, and 5th weekends of each month.

If the weekend occurs during the regular school term, it shall:

- *begin* on the 1st, 3rd, and 5th Friday of each month at the time the child's school is regularly dismissed and
- *end* when the child's school resumes after the weekend.

If the weekend occurs during the summer break, it shall:

- *begin* on the 1st, 3rd, and 5th Friday of each month at 6 p.m. and
- *end* the following Sunday at 6 p.m.

(b) **Weekends Extended by a Holiday**

If Parent B's weekend begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term, that weekend period of possession shall *begin* on the Thursday before the holiday or in-service day at the time the child's school is regularly dismissed.

If Parent B's weekend ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, that weekend period of possession shall *end* at 8 a.m. the following Tuesday.

If Parent B's weekend begins on a federal, state, or local holiday that falls on a Friday during the summer break, that weekend period of possession shall *begin* on the Thursday before the holiday at 6 p.m.

If Parent B's weekend ends on a federal, state, or local holiday that falls on a Monday during the summer break, that weekend period of possession shall *end* at 6 p.m. on that Monday.

(c) **Thursdays**

Parent B shall have the right to possession of the child(ren) each Thursday during the regular school term *beginning* at the time the child's school is regularly dismissed on Thursday and *ending* at the time the child's school resumes on Friday.

If the **Expanded Possession Schedule** applies, **Parent A** and **Parent B** shall have the right to possession of the child(ren) during certain holidays and vacations as set out below. This holiday/vacation schedule supersedes Parent B's weekend and Thursday periods of possession ordered above.

(a) **Spring Vacation**

In odd-numbered years Parent A shall have the right to possession of the child(ren) during Spring Vacation *beginning* at the time the child's school is regularly dismissed for Spring Vacation and *ending* at 6 p.m. the day before school resumes after that Spring Vacation.

In even-numbered years Parent B shall have the right to possession of the child(ren) during Spring Vacation *beginning* at the time the child's school is dismissed for Spring Vacation and ending at the time the child's school resumes after Spring Vacation.

(b) **Thanksgiving Vacation**

In odd-numbered years **Parent B** shall have the right to possession of the child for the Thanksgiving Holiday *beginning* when the child's school is dismissed for the holiday and *ending* at 6 p.m. the Sunday following Thanksgiving.

In even-numbered years **Parent A** shall have the right to possession of the child for the Thanksgiving Holiday *beginning* when the child's school is dismissed for the holiday and *ending* at 6 p.m. the Sunday following Thanksgiving.

(c) **Christmas Vacation**

In odd-numbered years, **Parent A** shall have the right to possession of the child(ren) *beginning* when the child's school is dismissed for the Christmas school vacation and *ending* at noon on December 28.

In odd-numbered years, **Parent B** shall have the right to possession of the child(ren) beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after the Christmas school vacation.

In even-numbered years, **Parent B** shall have the right to possession of the child(ren) *beginning* when the child's school is dismissed for Christmas school vacation and *ending* at noon on December 28.

In even-numbered years, **Parent A** shall have the right to possession of the child(ren) beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after the Christmas school vacation.

- (d) **Parent B's Extended Summer Possession WITH Written Notice by April 1** - If Parent B gives Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child(ren) for 30 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year. The extended summer possession must be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. The extended summer possession must not interfere with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.
- (e) **Parent B's Extended Summer Possession WITHOUT Written Notice by April 1** - If Parent B does not give Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child for 30 consecutive days in that year beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31.
- (f) **Parent A's One Weekend During Parent B's Extended Summer Possession** - If Parent A gives Parent B written notice by April 15 of a year, Parent A shall have possession of the child(ren) on any 1 weekend *beginning* at 6 p.m. on Friday and *ending* at 6 p.m. on the following Sunday during any one period of the extended summer possession by Parent B. This weekend must not interfere with Father's Day possession. Parent A must pick up the child(ren) from Parent B and return the child(ren) to that same place. Parent B must give Parent A written notice of the location at which Parent A is to pick up and return the child(ren) no later than the 15th day before the Friday that begins the designated weekend.
- (g) **Parent A's Extended Summer Possession** - If Parent A gives Parent B written notice by April 15 of a year or gives Parent B 14 days' written notice on or after April 16 of a year, Parent A may designate one weekend during which an otherwise scheduled weekend period of possession by Parent B shall not take place in that year. The weekend chosen must begin no earlier than the day after the child's school is dismissed for the summer vacation and end no later than 7 days before school resumes at the end of the summer vacation. The weekend chosen must not interfere with Parent B's periods of extended summer possession or with Father's Day possession.
- (h) **Child's Birthday** - If a parent is not otherwise entitled under this Standard Possession Order to possession of a child on the child's birthday, that parent shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.
- (i) **Father's Day** - Father shall have the right to possession of the child each year, beginning at 6 p.m. on the Friday before Father's Day and ending at 8 a.m. on the Monday after Father's Day. If Father is not already entitled to present possession of the child, he must pick up the child from Mother's residence and return the child to that same place.
- (j) **Mother's Day** - Mother shall have the right to possession of the child each year *beginning* on the Friday before Mother's Day at the time the child's school is dismissed and ending at 8 a.m. on the Monday after Mother's Day. If Mother is not already entitled to present possession of the child, she must pick up the child from Father's residence and return the child to that same place.

7. Standard Possession Schedule (100 miles or less)

If the **Standard Possession Schedule** applies, Parent B shall have the right to possession of the child(ren) as follows - unless otherwise expressly provided in this order.

(a) **Weekends**

Parent B shall have the right to possession of the child(ren) on the 1st, 3rd, and 5th weekends of each month. If the weekend occurs during the school year, it shall:

begin on the 1st, 3rd, and 5th Friday of each month
at:

- ☐ 6 p.m.
☐ the time school is regularly dismissed

and *end* at:

- ☐ 6 p.m. the following Sunday.
☐ the time school resumes after the weekend.

If the weekend occurs during the summer break, it shall *begin* on the 1st, 3rd, and 5th Friday of each month at 6 p.m. and *end* at 6 p.m. the following Sunday.

(b) **Weekends Extended by a Holiday**

If Parent B's weekend begins on a student holiday or a teacher in-service day that falls on a Friday during the school year, that weekend period of possession shall *begin* on the Thursday before the holiday or in-service day at: (Check one box.)

- ☐ 6 p.m.
☐ the time school is regularly dismissed on Thursday.

If Parent B's weekend ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term, that weekend period of possession shall *end* at: (Check one box.)

- ☐ 6 p.m. on that Monday.
☐ 8 a.m. on Tuesday.

If Parent B's weekend *begins* on a federal, state, or local holiday that falls on a Friday during the summer break, that weekend period of possession shall *begin* on the Thursday before the holiday at 6 p.m. If Parent B's weekend *ends* on a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall *end* at 6 p.m. on that Monday.

(c) **Thursdays**

Parent B shall have the right to possession of the child(ren) each Thursday during the school year *beginning* at: (Check one box.)

- ☐ 6 p.m.
☐ the time school is regularly dismissed.

and *ending* at: (Check one box.)

- ☐ 8 p.m.
☐ the time school resumes on Friday.

If the **Standard Possession Schedule** applies, Parent A and Parent B shall have the right to possession of the child(ren) during certain holidays and vacations as set out below. This holiday/vacation schedule supersedes Parent B's weekend and Thursday periods of possession ordered above.

(a) **Spring Vacation**

Parent B shall have the right to possession of the child(ren) during Spring Vacation in even-numbered years:

beginning on the day the child is dismissed from school for Spring Vacation at: (Check one box.)

- ☐ 6 p.m.
☐ the time school is regularly dismissed.

and *ending* at 6 p.m. the day before school resumes after that vacation.

Parent A shall have the right to possession of the child(ren) during Spring vacation in odd-numbered years:

beginning on the day the child is dismissed from school for Spring vacation at: (Check one box.)

- ☐ 6 p.m.
☐ the time school is regularly dismissed.

and *ending* at 6 p.m. the day before school resumes after that vacation.

(b) **Thanksgiving Vacation**

Parent B shall have the right to possession of the child for the Thanksgiving Holiday in odd-numbered years:

beginning the day, the child is dismissed from school for the Thanksgiving holiday at: *(Check one box.)*

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 6 p.m. the Sunday following Thanksgiving.

Parent A shall have the right to possession of the child for the Thanksgiving Holiday in even-numbered years:

beginning the day the child is dismissed from school for the Thanksgiving holiday at: *(Check one box.)*

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 6 p.m. the Sunday following Thanksgiving.

(c) **Christmas Vacation**

In even-numbered years, Parent B shall have the right to possession of the child:

beginning the day the child is dismissed from school for Christmas school vacation at: *(Check one box.)*

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 12 noon on December 28.

In even-numbered years, Parent A shall have the right to possession of the child beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that Christmas school vacation.

In odd-numbered years, Parent A shall have the right to possession of the child:

beginning the day the child is dismissed from school for Christmas school vacation at: *(Check one box.)*

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 12 noon on December 28.

In odd-numbered years, Parent B shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

- (d) **Parent B's Extended Summer Possession WITH Written Notice by April 1** - If Parent B gives Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child(ren) for 30 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year. The extended summer possession must be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. The extended summer possession must not interfere with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.
- (e) **Parent B's Extended Summer Possession WITHOUT Written Notice by April 1** - If Parent B does not give Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child for 30 consecutive days in that year beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31.
- (f) **Parent A's One Weekend During Parent B's Extended Summer Possession** - If Parent A gives Parent B written notice by April 15 of a year, Parent A shall have possession of the child(ren) on any 1 weekend *beginning* at 6 p.m. on Friday and *ending* at 6 p.m. on the following Sunday during any one period of the extended summer possession by Parent B. This weekend must not interfere with Father's Day possession. Parent A must pick up the child(ren) from Parent B and return the child(ren) to that same place. Parent B must give Parent A written notice of the location at which Parent A is to pick up

and return the child(ren) no later than the 15th day before the Friday that begins the designated weekend.

- (g) **Parent A's Extended Summer Possession** - If Parent A gives Parent B written notice by April 15 of a year or gives Parent B 14 days' written notice on or after April 16 of a year, Parent A may designate one weekend during which an otherwise scheduled weekend period of possession by Parent B shall not take place in that year. The weekend chosen must begin no earlier than the day after the child's school is dismissed for the summer vacation and end no later than 7 days before school resumes at the end of the summer vacation. The weekend chosen must not interfere with Parent B's periods of extended summer possession or with Father's Day possession.
- (h) **Child's Birthday** - If a parent is not otherwise entitled under this Standard Possession Order to possession of a child on the child's birthday, that parent shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.
- (i) **Father's Day** - Father shall have the right to possession of the child each year, beginning at 6 p.m. on the Friday before Father's Day and ending at: (Check one box.)
- ☐ 6 p.m. on Father's Day
☐ 8 a.m. on the Monday after Father's Day

If Father is not already entitled to present possession of the child, he must pick up the child from Mother's residence and return the child to that same place.

- (j) **Mother's Day** - Mother shall have the right to possession of the child each year:
- | | |
|--|--|
| <i>beginning</i> on the Friday before Mother's Day at:
(Check one box.) | <i>and ending</i> at: (Check one box.) |
| <input type="checkbox"/> 6 p.m. | <input type="checkbox"/> 6 p.m. on Mother's Day |
| <input type="checkbox"/> the time the child's school is dismissed. | <input type="checkbox"/> 8 a.m. on the Monday after Mother's Day |

If Mother is not already entitled to present possession of the child, she must pick up the child from Father's residence and return the child to that same place.

8. Long-Distance Possession Schedule (Over 100 Miles)

If the **Long-Distance Possession Schedule** applies, Parent B shall have the right to possession of the child(ren) as follows - unless otherwise expressly provided in this order.

(a) **Weekends**

Unless Parent B elects the "Alternative Weekend Possession" on the following page, Parent B shall have the right to possession of the child(ren) on the 1st, 3rd, and 5th weekends of each month.

If the weekend occurs during the regular school term, it shall:

- | | |
|--|---|
| <i>begin</i> on the 1st, 3rd, and 5th Friday of each month at:
(Check one box.) | <i>and end</i> at: (Check one box.) |
| <input type="checkbox"/> 6 p.m. | <input type="checkbox"/> 6 p.m. the following Sunday. |
| <input type="checkbox"/> the time school is regularly dismissed | <input type="checkbox"/> the time school resumes after the weekend. |

If the weekend does not occur during the regular school term, it shall begin on the 1st, 3rd, and 5th Friday of each month at 6 p.m. and end at 6 p.m. the following Sunday.

(Check box below if Parent B is choosing the Alternative Weekend Possession now.)

- ☐ **Alternative Weekend Possession** - Instead of the weekend possession described in the previous paragraph, Parent B shall have the right to possession of the child(ren) one weekend per month of Parent B's choice. The weekend shall begin at 6 p.m. on the day school recesses for the weekend and end at 6 p.m. on the day before school resumes after the weekend. Parent B shall give Parent A 14 days' notice in writing or by telephone before the chosen weekend. The weekend chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Father's or Mother's Day possession below.

Parent B must choose this option now or by giving written notice to Parent A within 90 days after the parents begin to reside more than 100 miles apart.

(b) **Weekends Extended by a Holiday**

If Parent B's weekend begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term or begins on a federal, state, or local holiday that falls on a Friday during the summer break, that weekend period of possession shall *begin* on the Thursday before the holiday or in-service day at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is regularly dismissed.

If Parent B's weekend ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term or ends on a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall *end* at 6 pm on that Monday.

If the **Long-Distance Possession Schedule** applies, Parent A and Parent B shall have the right to possession of the child(ren) during certain holidays and vacations as set out below. This holiday/vacation schedule supersedes Parent B's weekend periods of possession ordered above.

(a) **Spring Vacation**

Parent B shall have the right to possession of the child(ren) during Spring vacation every year beginning at 6 p.m. on the day the child is dismissed from school for Spring Vacation and ending at 6 p.m. on the day before school resumes after that vacation.

(b) **Thanksgiving Vacation**

Parent B shall have the right to possession of the child for the Thanksgiving Holiday in odd-numbered years:

beginning the day the child is dismissed from school for the Thanksgiving holiday at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 6 p.m. the Sunday following Thanksgiving.

Parent A shall have the right to possession of the child for the Thanksgiving Holiday in even-numbered years:

beginning the day the child is dismissed from school for the Thanksgiving holiday at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 6 p.m. the Sunday following Thanksgiving.

(c) **Christmas Vacation**

In even-numbered years, Parent B shall have the right to possession of the child:

beginning the day the child is dismissed from school for Christmas school vacation at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 12 noon on December 28.

In even-numbered years, Parent A shall have the right to possession of the child beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that Christmas school vacation.

In odd-numbered years, Parent A shall have the right to possession of the child:

beginning the day the child is dismissed from school for Christmas school vacation at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 12 noon on December 28.

In odd-numbered years, Parent B shall have the right to possession of the child(ren) beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that Christmas school vacation.

- (d) **Parent B's Long-Distance Extended Summer Possession WITH Written Notice by April 1** - If Parent B gives Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child(ren) for 42 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year. The extended summer possession must be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. The extended summer possession must not interfere with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.
- (e) **Parent B's Long-Distance Extended Summer Possession WITHOUT Written Notice by April 1** - If Parent B does not give Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child(ren) for 42 consecutive days in that year beginning at 6 p.m. on June 15 and ending at 6 p.m. on July 27.
- (f) **Parent A's One Weekend During Parent B's Extended Summer Possession** - If Parent A gives Parent B written notice by April 15 of a year, Parent A shall have possession of the child(ren) on any 1 weekend beginning at 6 p.m. on Friday and ending at 6 p.m. on the following Sunday during any 1 period of the extended summer possession by Parent B. Unless a period of possession by Parent B in that year is more than 30 days, then Parent A may have possession of the child under the terms of this provision on any 2 nonconsecutive weekends during that period. Parent A must pick up the child from Parent B and return the child to that same place. The weekend or weekends must not interfere with Father's Day possession.
- (g) **Parent A's Extended Summer Possession** - If Parent A gives Parent B written notice by April 15 of a year, Parent A may designate 21 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than 7 days before school resumes at the end of the summer vacation in that year during which Parent B shall not have possession of the child. This extended summer possession must be exercised in no more than 2 separate periods of at least 7 consecutive days each. The period or periods chosen must not interfere with Parent B's periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.

(h) **Child's Birthday**

If a parent is not otherwise entitled under this Standard Possession Order to possession of a child on the child's birthday, that parent shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

(i) **Father's Day**

Father shall have the right to possession of the child each year, beginning at 6 p.m. on the Friday before Father's Day and ending at: (Check one box.)

- ☐ 6 p.m. on Father's Day
☐ 8 a.m. on the Monday after Father's Day

If Father is not already entitled to present possession of the child, he must pick up the child from Mother's residence and return the child to that same place.

(j) **Mother's Day**

Mother shall have the right to possession of the child each year:

beginning on the Friday before Mother's day at:
(Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at: (Check one box.)

- ☐ 6 p.m. on Mother's Day
☐ 8 a.m. on the Monday after Mother's Day

If Mother is not already entitled to present possession of the child, she must pick up the child from Father's residence and return the child to that same place.

9. General Terms and Conditions

Except as otherwise expressly provided in this Standard Possession Order, the following terms and conditions apply regardless of the distance between the residence of a parent and the child:

(a) **Exchange of Children at Start of Parent B's Possession**

If a period of Parent B's possession begins at the time the child's school is regularly dismissed, then Parent A is ORDERED to surrender the child to Parent B at the school in which the child is enrolled, and Parent B is ORDERED to pick the child up at the school in which the child is enrolled or the after-school program in which the child is enrolled by 6 p.m. If the child is not in school, Parent B is ORDERED to pick up the child at the location designated below at 6 p.m., and Parent A is ORDERED to surrender the child to Parent B at the location designated below at 6 p.m.

If a period of Parent B's possession begins at another time, the Court ORDERS Parent A to surrender the child(ren) to Parent B at the beginning of each such period of Parent B's possession at: (Check one.)

☐ Parent A's residence.

☐ the following location: _____

(b) **Exchange of Children at End of Parent B's Possession**

If a period of Parent B's possession ends at the time the child's school resumes, then Parent B is ORDERED to surrender the child to Parent A at the school in which the child is enrolled or, if the child is not in school, at the location designated below at 8:00 a.m.

If a period of Parent B's possession ends at another time, the Court ORDERS Parent B to surrender the child(ren) to Parent A at the end of each such period Parent B's possession at: (Check one.)

☐ Parent B's residence.

☐ Parent A's residence.

☐ The following location: _____

However, if Parent A and Parent B live in the same county when the order is signed and Parent B remains in the county, but the Parent A moves out of the county, then beginning on the date Parent A moves, Parent B shall surrender the child to Parent A at: (Check one.)

☐ Parent B's residence.

☐ the location designated above.

(c) **Personal Effects** - Each parent is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

(d) **Designation of Competent Adult** - Each parent may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a parent or a designated competent adult be present when the child is picked up or returned.

(e) **Inability to Exercise Possession** - Each parent is ORDERED to give notice to the person in possession of the child on each occasion the parent will be unable to exercise that parent's right of possession for any specified period.

(f) **Written Notice** - Written notice, including notice by email or fax, is timely made if it is received or, if applicable, postmarked before or at the time that notice is due. Each parent is ORDERED to notify the other parent of any change to their email address or fax number within 24 hours after the change.

(g) **Notice to School and Parent A** - If Parent B's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, Parent B shall immediately notify the school and Parent A that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.