

SAPCR: Custody, visitation and support when you're not divorcing.

Susan and Tom lived together, but weren't married. Susan got pregnant and had Tom's baby. After they had one child, they had another. They lived together, with the two kids, for four more years, but never married. One day, Tom decided family life wasn't his thing. He left Susan and the kids to pursue his rock star dreams.

Susan had trouble paying for daycare on her salary, alone. Tom felt Susan was punishing him. She wouldn't let him see the kids when he happened to be in town. Now that they've separated, Susan and Tom need help defining their parental rights and responsibilities.

When people become parents, they automatically have parental rights and responsibilities. If both parents live together, it's usually not necessary for a court to divide those rights. But sometimes parents separate or a relative must care for the children. When this happens, a court needs to establish custody, visitation, and child support. Court orders that divide parental rights are called **Suits Affecting the Parent – Child Relationship (SAPCR orders)**. SAPCR orders can be part of a divorce or paternity case. If paternity is already established and the parties aren't divorcing, the case is simply called a Suit Affecting the Parent-Child Relationship. SAPCR cases are governed by *Subtitle B* of the *Texas Family Code*.

Who can file a SAPCR?

You may be able to file a SAPCR if you meet one of these requirements:

- You are the child's parent, guardian, conservator, or legal representative.
- You are the child's alleged father.
- You had physical custody of the child for at least six months.
- You have lived with the child and the child's parent, guardian, or conservator for at least six months and the child's parent, guardian, or conservator has died.
- You are the child's foster parent.
- You are the child's close relative and the child's parents have died.
- You are the child's prospective adoptive parent.

AGREED CASES

SAPCR cases can be simple matters when the parties agree on all of the issues. Courts call agreed cases **uncontested** cases.

The following forms are used in an *uncontested* Suit Affecting the Parent-Child Relationship (SAPCR)

- Petition in a Suit Affecting the Parent-Child Relationship
- Waiver or Answer/General Denial
- Order in a Suit Affecting the Parent-Child Relationship
- Parenting Plan Exhibits

1. **GETTING STARTED**

File the Petition

As with all other lawsuits, the first step in an agreed SAPCR is to file a petition. The Petition tells the court and the other parties what the Petitioner wants.

Usually, Petitioners file the petition in the county where the children live. If there has already been a court case about the children, the SAPCR needs to be filed in that county, or the Petitioner can ask the court's permission to transfer the case to the county where the children currently live.

The person who files the petition is called the Petitioner. The other party is called the Respondent.

2. GIVING LEGAL NOTICE After you file the petition, the Petitioner gives legal notice to the other parties involved in the case.

Legal notice is a procedure that tells the court that the other parties know about the case. Usually, a process server must deliver a copy of the petition to the other parties to satisfy legal notice requirements. (For more information about legal notice, see the **Legal Notice** brochure at www.TexasLawHelp.org.)

Waiver of Citation

Petitioners can avoid serving the other parties with legal notice if the parties agree to sign **Waivers of Citation**. A Waiver of Citation is a paper the Respondent signs that tells the court he or she has received a copy of the petition and doesn't need a process server to deliver another one.

Sometimes the Waiver waives additional rights to receive notice about other things that happen in a case. If someone asks you to sign a waiver, read it carefully. Make sure you understand what you're waiving before you sign it.

For the Waiver to be valid, it must be signed in front of a notary and filed with the court

papers *after* the petition has already been filed.

Answer

If a Respondent wants to receive notice of everything that happens in a court case, he shouldn't sign a Waiver of Citation.

A Respondent is entitled to notice of all court proceedings only if he files an **Answer** or **General Denial**. Filing this paper tells the court the Respondent wants to actively participate in the case.

3. **JUDGE SIGNS THE ORDER**

The final step in completing an agreed SAPCR case is to go before the judge with a final **Order in Suit Affecting the Parent-Child Relationship**. Remember, complete the order and attach all of the Parenting Plan Exhibits.

You will have to set your case for a final hearing to see the judge. Contact the courthouse to learn how to set a hearing.



CONTESTED CASES, NO AGREEMENT

When the parties do not agree about custody, visitation or child support, the SAPCR case is **not** a simple matter. Courts call these cases **contested**. A contested case is more complicated because the parties disagree. Additional steps and forms are needed.

The following forms may be used in a contested SAPCR case:

- Petition in a Suit Affecting the Parent-Child Relationship
- Petitioner's Supporting Affidavit
- Temporary Restraining Order (TRO)
- Notice of Hearing
- Answer/General Denial
- Temporary Orders
- Order in a Suit Affecting the Parent-Child Relationship
- Parenting Plan Exhibits

1. GETTING STARTED

File the Petition

Even in a contested case, the first step is to file the Petition. As in an agreed SAPCR, the Petition is usually filed in the county where the children live, unless a SAPCR has already been filed in another county.

The person filing the petition is the Petitioner. All other parties are Respondents.

2. TRO's & TEMPORARY ORDERS

Petitioner's Supporting Affidavit

A Petitioner files the Petitioner's Supporting Affidavit to explain why special orders are needed to:

1. keep the Respondent away from the child, or
2. Notify the Respondent of the case by a notice in the newspaper.

The affidavit must be signed in front of a notary by the person who personally knows the facts that have been included in the affidavit. (For more information about affidavits, see General Affidavit Instructions on www.TexasLawHelp.org.)

Temporary Restraining Order

If the Petitioner asks for special orders restricting the Respondent or keeping the Respondent away from the children, the

Petitioner needs to ask a judge to issue a Temporary Restraining Order (TRO).

The judge can grant a TRO without the Respondent being present only if the judge believes the Respondent will commit the restricted acts before he or she can be served with notice and a hearing can be held.

When the judge grants an emergency TRO without the Respondent being present, the emergency TRO expires in 14 days. To keep the restrictions on the Respondent, the Petitioner must serve the Respondent with notice and have a hearing on the TRO before it expires.

3. NOTICE of Hearing for Temporary Orders

If the Petitioner wants to continue the TRO or establish child support, visitation, or custody while waiting for the final hearing, the Petitioner needs to set a Temporary Orders hearing. Contact the courthouse to learn how to set a Temporary Orders hearing.

After setting the hearing, the Petitioner needs to notify the Respondent. The Respondent can be served with the **Notice of Hearing for Temporary Orders** when he is served with the petition. (For more

information, see **Legal Notice** brochure at www.TexasLawHelp.org)

If the Petitioner sets the case for a temporary orders hearing to determine custody, visitation, or child support - or to continue a Temporary Restraining Order, the Petitioner should prepare the **Temporary Orders** form so the judge will have an order to sign.

4. FINAL HEARING

The final step in a contested SAPCR case is to set the case for a final hearing. Contact the courthouse to learn how to set the final hearing in a contested SAPCR case. Remember to give the other parties at least 45 days notice of the Final Hearing. Be prepared to complete the Order in Suit Affecting the Parent-Child Relationship along with all of the Parenting Plan Exhibits, so the judge will have an order to sign.



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 for information on this procedure.

In the interest of (List children):

- 1 Name: _____
- 2 Name: _____
- 3 Name: _____
- 4 Name: _____

§
§
§
§
§

Cause No:

In the _____ District County Court of:

_____ County, Texas

PETITION IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP

1. DISCOVERY LEVEL

Discovery should be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure. [Discovery is a procedure that can be used by parties in a lawsuit to find out information about the other party.]

2. PARTIES

Petitioner [You] --

I am the Petitioner.

My name is _____
[PRINT your full name]

I am _____ years old.

I live at _____ [address].

I am the children's [CHECK all that apply.]

mother. father. _____ .

I am not related to the children the subject of this suit.

3. STANDING

Petitioner has standing to bring this suit because Petitioner is: [CHECK one of the following.]

- a parent, guardian, conservator, or legal representative.
- an alleged father.
- a person who has had physical custody of the child for at least 6 months.
- a person who lived with the child and the parent, guardian, conservator or legal representative, and that person has died.
- the child's foster parent, and the child has lived with me for at least 6 months, and I have been approved to adopt the child.
- the child's foster parent, and the child has lived with me for at least 12 months.

4. JURISDICTION [CHECK one]

- No court has jurisdiction of the children. They have never been part of any other case.
- The children in this case were included in a case before a different court, but this court has jurisdiction, now. The case has been transferred to this Court.
- I do not believe any other court has jurisdiction over this case. I will ask the Bureau of Vital Statistics to tell me if the children have been part of another case before a different court.
- This Court made prior orders about another child born to these same parents. This case should be filed in the same docket number as the prior case.

5. CHILDREN

The following children are the subject of this suit.

	<u>Child's name</u>	<u>Sex</u>	<u>Date of Birth</u>	<u>Place of Birth</u>	<u>Current Address</u>
1					
2					
3					
4					
5					
6					

6. INFORMATION REQUIRED BY SECTION 152.209, TEXAS FAMILY CODE
[CHECK only one.]

- Each party lives in Texas.
- At least one party does not live in Texas. An affidavit regarding information required by Section 152.209 of the Texas Family Code is attached to this answer in **Exhibit Out-of-State Parent Affidavit.**

7. PERSONS ENTITLED TO CITATION

Respondent A:

Respondent's name is _____.
[PRINT Respondent's full name]

Respondent is _____ years old.

Respondent lives at _____
[address].

Respondent is the children's [CHOOSE ONE]

mother. father. _____.

Legal Notice to Respondent A:

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition in Suit Affecting the Parent-Child Relationship to the Respondent right now because Respondent may sign a Waiver of Service or voluntarily file an Answer. *[You are saying that the Respondent may sign a paper, in front of a notary, agreeing that you have given him or her a FILE-STAMPED copy of this Original Petition in Suit Affecting the Parent-Child Relationship, and s/he does not want to have a sheriff, constable, or private process server give him or her another copy of this Original Petition in Suit Affecting the Parent-Child Relationship.]*

If the Respondent does not sign a Waiver of Service or file an Answer, I will ask a sheriff or constable to give a copy of this Original Petition in Suit Affecting the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

[If this is a work address, list the business name.] _____.

OR

Service of Process is requested: Please have a sheriff or constable give a copy of this Original Petition in Suit Affecting the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

[If this is a work address, list the business name.] _____.

OR

Citation by publication or other substituted service is necessary for the reasons stated in the attached affidavit. *[ATTACH Affidavit for Citation by Publication or Substituted Service.]*

Respondent B: Check this box if there is no Respondent B, and skip to the next page.

Respondent's name is _____.
[PRINT your Respondent's full name]

Respondent is _____ years old.

Respondent lives at _____
[address].

Respondent is the children's [CHOOSE ONE]

mother. father. _____ .

Legal Notice to Respondent B:

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition in Suit Affecting the Parent-Child Relationship to the Respondent right now because Respondent may sign a Waiver of Service or voluntarily file an Answer. *[You are saying that the Respondent may sign a paper, in front of a notary, agreeing that you have given him or her a FILE-STAMPED copy of this Original Petition in Suit Affecting the Parent-Child Relationship, and s/he does not want to have a sheriff, constable, or private process server give him or her another copy of this Original Petition in Suit Affecting the Parent-Child Relationship.]*

If the Respondent does not sign a Waiver of Service or file an Answer, I will ask a sheriff or constable to give a copy of this Original Petition in Suit Affecting the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

[If this is a work address, list the business name.] _____.

OR

Service of Process is requested: Please have a sheriff or constable give a copy of this Original Petition in Suit Affecting the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

[If this is a work address, list the business name] _____.

OR

Citation by publication or other substituted service is necessary for the reasons stated in the attached affidavit. *[ATTACH Affidavit for Citation by Publication or Substituted Service.]*

Respondent C: Check this box if there is no Respondent C, and skip to the next page.
Respondent's name is _____.
[PRINT your Respondent's full name]

Respondent is _____ years old.

Respondent lives at _____
[address].

Respondent is the children's [CHOOSE ONE]
 mother. father. _____.

Legal Notice to Respondent C:

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition in Suit Affecting the Parent-Child Relationship to the Respondent right now because Respondent may sign a Waiver of Service or voluntarily file an Answer. *[You are saying that the Respondent may sign a paper, in front of a notary, agreeing that you have given him or her a FILE-STAMPED copy of this Original Petition in Suit Affecting the Parent-Child Relationship, and s/he does not want to have a sheriff, constable, or private process server give him or her another copy of this Original Petition in Suit Affecting the Parent-Child Relationship.]*

If the Respondent does not sign a Waiver of Service or file an Answer, I will ask a sheriff or constable to give a copy of this Original Petition in Suit Affecting the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

[If this is a work address, list the business name.] _____.

OR

Service of Process is requested: Please have a sheriff or constable give a copy of this Original Petition in Suit Affecting the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

[If this is a work address, list the business name.] _____.

OR

Citation by publication or other substituted service is necessary for the reasons stated in the attached affidavit. *[ATTACH Affidavit for Citation by Publication or Substituted Service.]*

8. NONRESIDENT ENTITLED TO CITATION

[Complete this section if Respondent does not live in Texas. Check all that apply.]

_____ named above, is not a Texas resident.

[PRINT the nonresident's name.]

- The children of this case live in Texas because of the nonresident's actions.
- The nonresident has lived in Texas with the children.
- The nonresident has lived in Texas and provided prenatal expenses or support for the children.
- The nonresident had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
- The nonresident was personally served with citation in Texas.
- The nonresident submitted to Texas jurisdiction by consent, by entering a general appearance, or by filing a responsive document which waived any contest to personal jurisdiction.
- The nonresident registered with the paternity registry maintained by the Bureau of Vital Statistics as provided by Chapter 160 of the Texas Family Code.
- The nonresident person signed an acknowledgment or denial of paternity filed with the bureau of vital statistics, and this suit seeks to challenge the acknowledgment or denial.

9. CHILDREN'S HEALTH INSURANCE. [Check any of the following that apply.]

The children do do not have private health insurance in effect.

Private Health Insurance is in effect: *(Complete, if the children 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.

Private Health Insurance NOT in effect: *(Complete, if the children do NOT have private health insurance.)*

The children do do not receive medical assistance through CHIPS or Medicaid.

Cost of premium (if any): \$ _____

Health insurance is is not available to the person who pays child support at a reasonable cost.

10. CHILDREN'S PROPERTY [CHECK ONE.]

The children do not own any significant property.

The children own the property listed below:

[DESCRIBE] _____

11. **CONSERVATORSHIP & ACCESS** [CUSTODY & VISITATION]

The children's best interest will be served by naming Petitioner: [CHECK only one.]

- Joint Managing Conservator, with the exclusive right to establish the children's primary residence, (Home-Parent),
- Joint Managing Conservator, noncustodial parent, (Co-Parent)
- Sole Managing Conservator, (Home-Parent)
- Possessory Conservator, (Co-Parent)

and naming **Respondent A** : [CHECK only one.]

- Joint Managing Conservator, with the exclusive right to establish the children's primary residence, (Home-Parent).
- Joint Managing Conservator, noncustodial parent, (Co-Parent).
- Sole Managing Conservator, (Home-Parent).
- Possessory Conservator (Co-Parent).

and naming **Respondent B** : [CHECK only one.]

- Joint Managing Conservator, with the exclusive right to establish the children's primary residence, (Home-Parent).
- Joint Managing Conservator, noncustodial parent, (Co-Parent).
- Sole Managing Conservator, (Home-Parent).
- Possessory Conservator (Co-Parent).

and naming **Respondent C** : [CHECK only one.]

- Joint Managing Conservator, with the exclusive right to establish the children's primary residence, (Home-Parent).
- Joint Managing Conservator, noncustodial parent, (Co-Parent).
- Sole Managing Conservator, (Home-Parent).
- Possessory Conservator (Co-Parent).

[CHECK all that apply.]

The residence of the children should be restricted to the following geographical area:

Respondent has committed family violence during the two-year period before I filed this case. I ask the Court to keep Respondent away from the children. But if the Court will not deny Respondent visitation, I ask that the Court order that Respondent's visitation be supervised in the following way:

I ask the Court to order Respondent to stop drinking alcohol or using a controlled substance within the twelve hours before or during the period of access to the children.

A protective order was rendered under chapter 85 of title 4 of the Texas Family Code against Respondent during the two-year period before I filed this suit. I ask the Court to deny Respondent access to the children. Alternatively, if the Court will not deny Respondent visitation, I ask that the Court order that Respondent's access be supervised in the following manner:

12. SUPPORT [CHECK one.]

I ask the Court to order Respondent to pay child support and medical support for the children in this case.

_____, an **adult child** in this case is disabled.
[PRINT the adult child's name.]

Needing substantial care and supervision, this child will not be able to live independently. The disability existed or its cause was known to exist before or on the child's eighteenth birthday. I ask the Court to make orders for this child's financial and medical support.

_____, a **minor child** in this case is disabled.
[PRINT the child's name.]

Needing substantial care and supervision, this child will not be able to live independently, even as an adult. I ask the Court to make orders for this child's financial and medical support that will continue after the child's 18th birthday.

_____, a child in this case, is enrolled
[PRINT the child's name.]

in an accredited secondary school program leading toward a high school diploma and is

maintaining the minimum attendance requirements of subchapter C of chapter 25 of the Education Code and the school. I ask the Court to order that payments for the support of this child be continued until the end of the month when the child graduates from high school.

13. TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

[Check this box only if you are asking the court to issue a Temporary Restraining Order or a Temporary Injunction.]

I ask the court to grant a Temporary Restraining Order and, after notice and hearing, a Temporary Injunction which would restrain Respondent from:

Disturbing the peace of the children or another party.

Withdrawing the children from the school or day-care where they are enrolled.

Hiding the children from Petitioner.

Talking badly about Petitioner or Petitioner's family to, or around, the children.

Drinking alcohol or consuming controlled substances within 12 hours before or during a period of possession or access to the children.

Canceling, changing, failing to pay premiums, or disturbing the present level of health insurance coverage for the children.

14. PRAYER [Requests]

Petitioner asks that citation and notice issue as required by law and that the Court enter its orders in accordance with the allegations contained in this petition.

Petitioner asks for general relief.

_____ [Sign your name.]

[PRINT your name and information.]:

Name: _____ Telephone: _____

Mailing Address: _____

Other Child

Name: _____
 Check here if this child has always lived with the 1st child and skip to next question.

Home Address: _____
Street address City State

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

When did this child start living at this address? (date): _____
Month Day Year

Where did this child live before? (Give addresses and dates for the last 5 years.)

Previous addresses	Dates	
	From	To

Other Child

Name: _____
 Check here if this child has always lived with the 1st child and skip to next question.

Home Address: _____
Street address City State

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

When did this child start living at this address? (date): _____
Month Day Year

Where did this child live before? (Give addresses and dates for the last 5 years.)

Previous addresses	Dates	
	From	To

Other Child

Name: _____
 Check here if this child has always lived with the 1st child and skip to next question.

Home Address: _____
Street address City State

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

When did this child start living at this address? (date): _____
Month Day Year

Where did this child live before? (Give addresses and dates for the last 5 years.)

Previous addresses	Dates	
	From	To

If more than 4 children, make a copy of this page and attach it to this form.

3. OTHER COURT CASES

(List any other court cases like child support, visitation, protective orders, or adoption, that might affect this case.)

If none, check "None" → None

Court that made the order	Case #	Type of case	County
<input type="checkbox"/> District – <input type="checkbox"/> County			
<input type="checkbox"/> Other (explain): _____			

4. OTHER PEOPLE WHO CLAIM CUSTODY

(List any other person who claims custody or visitation rights with any of the children listed on this form.)

If none, check "None" → None.

Name: _____

Address: _____

Relationship to child: _____

Do not sign until you are in front of a notary.



Signature

Date

Notary fills out below.

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

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

By *(Print name of person who is signing this affidavit.):* _____.

(Notary's seal 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 can waive service of process, but keep your legal rights by filing an *Answer*, instead. You can find an *Answer* form in the family law section of www.TexasLawhelp.org.

[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: _____

§
§
§
§
§

Cause No:

In the _____ District County Court of:

_____ County, Texas

WAIVER OF SERVICE

Instructions to Petitioner:

Give the Respondent the following documents and ask him/her to follow the *Instructions to Respondent*:

- A copy of your *Petition in Suit Affecting the Parent-Child Relationship* that has already been filed in the clerk's office and shows the official court stamp.
- A blank copy of this form.
- After the Respondent signs and notarizes the Waiver, file it in the clerk's office. Keep a copy for your records.

Instructions to Respondent:

- Read the Warning at the top of this form. Talk to a lawyer if you don't understand it.
- If you decide you want to continue, fill out this form. – *Do not sign until you are in front of the notary!*
- Take this form and a **filed** copy of the *Petition in Suit Affecting the Parent-Child Relationship* to a notary. (The filed copy has an official court stamp and date in the upper left corner.)
- Sign the form in front of the notary, and give it to the Petitioner. The Petitioner will file it in the clerk's office.
- If you feel uncomfortable signing this form, don't sign it. Consider filing an *Answer* instead. Talk to a lawyer about your rights.

Respondent's Personal Information

1. My name is: _____
First Middle Last

2. My home address is: _____
street address city state zip

3. Global Waiver

I agree that the court can make decisions in this case without further notice to me.

4. The Respondent swears under oath:

“The Petitioner gave me this form and a filed copy of the *Petition in Suit Affecting the Parent-Child Relationship* with the same cause number as the cause number on this form. I have read the *Petition in Suit Affecting the Parent-Child Relationship* and understand what it says.

“I do not want a peace officer or process server to give me another copy of the *Petition in Suit Affecting the Parent-Child Relationship*. I waive my right to the 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 do not want testimony in this case recorded. And, I agree that a Judge, Associate Judge, or appointed Referee of the Court may make decisions about my case, even if the case should have been filed in another county or state.

“I give up all rights, privileges, and exemptions I may have under the Soldier’s and Sailor’s Civil Relief Act, including having a lawyer appointed to represent me in this case.”

“I agree that the court can make decisions in this case without further notice to me.”



(Respondent signs here 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.)

(Notary’s seal here)



Notary’s signature

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

In the interest of (List children.) §
 §
 1 Name: _____ § Cause No:
 2 Name: _____ §
 3 Name: _____ § In the _____ District County Court of:
 4 Name: _____ § _____ County, Texas

RESPONDENT'S ORIGINAL ANSWER

I, _____, am the Respondent in this Suit Affecting the
[Print the name of the Respondent.]
Parent-Child Relationship.

I file my Original Answer to Petition in Suit Affecting the Parent-Child Relationship and show the following:

1. **General Denial**
 I enter a general denial.

2. **Prayer**
 I ask that Petitioner take nothing and that I be granted all relief requested in this Original Answer.

 I ask for general relief.

Respectfully submitted,

Respondent, Pro Se [Sign your name on the line.]

[PRINT your name and information.]

Name: _____

Telephone: _____

Mailing _____

Address: _____
[City, State, Zip]

Certificate of Service

I swear that a true copy of the above was served on each attorney of record or party by certified mail, hand deliver, fax, or delivery service, according to the Texas Rules of Civil Procedure on _____.
[PRINT month, day and year.]

Respondent, Pro Se [Sign your name on the line.]

[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: _____

§
§
§
§
§

Cause No:

[Empty box for Cause No.]

In the _____ District County Court of:
_____ County, Texas

ORDER IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP

1. APPEARANCES

Petitioner, _____, appeared in person, announcing ready.
[PRINT Petitioner's first and last names.]

1a. Information about Respondent A:

Respondent A's name is _____.
[PRINT Respondent A's full name]

Respondent A: [Check only ONE]

- The Respondent A was **present**, representing him/herself, and agrees to the terms in this Order.
- The Respondent A was **not present** but was served, filed an Answer, or signed a *Waiver of Citation*, &

Check all that apply:

- has signed below, agreeing to the terms in this Order.
- agreed in the Waiver that the judge can finalize orders, without giving the Respondent notice of this hearing.
- has defaulted. The Petitioner has filed a *Certificate of Last Known Address* and an *Affidavit of Non-Military Status*. The Petitioner has also arranged for a court reporter to record the hearing.

[Usually, there is only one Respondent, the Co-Parent, in a suit affecting the parent-child relationship. Occasionally, cases include more than one respondent. For example, if the child is living with some one who is not the parent, or if Child Protective Services or the Attorney General's Office is a party to the case, you would likely have more than one respondent.]

Check this box if there is no Respondent B, and skip to the next page.

1b. Information about Respondent B:

Respondent B's name is _____.
[PRINT Respondent A's full name]

Respondent B: [Check only ONE]

- The Respondent B was **present**, representing him/herself, and agrees to the terms in this Order.
- The Respondent B was **not present** but was served, filed an Answer, or signed a *Waiver of Citation*, &

Check all that apply:

- has signed below, agreeing to the terms in this Order.
- agreed in the Waiver that the judge can finalize orders, without giving the Respondent notice of this hearing.
- has defaulted. The Petitioner has filed a *Certificate of Last Known Address* and an *Affidavit of Non-Military Status*. The Petitioner has also arranged for a court reporter to record the hearing.

[Usually, there is only one Respondent, the Co-Parent, in a suit affecting the parent-child relationship. Occasionally, cases include more than one respondent. For example, if the child is living with some one who is not the parent, or if Child Protective Services or the Attorney General's Office is a party to the case, you would likely have more than one respondent.]

Check this box if there is no Respondent C, and skip to the next page.

1c. Information about Respondent C:

Respondent C's name is _____.
[PRINT Respondent A's full name]

Respondent C: [Check only ONE]

- The Respondent C was **present**, representing him/herself, and agrees to the terms in this Order.
- The Respondent C was **not present** but was served, filed an Answer, or signed a *Waiver of Citation*, &

Check all that apply:

- has signed below, agreeing to the terms in this Order.
- agreed in the Waiver that the judge can finalize orders, without giving the Respondent notice of this hearing.
- has defaulted. The Petitioner has filed a *Certificate of Last Known Address* and an *Affidavit of Non-Military Status*. The Petitioner has also arranged for a court reporter to record the hearing.

2. JURISDICTION

The Court examined the record and finds that all necessary prerequisites of the law have been legally satisfied and that this Court has jurisdiction of this case and of all the parties.
[The laws have been satisfied, so the judge can hear the case.]

3. JURY

A jury was waived, and all questions of fact and of law were submitted to the Court.
[You asked the judge to decide your case, instead of a jury.]

4. RECORD [Check only ONE]

- A record of testimony was waived by the parties with the consent of the Court. [A court reporter did not type what was said. You should request that a record be made if the Respondent was served, but he or she did not file a written response and is not present before the court in this case.]
- A record of testimony was made. [A court reporter typed what was said.]

5. CHILDREN

The following orders are for the safety and welfare and in the best interest of the following children:

	<u>Child's name</u>	<u>Sex</u>	<u>Date of Birth</u>	<u>Place of Birth</u>	<u>Current Address</u>
1					
2					
3					
4					
5					
6					

6. CONSERVATORSHIP (CUSTODY) [Attach Exhibit Conservatorship (Custody) Order.]

IT IS ORDERED that conservatorship is awarded as provided for in Exhibit Conservatorship (Custody) Order, which is attached and incorporated into this Order for all purposes.

Annual Report

_____, a non-parent is named managing conservator. This party IS ORDERED to file a court report each year describing the child's health, welfare and living conditions. This court report is due on the anniversary of the date this order is signed, until the child's 18th birthday.

7. RIGHTS AND DUTIES [Attach Exhibit Rights and Duties Order.]

IT IS ORDERED that parental rights, duties, and responsibilities are awarded as provided for in Exhibit Rights and Duties Order, which is attached and incorporated into this Order for all purposes.

8. POSSESSION AND ACCESS (VISITATION)

Visitation [Check this box, complete this section, and attach Exhibit Possession and Access (Visitation) Order, unless Supervised Visitation is required. If supervised visitation is required, skip this section and complete the next section.]

a). IT IS ORDERED that the parties are awarded possession as provided for in Exhibit Possession and Access (Visitation) Order, which is attached and incorporated into this Order for all purposes.

b).In this Order and in Exhibit Possession and Access (Visitation) Order,

_____ is the **Home Parent**,
[the parent who has the right to establish the child's primary residence].

_____ is the **Co-Parent**.

Supervised Visitation [Check this box and complete this section ONLY if supervised visitation is required. CHECK all that apply.]

family violence

The Court finds that _____ has a history
[PRINT the party's first and last names.]
of committing family violence during the two-years before the this case was filed, or during this suit.

child abuse/neglect

The Court finds that _____ has a history of
[PRINT the party's first and last names.]

[CHECK all that apply.]

child neglect physical abuse sexual abuse
committed against _____ [PRINT victims names.]

IT IS THEREFORE ORDERED that visitation shall be supervised by:

[PRINT the name of the person or agency who will supervise the visitation.]

Visitation will take place on the following days:

[PRINT days.]

Visitation will take place from _____ am / pm
[PRINT start time.]

to : _____ am / pm
[PRINT ending time.]

The provisions of this order relating to conservatorship, possession, or access end on the marriage or remarriage of the parents unless a nonparent or agency has been appointed conservator of the children.

9. CHILD SUPPORT [Attach Exhibit Child Support Order]

IT IS ORDERED that child support shall be provided as set forth in the attached Exhibit Child Support Order, which is attached and incorporated into this Order for all purposes.

10. MEDICAL SUPPORT [Attach Exhibit Medical Support Order]

It is ORDERED that medical support shall be provided as set forth in the attached Exhibit Medical Support Order, which is attached, and incorporated into this Order for all purposes.

11. INJUNCTIVE RELIEF

The Court finds that, because of _____'s conduct,
[PRINT first and last names of enjoined party.]

a permanent injunction against him or her should be granted because there is no adequate remedy at law. This permanent injunction is effective immediately and binds

_____; his or her agents,
[PRINT first and last names of person enjoined.]

servants, employees, and attorneys; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

IT IS ORDERED that _____
[PRINT first and last names of person enjoined.]

is permanently enjoined from:

- Causing physical contact or bodily injury to the children or parties in this case or threatening them with imminent bodily injury.
- Communicating in person, by telephone, or in writing with

_____,
[PRINT first and last names of protected person.]
except for arranging visitation or notifying

[Print first and last names of protected person.]
of circumstances affecting the best interest of the children.

- Coming within _____ feet of, entering, or remaining on the premises of the residence of

_____,
 [PRINT first and last names of protected person.]
 located at

_____,
 [PRINT residential address.]
 or of the worksite located at

 [PRINT work address.]

For any purpose, except to exercise visitation, as granted in this order.

- Interfering in any way with Managing Conservator’s possession of the children or taking or retaining possession of the children, directly or through others, except as allowed by this Court’s order.

- Coming within _____ feet of, entering, or remaining on the premises of the children’s day-care facility,

_____; school,
 [PRINT name and address of daycare.]

 [PRINT name and address of school]

or any other day-care facility or school about which

_____ receives written notice.
 [PRINT name of person enjoined.]

Petitioner and Respondent waive issuance and service of the writ of injunction, by stipulation or as evidenced by the signatures below. IT IS ORDERED that Petitioner and Respondent shall be deemed to be duly served with the writ of injunction.

11. INFORMATION REQUIRED BY SECTION 105.006 [Attach Exhibit Family Information required by Section 105.006 of the Texas Family Code.]

Information required by section 105.006 of the Texas Family Code is attached in Exhibit Family Information, which is attached and incorporated into this Decree for all purposes.

12. WARNINGS TO PARTIES

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, 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. [Both parents must give written notice to each other, the court, and the Child Support State Disbursement Unit when he or she has a change in address, phone number, employment, or driver's license number, for as long as child support or visitation is ordered.]

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. [If you don't give everyone your new address or new employment information, you could go to jail or be fined \$500.]

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 and the State Case Registry 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.

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. [A parent has a right to see his or her children, even if he or she is behind in child support. A parent must pay child support as ordered, even if the other parent won't allow visitation with the children. You can go to jail or be fined if you violate this Order.]

IT IS ORDERED that each conservator of a child shall have the duty to inform the

other conservator of a child if the conservator resides with for at least 30 days, marries, or intends to marry a person who the parent knows: 1) is registered as a sex offender under Chapter 62, Code of Criminal Procedure; or 2) is currently charged with an offense for which on conviction the person would be required to register under that chapter. This notice shall be made as soon as practicable but not later than the 40th day after the date the conservator of the child begins to reside with the person or the 10th day after the date the marriage occurs, as appropriate. The notice must include a description of the offense with which the person is charged.

A conservator commits a Class C misdemeanor offense if he or she fails to provide notice in the manner ordered.

[Each parent must notify the other parent if he or she is living with, or plans to live with, a person who is a registered sex offender or if the person he or she lives with is charged with a crime which may require him or her to register as a sex offender.]

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.

13. COURT COSTS

All court costs shall be paid by the person who incurred the costs.

14. CLARIFYING ORDERS

Without affecting the finality of this Order, this Court expressly reserves the right to make orders necessary to clarify and enforce this decree. [The order is final, but the judge can make additional orders to enforce or clarify this Decree if it's necessary.]

15. RELIEF NOT GRANTED

IT IS ORDERED AND DECREED that all relief requested in this cause and not expressly granted is denied. [If this order does not specifically address any requests made in the Original Petition, then the judge is denying that request.] THIS IS A FINAL ORDER.

SIGNED on _____

_____ by _____.

[Date of hearing]

JUDGE PRESIDING

Parenting Plan Exhibits Attached:

[CHECK and attach all that apply.]

- Exhibit Conservatorship (Custody) Order
- Exhibit Rights and Duties Order
- Exhibit Child Support Order
- Exhibit Possession and Access (Visitation) Order

- Exhibit Medical Support Order
- Exhibit Family Information
- Exhibit Additional Children (if needed)

I AGREE TO THE TERMS OF THIS DECREE:

Petitioner:

[Petitioner's Signature]

Respondent:

[Respondent's Signature]

Exhibit: Conservatorship (Custody) Order

The Court makes the following orders:

1. Legal Custody & Primary Home

The parties in this case are (*check one*):

- Joint Managing Conservators** of the child with both parties sharing legal custody, making decisions together about the child's health, education, and welfare.

AND

- A geographic limitation is placed on the location of the child's primary home. The child's primary home will be located:

in this county or in counties adjacent to this county.

in Texas.

Other: _____.

- No geographic limitation is placed on the child's primary home. The party who has the right to decide where the child's primary home is located is:

(*Print name of party who will choose child's primary home*)

OR

- Separate Conservators** of the child.

The *Sole Managing Conservator* is (*name*): _____.

The *Sole Managing Conservator* has the right to decide where the child's primary home is located.

AND

- A geographic limitation is placed on the location of the child's primary home. The child's primary home will be located:

in this county or in counties adjacent to this county.

in Texas.

Other: _____.

- No geographic limitation is placed on the child's primary home.

The *Possessory Conservator* is (*name*): _____.

2. It is further ordered that:

Each party must update the other parties about the child's health, education, and well-being.

Each party has additional rights and duties, which are set out in Exhibit: *Rights and Duties Order*, Exhibit: *Possession and Access (Visitation) Order*, Exhibit: *Child Support Order*, Exhibit: *Medical Support Order*.

Exhibit: Rights and Duties Order

After considering the circumstances of this case, the Court makes the following orders, and finds that these Orders are in the best interest of the child/ren.

1. RIGHTS AT ALL TIMES

IT IS ORDERED that both parents always have the following rights and duties:

1. To receive information from the other parent about the child/ren's health, education, and well-being, and to talk to the other parent about upcoming decisions concerning the child/ren's health, education, and well-being.
2. To talk to the child/ren's doctors, dentists, and psychologists, teachers, and school staff, and to have access to the child/ren's records.
3. To attend the child/ren's school activities.
4. To be designated as an emergency contact on their child/ren's records.
5. To give consent for emergency medical, dental, and surgical treatment if the child/ren's health or safety is in danger.
6. Each parent always has the right to manage the child/ren's estate(s) if he or she set it up for the child/ren or if that parent's relatives set it up for the child/ren.

IT IS ORDERED that both parents have the following rights and duties when the child/ren are with them:

1. To feed, clothe, and shelter the child/ren
2. To care for, control, and protect, the child/ren
3. To discipline the child/ren in reasonable ways
4. To arrange for and consent to non-invasive medical and dental care
5. To direct the child/ren's moral and religious training

Continued on page 2

2. OTHER RIGHTS AND DUTIES

IT IS ORDERED that the parties have the following rights and duties as marked below:

	Mom alone	Dad alone	Mom and Dad together	Either Mom or Dad	Other person*
1. Make decisions concerning the child/ren's education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Consent to major medical, dental, and surgical treatment for the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Consent to psychological treatment for the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Consent to a child's marriage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Consent to a child enlisting in the U.S. Armed Forces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Manage or control the earnings or services of a child who works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. 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"/>	<input type="checkbox"/>
8. Make decisions for the child/ren about their estates if required by law (unless the child/ren have a guardian ad litem or guardian of the estate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Manage the child/ren's estates if any were created by the parents' community or joint property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* If you checked "Other person," explain below:

Name of other person: _____

Relationship to child/ren: _____

Exhibit: Possession and Access (Visitation) Order

Home parent is: (name): _____

Co-parent is: (name): _____

Warning! It is a crime to disobey this Order. If you tell the authorities that the other parent has violated this Order, and it is not true, you can go to jail and be fined up to \$10,000.

The Court makes the following Orders: Visitation with the child/ren is as the parties agree in advance. Failing agreement, the following order will be enforced:

1. Co-Parent's Local Schedule <i>(When Co-Parent lives within 100 miles of the child/ren)</i>		Starts <i>(check one)</i>	Ends <i>(check one)</i>	Responsibility for Pick up/ Delivery to start visit	Responsibility for Pick up/ Delivery to end visit
Weekends*	1 st , 3 rd , and 5 th weekend of each month See definition below.	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	<input type="checkbox"/> Next school day*** <input type="checkbox"/> 6 pm	<input type="checkbox"/> Co-Parent <input type="checkbox"/> Home Parent	<input type="checkbox"/> Co-Parent <input type="checkbox"/> Home Parent
Mid-Week Visit	Thursday of each school week	<input type="checkbox"/> After school <input type="checkbox"/> 6 pm	<input type="checkbox"/> School starts on Friday <input type="checkbox"/> 8 pm		
Thanksgiving <i>Odd-Numbered Years</i>	Starts last day of school before Thanksgiving and ends on Sunday.	<input type="checkbox"/> After school <input type="checkbox"/> 6 pm	6 pm		
Christmas Break <i>Even-Numbered Years</i>	Starts the last day of school before Christmas Break and ends December 28 th .	<input type="checkbox"/> After school <input type="checkbox"/> 6 pm	noon		
Christmas Break <i>Odd-Numbered Years</i>	Starts on December 28 th and ends the day before school starts after Christmas Break.	noon	6 pm		
Spring Break <i>Even-Numbered Years</i>	Starts the last day of school before Spring Break and ends the day before school starts after Spring Break.	<input type="checkbox"/> After school <input type="checkbox"/> 6 pm	6 pm		
Standard Summer	July 1 st – July 31 st	6 pm	6 pm		
Different Summer <i>Co-Parent must notify Home Parent of the dates. by April 1.</i>	Co-Parent may choose a different 30-day summer schedule. The schedule must be: after school is dismissed for summer break, only 1 or 2 blocks of time, each at least 1 week long, and not during the last week of the summer break	6 pm	6 pm		
Children's Birthdays	If the Co-Parent does not have a scheduled visit with the child on the child's birthday, the Co-Parent may be with the child and the other children in this case on the child's birthday.	6 pm	8 pm	<i>The Co-Parent must pick up and return the child/ren.</i>	
Father's Day	Child/ren will be with Dad on Father's Day Weekend. The weekend starts Friday before Father's Day and ends on Father's Day.	6 pm	<input type="checkbox"/> 6 pm <input type="checkbox"/> 8am, Mon. after Father's Day		
Mother's Day	Child/ren will be with Mom on Mother's Day Weekend. The weekend starts Friday before Mother's Day and ends on Mother's Day.	<input type="checkbox"/> After school <input type="checkbox"/> 6 pm	<input type="checkbox"/> Next school day <input type="checkbox"/> 6 pm		

*Weekend = begins on Friday at 6pm, and ends on Sunday at 6pm, except when:

- The box "After school**" is checked, then during the regular school year, the weekend begins at the time the child/ren's school is dismissed before the 1st, 3rd, or 5th weekend of each month
- The box "Next school day***" is checked, then during the regular school year, the weekend ends at the time the child/ren's school starts on the next school day after the 1st, 3rd, or 5th weekend of each month (if Co-Parent cannot return the children to school on time, s/he must notify the school and the other parent)
- 1st, 3rd or 5th weekend coincides with a student holiday or teacher's in-service day or federal, state or local holiday that falls on a Monday, then the weekend begins on Friday at 6pm, and ends on Monday, at 6pm; if the holiday falls on a Friday, then the weekend begins on Thursday at 6pm, and ends on Sunday at 6pm .
- If weekend or Thursday visit conflicts with holiday or summer schedule, you must follow the holiday or summer schedule.

The child/ren are with the Home Parent at the times marked below *and* when they are not with the Co-Parent as indicated on page 1.

2. Home Parent's Local Schedule <i>(When Co-parent lives within 100 miles of the child/ren)</i>		Starts	Ends	Responsibility for Pick up/Delivery to start visit	Responsibility for Pick up/Delivery to end visit
Thanksgiving <i>Even-Numbered Years</i>	Starts the last day of school before Thanksgiving and ends Sunday.	N/A	N/A	N/A	N/A
Christmas Break <i>Odd-Numbered Years</i>	Starts the last day of school before Christmas Break and ends December 28 th .	N/A	noon		
Christmas Break <i>Even-Numbered Years</i>	Starts on December 28 th and ends the day before school starts after Christmas Break.	noon	N/A		
Spring Break <i>Odd-Numbered Years</i>	Starts the last day of school before Spring Break and ends the day before school starts after Spring Break.	N/A	N/A		
Summer <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th, or give at least 14 days written notice of the dates, after April 15th.</i>	The Home Parent may choose 21 days during the summer when the child/ren will stay with the Home Parent. The Home Parent's schedule must be: <ul style="list-style-type: none"> • Not during the last week of the summer break • Not during days when the Co-Parent has a scheduled summer, or Father's/Mother's Day visitation. 	N/A	N/A		
Summer Weekend Options <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th</i>	If the Co-Parent's summer visitation is 31 days or more, the Home Parent may choose to have the children for two weekends during the Co-Parent's summer visitation (or one weekend if the Co-Parent's summer visitation is 30 days or less). The weekends: <ul style="list-style-type: none"> • Cannot be consecutive weekends during the Co-Parent's summer visitation schedule • Cannot interfere with the Co-Parent's Father's or Mother's Day weekend • Cannot be the last weekend of summer 	6 pm	6 pm	<i>The Home Parent must pick up and return the child/ren.</i>	
Children's Birthdays	If the Home-Parent does not have a scheduled visit with the child on the child's birthday, the Home-Parent may be with the child and the other children in this case on the child's birthday.	6 pm	8 pm		
Father's Day	Child/ren will be with Dad on Father's Day Weekend. The weekend starts Friday before Father's Day and ends on Father's Day.	N/A	N/A		
Mother's Day	Child/ren will be with Mom on Mother's Day Weekend. The weekend starts Friday before Mother's Day and ends on Mother's Day.	N/A	N/A		

3. Co-Parent's Long Distance Schedule <i>(When Co-Parent lives more than 100 miles from the child/ren)</i>		Starts	Ends	Responsibility for Pick up/ Delivery to start visit	Responsibility for Pick up/ Delivery to end visit
Weekends*	1 st , 3 rd , and 5 th weekend of each month A weekend starts Friday and ends Sunday. OR Any one weekend per month that the Co-Parent chooses. The Co-Parent must give the Home Parent at least 14 days notice (by phone or in writing), and the weekend cannot interfere with the holiday schedule.	6 pm	6 pm	<input type="checkbox"/> Co-Parent <input type="checkbox"/> Home Parent	<input type="checkbox"/> Co-Parent <input type="checkbox"/> Home Parent
Thanksgiving Odd-Numbered Years	Starts the last day of school before Thanksgiving and ends on Sunday.	6 pm	6 pm		
Christmas Break Even-Numbered Years	Starts the last day of school before Christmas Break and ends December 28 th .	6 pm	noon		
Christmas Break Odd-Numbered Years	Starts on December 28 th and ends the day before school starts after Christmas Break.	noon	6 pm		
Spring Break (Every year)	Starts the last day of school before Spring Break and ends the day before school starts after Spring Break.	6 pm	6 pm		
Standard Summer	June 15 th – July 27 th	6 pm	6 pm		
Different Summer <i>Co-Parent must notify Home Parent of the dates. by April 1.</i>	The Co-parent may choose a different 42-day summer schedule, but it must be: <ul style="list-style-type: none"> • Only 1 or 2 blocks of time, each at least 1 week long, • Not during the last week of the summer break 	6 pm	6 pm		
Children's Birthdays	If the Co-Parent does not have a scheduled visit with the child on the child's birthday, Co-Parent may be with the child and the other children in this case on the child's birthday.	6 pm	8 pm	<i>The Co-Parent must pick up and return the child/ren.</i>	
Father's Day	Child/ren will be with Dad on Father's Day Weekend. The weekend starts Friday before Father's Day and ends on Father's Day.	6 pm	6 pm		
Mother's Day	Child/ren will be with Mom on Mother's Day Weekend. The weekend starts the Friday before Mother's Day and ends on Mother's Day.	6 pm	6 pm		

***Weekend** = begins on Friday at 6pm, and ends on Sunday at 6pm, except when:

- 1st, 3rd or 5th weekend coincides with a student holiday or teacher's in-service day or federal, state or local holiday that falls on a Monday, then the weekend begins on Friday at 6pm, and ends on Monday, at 6pm; if the holiday falls on a Friday, then the weekend begins on Thursday at 6pm, and ends on Sunday at 6pm .
- If weekend or Thursday visit conflicts with holiday or summer schedule, you must follow the holiday or summer schedule.

The child/ren are with the Home Parent at the times marked below *and* when they are not with the Co-Parent as indicated on page 3.

3. Home Parent's Long Distance Schedule <i>(When parents live more than 100 miles apart)</i>		Starts	Ends	Responsibility for Pick up/ Delivery to start visit	Responsibility for Pick up/ Delivery to end visit
Thanksgiving <i>Even-numbered years</i>	Starts last day of school before Thanksgiving and ends Sunday.	N/A	N/A	N/A	N/A
Christmas Break <i>Odd-Numbered Years</i>	Starts the last day of school before Christmas Break and ends December 28 th .	N/A	noon	N/A	N/A
Christmas Break <i>Even-Numbered Years</i>	Starts on December 28 th and ends the day before school starts after Christmas Break.	noon	N/A	N/A	N/A
Summer <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th, or give at least 14 days written notice of the dates, after April 15th.</i>	The Home Parent may choose 21 days during the summer when the child/ren will stay with the Home Parent. The Home Parent's schedule must be: <ul style="list-style-type: none"> • Not during the last week of the summer break • Not during days when the Co-Parent has a scheduled summer, or Father's/Mother's Day visitation. 	6 pm	6 pm	N/A	N/A
Summer Weekend Options <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th</i>	If the Co-Parent's summer visitation is 31 days or more, the Home Parent may choose to have the children for two weekends during the Co-Parent's summer visitation (or one weekend if the Co-Parent's summer visitation is 30 days or less). The weekends: <ul style="list-style-type: none"> • Cannot be consecutive weekends during the Co-Parent's summer visitation schedule • Cannot interfere with the Co-Parent's Father's or Mother's Day weekend • Cannot be the last weekend of summer 	6 pm	6 pm	<i>The Home Parent must pick up and return the child/ren.</i>	
Child/ren's Birthdays	If the Home-Parent does not have a scheduled visit with the child on the child's birthday, Home-Parent may be with the child and the other children in this case on the child's birthday.	6 pm	8 pm		
Father's Day	Child/ren will be with Dad on Father's Day Weekend. The weekend starts Friday before Father's Day and ends on Father's Day.	6 pm	6 pm		
Mother's Day	Child/ren will be with Mom on Mother's Day Weekend. The weekend starts Friday before Mother's Day and ends on Mother's Day.	6pm	6 pm		

5. Warnings —

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, 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 and the State Case Registry 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.

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.

Important Notices:

- If the Co-Parent cannot take the child/ren as scheduled, s/he must notify the other parent.
- A competent adult may pick up or drop off the child/ren. But, the child/ren must not be left alone without an adult present.
- The Co-Parent must notify the Home Parent, the school, and the Court within 5 days, or sooner, if s/he moves over 100 miles from the child/ren.

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 law 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.

Exhibit: Child Support Order

1. PERSON ORDERED TO PAY

IT IS ORDERED that _____ is the person ordered to pay child support.

(Name of person to pay support)

He or she must pay child support in the amount and manner described below, until one of the following *conditions* is met for each child listed in the Decree or Order, or one of the following *events* occurs:

2. CONDITIONS

- The child turns 18 and graduates from high school, *or*
- The child has turned 18, and is not meeting the attendance requirements of a high school or other secondary school leading toward a high school diploma, *or*
- The child marries, dies, or is emancipated by court order, *or*
- The child begins active duty in the US armed forces, *or*

3. EVENTS

- The child's parents marry each other and live with the child, *or*
- The court changes this order.

The child support decreases each time one of the above conditions is met for a child listed in the attached Decree or Order. Refer to the *Child Support Calculator* or *Texas Family Code, Chapter 154* for guidelines to help you determine the child support amount. The person paying child support is ordered to pay:

\$ _____ due on the first day of each month, starting the month after this order is signed, until one child meets one of the above conditions or one the above events occurs.

\$ _____ due the first day of each month, starting the month after one child meets one of the above conditions.

\$ _____ due the first day of each month, starting the month after a second child meets one of the above conditions.

\$ _____ due the first day of each month, starting the month after a third child meets one of the above conditions.

\$ _____ due the first day of each month, starting the month after a fourth child meets one of the above conditions.

4. PERSON TO RECEIVE

IT IS ORDERED that child support shall be payable to _____,
(Name of person to receive child support)

but all child support payments shall be sent to the Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265, where the payment will be recorded and forwarded to the person receiving child support.

5. GUIDELINE OR NON-GUIDELINE SUPPORT

Check Guideline Support if the child support amount listed is based on the statutory guidelines.

Guideline Support: The amount of child support is approximately the amount recommended in the Texas Family Code Guidelines, Chapter 154.

Check and complete Non-Guideline Support, if the child support amount listed is not based on the statutory guidelines. Do not complete this section if child support is based on the statutory guidelines.

Non-Guideline Support: The amount of child support differs significantly from the amount recommended in the Texas Family Code Guidelines, Chapter 154.

Today, the Court made these findings in open court concerning this Non-Guideline Support Order:

Guideline support would not be appropriate or would be unfair in this case because (explain): _____

The net monthly income (from all sources) of the *person paying* child support is \$ _____

The net monthly income (from all sources) of the *person receiving* child support is \$ _____

Actual monthly child support listed is \$ _____, which is _____ % of the *paying person's* net monthly income.

6. WITHHOLDING ORDER

This Court has signed an *Order to Employer to Withhold Child Support* today. If it is sent to the employer of the person paying child support, the employer will withhold child support payments from the employee's pay, and send it to the **Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payment will be recorded, and forwarded to the person receiving child support.

If you are the person paying child support and your employer withholds less than the monthly child support ordered, you must send the balance owed to the **Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

If all parties agree not to have the employer withhold child support payments yet, check here.

The parties agree, and the Court orders that the *Order to Employer to Withhold Child Support* will not be served on the Employer unless child support payments are more than 30 days late or if the past due amount is the same or more than the monthly child support amount.

If the withholding order is not served on the employer, or if the person paying child support is self employed or unemployed, the person paying child support is ordered to send all child support payments to the **Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payment will be recorded, and forwarded to the person receiving child support.

Do not make child support payments directly to the other parent, or you may have to pay it again!

7. CHILD SUPPORT AFTER DEATH

If the person ordered to pay child support dies before this child support order ends, child support is still owed. His or her estate must pay the remaining unpaid child support balance which becomes due when he or she dies.

8. LIFE INSURANCE POLICY

Check here if both parents want the person paying child support to have a life insurance policy while child support is ordered.

- The person paying child support under this order will obtain and maintain a life insurance policy for as long as child support is ordered. The value of the policy will be at least as much as the total child support obligation. The person receiving child support under this order must be named beneficiary for the benefit of the children.

9. CHILD SUPPORT ACCOUNT

Both parents must:

- Fill out a *Request to Establish an Account* form,
- Take the *Request* form to your local Domestic Relations Office or county child support liaison within 5 days after the judge orders child support.
- Pay a set-up fee and an annual fee, as required by your local office, every year until child support ends. (*Texas Family Code § 203.005 (a)(5)*)

10. CHANGE OF INFORMATION / WARNINGS

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, 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 and the State Case Registry 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.

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.

Exhibit: Medical Support Order

Warning! If you disobey a Court order to pay for or provide health insurance for the children, you will have to pay for ALL needed and reasonable health costs, even if those costs would not have been covered by an insurance policy.

The Court makes the following orders:

1. INSURING PARENT

IT IS ORDERED that _____
(Name of person to pay health insurance/ medical support, Insuring Parent)

must **pay** for and provide health insurance / medical benefits for the children listed in the attached Decree or Order, in the manner described below, until one of the following **conditions** is met for each child, or one of the following **events** occurs:

Conditions

- The child turns 18 and graduates from high school, **or**
- The child has turned 18, and is not meeting the attendance requirements of a high school or other secondary school leading toward a high school diploma, **or**
- The child marries, dies, or is emancipated by court order, **or**
- The child begins active duty in the US armed forces, **or**

Events

- The child's parents marry each other and live with the child, **or**
- The court changes this order.

The medical benefits must include doctor services, office visits, hospitalization, laboratory, X-ray, and emergency services.

2. INSURANCE / MEDICAL BENEFITS

The Insuring Parent IS ORDERED to pay for and enroll the children in a health insurance policy offered through either parent's work or membership in a union or organization, if it is available at a reasonable cost (not more than 9% of his/her annual resources), and it provides doctor services, office visits, hospitalization, laboratory, X-ray, and emergency services.

If the Insuring Parent obtains health insurance through the other parent's work or membership in an organization, that other parent IS ORDERED to include the child in his or her health insurance. The Insuring Parent IS ORDERED to reimburse the other parent for the **actual cost** of insuring the children in this case, as described below.

If insurance is **not** available through either parent's work or membership in a union or organization at a reasonable cost, the Insuring Parent IS ORDERED to get insurance / medical

benefits for the children using any of these options:

1. Buy an individual policy to cover the children, and give the other parent the required health insurance information listed below, **or**
2. Get public health insurance. (For information, contact TexCare Partnership: 1-800-647-6558, www.texcarepartnership.com.), **or**
3. Give the other parent \$_____ / per month in medical support for the children's health expenses. Payments must be (*check one*):
 - Mailed to the Child Support State Disbursement Unit on the 1st day each month, **or**
 - Withheld by the Insuring Parent's Employer and included in Child Support.

The Insuring Parent is not required to make these payments if he or she obtains health insurance for the child and provides proof of insurance to the other parent, and any other party to the case.

3. INFORMATION TO BE PROVIDED

The Insuring Parent must give the other parent the following information, **within 30 days** of the date of this Order:

- Name of the health insurance company, policy number, copy of the policy, and a list of covered benefits,
- Proof that the children are covered under this policy,
- A health insurance membership card, claim forms, and any other information needed to submit a claim, if applicable,
- The Insuring Parent's Social Security Number and name and address of the Insuring Parent's employer and the type of insurance available through his/her employment.

4. NOTICE OF CHANGES TO INSURANCE / MEDICAL BENEFITS

1. If the insurance benefits are renewed, cancelled, or changed in any way, the Insuring Parent must send the new information to the other parent **within 15 days of the change**.
2. If the Insuring Parent is no longer eligible for coverage, s/he must provide other health insurance within 10 days of losing coverage. The new insurance must provide as much, or more, coverage for the children.

5. REIMBURSEMENT FOR ACTUAL COST TO INSURE CHILDREN IN THIS CASE

If the Insuring Parent obtains health insurance for the children through the other parent's employment, the Insuring Parent must reimburse the other parent the **actual cost** of insuring the children in this case.

The **actual cost** of insuring the children in this case is determined by dividing the total cost of insuring all children covered by the plan, and multiplying that number by the number of children in this case.

The Insuring Parent is ORDERED to pay the actual cost of the health insurance for the children as additional child support, with the first payment of \$_____ due on the first day of the first month after this Decree is signed, and a like payment due on the first day of each month thereafter, until there is a change in the actual cost of the health insurance for the children in this case. Starting on the first day of the month after each change in the actual cost of health insurance for the children in this case, the Insuring Parent is ordered to pay the other parent the actual cost of insuring the children, and must continue to make like monthly payments on the first day of each month thereafter until there is another change in the actual cost of health insurance for the children in this case.

IT IS ORDERED that these additional payments for reimbursement of health insurance expenses shall be made through the **Child Support State Disbursement Unit, PO Box 659791, San Antonio, Texas, 78265**, and thereafter promptly remitted to the other parent for support of the children.

IT IS FURTHER ORDERED that payments made by the Insuring Parent for the reimbursement of health insurance premiums to the other parent shall stop if the Insuring Parent enrolls the children in a health insurance or medical benefits program, as described above, and the Insuring Parent provides the other parent or the IV-D agency, if needed, the information listed in paragraph III, above.

If the insurance company sends reimbursement for services, it must be given to the parent who made the expense, within 3 days. If payment is not in that parent's name, the other parent will endorse the check and forward the payment.

6. FILING CLAIMS

Either parent may file a claim. If claim forms or other information are needed for reimbursement, the parents must provide that information within 10 days of the request.

7. ADDITIONAL INSURANCE

Either parent may get additional health insurance for the children, at his/her own cost. If the additional insurance expands coverage for the children, the parents are ordered to make the benefits available.

8. COSTS NOT COVERED BY INSURANCE

1. If the insurance does not cover all of the health care costs, the parents must each pay half (50%) of the health care costs not covered by the insurance, including:

- Annual deductibles
- Co-pays
- Charges for dental, vision, and orthodontic care
- Charges for prescription drugs

(Travel costs and the cost of over-the-counter drugs are NOT included.)

2. Notify the other parent about health care costs:

Each parent must notify the other parent of the health care costs incurred within 10 days. After being notified, the other parent has 10 days to pay his/her portion of the health care cost. The court considers all health care costs to be reasonable, even if denied by the health insurance company.

9. FOR PATERNITY CASES AND SUITS AFFECTING THE PARENT-CHILD RELATIONSHIPS

Check here if the Father will pay for 50% of the mother's pregnancy-related health care expenses. *(You can only ask for this if this is the **first** Health Insurance Order for the child/ren in this case.)*

The father IS ORDERED to pay 50% of the mother's pregnancy-related health care expenses for the child/ren listed below:

Child's name	Date of Birth
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

Exhibit: Family Information

Required by Texas Family Code, § 105.006(c)

Important! The information you put on this form is not private. If you think that filling out this form could put you or your child(ren) in danger, skip to **8 below**.

If any family information requested on this form changes while a custody or support order is in effect, you **must** notify:

- the other parent,
- the Court, and
- the State Child Support Registry

Notification must be at least *60 days before* the change. If you did not know about this change 60 days before it happened, notification must be *within 5 days after* the change.

Notify the other parent by registered or certified mail, return receipt. Notify the Court and the State Child Support Registry by registered or certified mail addressed to the clerk, or go to the Court Clerk's office.

Print your answers

My name is : _____

1. MOTHER'S INFORMATION

Name: _____

Home Address: _____

Mailing Address: _____

Home phone # _____

Work phone #: _____

Social Security #: _____

Driver's License #: _____

Issuing state: _____

Employer: _____

Work address: _____

2. FATHER'S INFORMATION

Name: _____

Home Address: _____

Mailing Address: _____

Home phone #: _____

Work phone #: _____

Social Security #: _____

Driver's License #: _____

Issuing state: _____

Employer: _____

Work address: _____

3. CHILD (under 18)

Name _____

Home Address: _____

Home phone #: _____

Social Security #: _____

School: _____

School Address: _____

4. CHILD (under 18)

Name _____

Home Address: _____

Home phone #: _____

Social Security #: _____

School: _____

School Address: _____

5. CHILD (under 18)

Name _____

Home Address: _____

Home phone #: _____

Social Security #: _____

School: _____

School Address: _____

6. CHILD (under 18) – Hijo (menor de 18 años de edad)

Name _____

Home Address: _____

Home phone #: _____

Social Security #: _____

School: _____

School Address: _____

7. CHILD (under 18)

Name _____

Home Address: _____

Home phone #: _____

Social Security #: _____

School: _____

School Address: _____

If more than 5 children, list their information on another sheet and attach it to this form.

8. RISK TO CHILDREN / PARTIES

I ask the Court for permission not to fill out this form because I believe that providing this information could put me and/or my child(ren) in danger.

Name of child/ren who could be in danger

- 1. _____
- 2. _____
- 3. _____

- 4. _____
- 5. _____
- 6. _____

If your case has a Child Support or Spousal Support Order, fill out this form.

In the Matter of the Marriage of:

_____ and _____

§ Fill out below exactly as it appears on your Petition.

§ Cause No: _____

§ In the (check one): District County Court of:

§ _____ County, Texas

AND/OR

In the interest of (List children under 18):

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

This Order is (check one):
 New Updated

ORDER TO EMPLOYER TO WITHHOLD SUPPORT

1. EMPLOYEE

The Court orders you, the Employer, to withhold income from the paycheck of (name of **Employee, person paying child support**):

First Name	Middle Name	Last Name	Social Security No.
Street address		City	State Zip

2. RECIPIENT

The State will send the income you withhold to (name of **person receiving child support**):

First Name	Middle Name	Last Name	
Street address		City	State Zip

3. PAYMENT INFORMATION

You must withhold the amount on page 2 of this form starting next pay period. Mail the amount withheld to:

Texas State Disbursement Unit, P.O. Box 659791, San Antonio, TX 78265-9791

Also include:

- Employee's name and SSN (above)
- Court case number (see the top right corner of this page)
- Amount withheld and the first and last date of the pay period
- Name of recipient (above)

4. AMOUNT TO WITHHOLD

The employee is ordered to pay the following amounts:

\$_____/month child support \$_____/month medical support
\$_____/month spousal support \$_____/month arrearage

MONTHLY TOTAL = \$_____

The Court ORDERS you to withhold the following amounts from the employee's earnings:

\$ _____ if paid monthly
\$ _____ if paid twice monthly (= *monthly amount* ÷ 2)
\$ _____ if paid every other week (= *monthly amount* x 12, ÷ 26)
\$ _____ if paid weekly (= *monthly amount* x 12, ÷ 52)

When **one** child under this order no longer requires child support, you are ordered to withhold the following amounts from the employee's earnings:

\$ _____ if paid monthly \$ _____ if paid twice monthly
\$ _____ if paid every other week \$ _____ if paid weekly

When **two** children under this order no longer require child support, you are ordered to withhold the following amounts from the employee's earnings:

\$ _____ if paid monthly \$ _____ if paid twice monthly
\$ _____ if paid every other week \$ _____ if paid weekly

When **three** children under this order no longer require child support, you are ordered to withhold the following amounts from the employee's earnings:

\$ _____ if paid monthly \$ _____ if paid twice monthly
\$ _____ if paid every other week \$ _____ if paid weekly

When **four** children under this order no longer require child support, you are ordered to withhold the following amounts from the employee's earnings:

\$ _____ if paid monthly \$ _____ if paid twice monthly
\$ _____ if paid every other week \$ _____ if paid weekly

When **five** children under this order no longer require child support, you are ordered to withhold the following amounts from the employee's earnings:

\$ _____ if paid monthly \$ _____ if paid twice monthly
\$ _____ if paid every other week \$ _____ if paid weekly

Date of Judgment



Judge's signature

— Information for Employer —

Do I *have to* withhold money from the employee's paycheck?

Yes. This is a Court Order. You **must** obey the instructions on page 1 of this form. It is against the law to discriminate against an employee because of an Order to Withhold Child Support.

Warning! If you discriminate against an employee because of a Withholding Order, you can be fined.

How long do I have to withhold?

You must withhold earnings until:

- The child turns 18 and you receive a notice of the child's graduation or completion of attendance requirements, **or**
- The child marries, dies, or is emancipated by court order, **or**
- The child's parents marry each other and live with the child, **or**
- The court changes this Order.

What if one of the children no longer needs support?

You may reduce withholding when one of the children no longer needs support. See the withholding schedule on page 2.

What if the employee stops working for me?

You must notify the Court *and* the Recipient within 7 days of the employee's last day of work.

You must also give the court this information:

- Employee's name and case #
- Employee's last known address
- Date of Employee's last day of work
- Name and address of the new employer (if you know it).

What if there is more than one Order to withhold for this employee?

You must give priority to this Order. But, you may also withhold for other orders *if* the total withholding is not more than 50% of the employee's net income.

Caution: You must make a separate withholding payment for each Order.

What if the support amount is *more than 50%* of this employee's income?

You cannot withhold more than 50% of the employee's net income. The law says you must do your best to honor all Notices and Orders you receive.

If you have questions, contact your local Child Support Office. Their phone number, email and address are listed at:

www.oag.state.tx.us/agency/contacts.shtml

Can I withhold a lower amount of monthly support than the Order says?

Sometimes. If the monthly support ordered is **more than 50%** of the employee's net monthly income, only withhold 50% of the net monthly income.

Can I submit the withheld amount online?

Yes. The State of Texas has an easy way for employers to make withholding payments online. This site can also answer many of your questions.

<https://portal.cs.oag.state.tx.us/wps/portal/EmployerHome>

What is included in employee earnings?

Employee earnings include wages, salary, subcontractor pay, overtime pay, commission, bonus, pension payment, disability, retirement income, and any other income from this job.

Where can I learn more about child support laws?

To read the child support laws, look for Texas Family Code, Chapter 158 (C) on the Internet.

What if I have questions?

Contact the State Child Enforcement Agency online:

www.oag.state.tx.us/agency/contacts.shtml.