

## ***FREQUENTLY ASKED QUESTIONS***

### ***Can a grandparent file a SAPCR to be named the Home-Parent?***

Yes, when the child's parents have died or the court believes the present circumstances may harm the child's health or emotional development, or if the parents or managing conservator agree to the grandparents filing the SAPCR.

### ***Can grandparents file a SAPCR to get visitation?***

No. A grandparent can't file an original SAPCR just to get visitation. But the court may allow a grandparent to intervene in a case filed by someone else who is able to file the SAPCR if the court believes the present circumstances may harm the child's health or emotional development.

### ***Can a child's brother or sister file a SAPCR to get visitation?***

Yes. A child's adult brother or sister can file a SAPCR for visitation.

### ***My parental rights have been terminated. Can I file a SAPCR to have visitation with my child?***

No. A biological parent whose parental rights have been terminated can't file a SAPCR, unless the child's managing conservator, guardian, or legal custodian agrees to it.

### ***If my parental rights have been terminated, can my family members file a SAPCR to get visitation with my child?***

No, not unless the child's managing conservator, guardian or adoptive parent agrees to let them file suit.

### ***What are the basic steps in a SAPCR case?***

First, you need to file a Petition. After you file the petition, you need to give legal notice to the other parties. If necessary, you can request temporary orders that temporarily determine custody, child support, and visitation while your case pends. The final step in a SAPCR is to go to court to get final orders in the case, an Order in Suit Affecting the Parent-Child Relationship.

### ***Where do I file the SAPCR?***

File the SAPCR in the county where the child lives, unless another court already has jurisdiction. A court has jurisdiction if a case concerning the child has been filed in it before. If a case was filed in a county but the child no longer lives there, either party can ask the court to transfer the case to the child's new county of residence.

### ***Are there special rules about SAPCR's and divorces?***

Yes. If you are filing a divorce in a marriage that includes children, the children must be included in the divorce. Even if the divorce is filed in a county where the children don't live, they must be included in the divorce.

### ***Are there exceptions to including the children in a divorce proceeding?***

If a final SAPCR order has already determined custody, child support, and visitation, some courts may allow the divorce petition to be filed without including the children in

the case. If your court will allow this, it's still a good idea to mention the children and county and cause number of the final order in your petition. You may even want to file a copy of the final order with the Final Decree of Divorce. *If your SAPCR case is pending, and you don't have a final order, the court **must** transfer the SAPCR to the court that's hearing the divorce case.*

***Who do I have to give legal notice to?***

- managing conservators
- possessory conservators
- a person with court-ordered visitation
- a person who is court-ordered to pay child support
- a child's legal guardian
- any parent whose parental rights have not been terminated
- an alleged father who hasn't filed a Waiver of Interest
- a man who has registered with the Paternity Registry
- any government agency who has an interest in the child
- a prospective adoptive parent
- a person designated managing conservator in an Affidavit of Relinquishment

***Is there a waiting period before I can get final orders in a SAPCR?***

No. There is no minimum waiting period in a SAPCR case. If all parties agree, you can get a final SAPCR order as soon as the court can accommodate you.

***Are adoptions SAPCR cases?***

Yes. An adoption is a suit affecting the parent-child relationship. But adoptions are special cases that have special rules about confidentiality. For example, a child's name is not used in the adoption petition. Adoptions have special requirements like home studies and a Health, Social, Educational, and Genetic History Report. In an adoption, a biological parent's parental rights must be terminated and an adoptive parent's legal relationship to a child is created. Termination and Adoption cases are governed by Chapter 161 and 162 of the Texas Family Code.

***I already have a SAPCR order but I need to change it. How do I do that?***

You'll need to file a Petition to Modify in a Suit Affecting the Parent-Child Relationship. Modification cases are governed by Chapter 156 of the Texas Family Code. See the ***Modification*** brochure on [www.TexasLawhelp](http://www.TexasLawhelp) for information on this procedure.