

CAUSE NO. \_\_\_\_\_

**CERTIFICATE FOR DEFAULT JUDGMENT**  
**Checklist for Personal Service or Certified Mail**

Before the court will set your default judgment, you must complete, sign, and file this form showing that you have satisfied all the prerequisites for a default judgment.

**Return of service**

- The respondent was served via personal service by an authorized person. (TRCP 103)
- The respondent was served via certified mail by the clerk, and the green card on file shows that the respondent personally signed for it. (TRCP 103)
- If the respondent was served outside Texas, the pleadings allege a basis for personal jurisdiction and a witness will testify at the default trial to facts that support jurisdiction. (Tex. Fam. Code § 6.305, § 102.011, or §§ 152.201-152.204).
- The answer date has passed and no answer or other appearance has been made.
- The return will have been on file for at least 11 days before the default judgment. (TRCP 107)

**Paperwork that Must be Filed Before the Court can Enter Judgment**

- A Nonmilitary Affidavit was filed on \_\_\_\_\_. ([50 U.S.C. § 521](#))
- A written certificate of the respondent's last-known address was filed on \_\_\_\_\_. (TRCP 239a)
- If there is any property to be awarded, a sworn inventory and appraisal listing all assets and liabilities was filed on \_\_\_\_\_.

**Preparing for the Default Trial**

- All relief contained in the proposed default order is supported by the pleadings.
- All relief contained in the proposed default order will be supported by evidence admitted at the default trial.
- If the proposed default order contains provisions that differ from presumptions in the Family Code, sufficient evidence will be put on at the default trial to rebut the presumptions.
- I understand that conclusory prove-up testimony is insufficient to support a default judgment.

SIGNED by Attorney for Petitioner(s): \_\_\_\_\_

CAUSE NO. \_\_\_\_\_

**CERTIFICATE FOR DEFAULT JUDGMENT**

**Checklist for Publication, Posting, Alternative Service, and Substituted Service**

Before the court will set your default judgment, you must complete, sign, and file this form showing that you have satisfied all the prerequisites for a default judgment.

**Requesting Service by Publication, Posting, Alternative Service, or Substituted Service**

- On \_\_\_\_\_, a detailed affidavit was filed that contains specific facts showing the diligent attempts to locate the respondent and obtain personal service.
- Citation was issued AFTER the date the affidavit was filed and any order authorizing service was signed by the court.
- The respondent was served by alternative service under TRCP 106(b).
- The respondent was served by publication under TRCP 109, 116, 117, and 244. Citation was published in a newspaper and on the public information internet website.
- The respondent was served by posting under Tex. Fam. Code § 6.409(d) or § 102.010(a). Citation was posted at the courthouse and on the public information internet website.
- The respondent was served by substituted service under TRCP 109a and 244.

**Return of service**

- The return will have been on file at least 11 days before the default trial. (TRCP 107(h))
- Publication or Posting – the respondent was served by publication or posting and:
  - The return of citation by newspaper publication includes a copy of the newspaper publication. (TRCP 116 & 117), and
  - A return of citation by public information internet website publication was generated by the Office of Court Administration (TRCP 116 & 117)
- Alternative Service or Substituted Service – the respondent was served by alternative service or substituted service, and there is a return of service on file by an authorized person (not an attorney/party in the case) that shows strict compliance with every part of the order. (TRCP 106, 107(f), 109a)
- The answer date has passed and no answer or other appearance has been made.

**Attorney Ad Litem After Service by Publication or Substituted Service**

- This is a divorce with no minor children or appreciable property so the requirement of an attorney ad litem is waived. (Tex. Fam. Code § 6.409(e))

- After the answer date, the court signed an order appointing an attorney ad litem for the respondent. (TRCP 244)
- The attorney ad litem has used due diligence to attempt to locate the respondent for personal service.
- The attorney ad litem representing the respondent received notice of the default trial setting.
- The attorney ad litem was unsuccessful in locating the respondent and will appear at the default trial to defend the respondent. (TRCP 244)
- The attorney ad litem was successful in locating the respondent, and the respondent answered or personal service was completed. The attorney ad litem filed a proper motion to withdraw and a withdrawal order was signed by the court.

**Paperwork that Must be Filed Before the Court can Enter Judgment**

- A [Military Status Affidavit](#) was filed on \_\_\_\_\_. ([50 U.S.C. § 3931\(b\)](#))
- A written certificate of the respondent’s last-known address was filed on \_\_\_\_\_ . (TRCP 239a)
- A proposed statement of evidence was e-filed on \_\_\_\_\_ for the judge to sign at the default trial. (Tex. Fam. Code § 6.409(e) and § 102.010(d))
- If there is any property to be awarded, a sworn inventory and appraisal listing all assets and liabilities was filed on \_\_\_\_\_.

**Preparing for the Default Trial**

- The attorney ad litem will appear and defend the respondent.
- All relief contained in the proposed default order is supported by the pleadings.
- All relief contained in the proposed default order will be supported by evidence admitted at the default trial.
- If the proposed default order contains provisions that differ from presumptions in the Family Code, sufficient evidence will be put on at the default trial to rebut the presumptions.
- I understand that conclusory prove-up testimony is insufficient to support a default judgment.

SIGNED by Attorney for Petitioner(s): \_\_\_\_\_

SIGNED by Attorney ad Litem: \_\_\_\_\_