

Parents and the Law

There are now many ways that people can become parents. Donor eggs and sperm can help a woman get pregnant. Or sometimes a woman is willing to have a child for another couple. The laws in Texas have changed to address these new ways. But, the basic role of the law has remained the same: to protect and promote what is best for the child.

This article explains these topics:

[Legal Parents](#)

[Acknowledgment of Paternity](#)

[Denial of Paternity](#)

[Paternity Registry](#)

[Genetic Testing](#)

[Paternity or Parentage Cases](#)

If you have questions about your situation, talk to a lawyer with experience in paternity law.

Legal Parents

Who are the legal parents of a child?

A **woman** is the legal mother if she:

- Gave birth to the child,
- Adopted the child, or
- Was named mother by a court.

A **man** is the legal father if he:

- Is married to the child's mother, and the child is born during their marriage, or within 301 days of the end of their marriage
- Adopted the child,
- Was named father by a court,
- Agreed to assisted reproduction (like sperm donation) and a child was born, or
- Signed an *Acknowledgment of Paternity*.

Does it matter who the legal parents are?

Yes. A legal parent has certain rights and duties, including caring for the child physically, emotionally, and financially. If the parents are not married, a legal parent may have to pay child support.

Acknowledgement of Paternity

What is an *Acknowledgement of Paternity*?

An *Acknowledgement of Paternity* is a legal document that a man uses to say he is a child's biological father. It is valid in any state.

When is an *Acknowledgment of Paternity* used?

When a man is not married to the mother of his child, an *Acknowledgment of Paternity* lets the man say he is the legal father. Signing it means he will have all of the rights and responsibilities of a parent, even if he is not married to or living with the mother.

Does the child have to be a certain age before the parents sign an *Acknowledgment of Paternity*?

No. In fact, a father can sign it when the mother is pregnant. Or he can sign it later.

If the father is under 18, can he sign the *Acknowledgment of Paternity*?

Yes.

Is there a special form that fathers sign?

Yes. You can get an *Acknowledgement of Paternity* form from a hospital. Or you can call the Attorney General's Office and ask how to get one.

Call: **1-866-255-2006**

Does the form have to be notarized?

No, but both parents must sign it and swear they are telling the truth. If they say something that is not true, they could be fined or go to jail.

What if the father refuses to sign an *Acknowledgment of Paternity*?

Then a court can decide who the father is.

What do the parents do after they sign an *Acknowledgment of Paternity*?

They must file the *Acknowledgement of Paternity* with the Bureau of Vital Statistics. It is not valid unless it is filed.

Are there any other legal forms that need to be filled out?

Yes. If the mother is married to a man who is **not** the father of the child, her husband must fill out a *Denial of Paternity*. This form also must be filed with the Bureau of Vital Statistics. There is no cost to file the forms.

Can a court say that someone else is the father?

Yes. In some cases, a court may say that another man is the father. When a court decides who the father is, he is called the *adjudicated father*.

Can a married woman put the name of the biological father on the child's birth certificate, if the father is not her husband?

Yes, if:

- The biological father signs an *Acknowledgment of Paternity*, and
- The husband signs a *Denial of Paternity*.

Denial of Paternity

What is a *Denial of Paternity*?

If a woman is married to a man who is not the father of her child, the law considers him the legal father, unless he “denies paternity.”

Is there a special form to deny paternity?

Yes. You can get a *Denial of Paternity* form by calling the Attorney General’s Office. The form is free.

Call: **1-866-255-2006**

What does a *Denial of Paternity* do?

A *Denial of Paternity* takes away parental rights and duties from the husband. It’s the same as if a judge signed a court order saying he is not the child’s legal father. It is valid in any state.

What if the husband is not the father, but does not sign a *Denial of Paternity*?

The law says the husband is the “presumed” (legal) father if he is married to the child’s mother when the child is born, or the child is born within 301 days of the end of their marriage.

If the husband does not sign a *Denial of Paternity* – even if the biological father signs an *Acknowledgment of Paternity* – the law says the husband is the legal father. (If the husband does not want this, he must ask the court to make an order saying he is not the legal father.)

Both the *Denial of Paternity* and the *Acknowledgment of Paternity* forms must be filed with the Bureau of Vital Statistics. You do not have to pay to file the forms.

If the husband won’t sign the *Denial of Paternity*, he is the child’s legal father until a court names some one else the legal father.

Do the forms have to be notarized?

No, but when the husband signs, he must swear he is telling the truth, or he could be fined or go to jail.

Canceling an *Acknowledgment of Paternity* or a *Denial of Paternity*

If you want to undo your *Acknowledgment* or *Denial of Paternity*, you must file a special form called a *Petition to Rescind* with the court.

Is there a deadline to file the *Petition*?

Yes. You must file the *Petition* within 60 days of when the *Acknowledgment of Paternity* or *Denial of Paternity* was filed. If no *Acknowledgment of Paternity* or *Denial of Paternity* was filed, you must file your *Petition* before the first court hearing about the paternity of the child.

What if the deadline has passed?

You may still be able to challenge the paternity. But, you must prove:

- There was fraud,
- You were put under great pressure to sign the *Acknowledgment of Paternity* or *Denial of Paternity*, or
- There was an important mistake made in your case.

Is there a deadline to file my challenge?

Yes. You have 4 years from the date the *Acknowledgment* or *Denial* was signed. Or, if you were under 18 when you signed the *Acknowledgment* or *Denial*, you have 4 years from the time you turned 18, or from the date you are no longer a minor (because you married or a court emancipated you).

If a court agrees I am not the father, can the child's birth certificate be changed?

Yes. The court will order the Bureau of Vital Statistics to remove your name as the father on the child's birth certificate.

Paternity Registry

What if I believe I am the biological father, but I am not the husband, and I have not signed an *Acknowledgment of Paternity*?

You still have certain rights, including:

- The right to know if anyone is trying to end your parental rights, and
- The right to know if the child is being placed for adoption.

To have these rights, you must sign up with the Paternity Registry.

Is there a deadline to sign up?

Yes. You can register before the child is born or within 30 days after the child is born. If the child was conceived and born in different states, you should register in both states.

What if I miss the deadline?

You cannot sign up if you miss the deadline. But you can start a paternity case in court to prove you are the father. You would have to file a *Petition to Establish Paternity*.

If I do not register and do not file a *Petition*, do I have any legal rights as the father of this child?

No.

If I sign an *Acknowledgment of Paternity* do I still need to sign up?

No.

If I am the Husband, do I need to sign up?

No.

How do I sign up with the Paternity Registry?

You must fill out and file a form called a *Notice of Intent to Claim Paternity*.

You can get it from:

Paternity Registry
Bureau of Vital Statistics
Texas Department of Health
1100 W. 49th Street
Austin, Texas 78756-3191
(512) 458-7368

Or from: www.dshs.state.tx.us/vs/patreg/default.shtm

What if I registered with the Paternity Registry, but I found out later that I am not the father?

You can cancel (rescind) your registration at any time. To do so, send a written statement to the Paternity Registry that says:

- Your name
- The child's name
- The mother's name
- That to the best of your knowledge and belief you are not the father (or that a court has decided that another man is the father)

Have the statement notarized. Make a copy to keep and mail the original to the Paternity

Registry:

Paternity Registry
Bureau of Vital Statistics
Texas Department of Health
1100 W. 49th Street
Austin, Texas 78756-3191

Do I need to tell the Paternity Registry if I move?

Yes. If any of your information changes, let the Registry know. Their address is:

Paternity Registry
Bureau of Vital Statistics
Texas Department of Health
1100 W. 49th Street
Austin, Texas 78756-3191

Can someone adopt a child who does not have a legal father?

Yes. But if there is a court case about this child, you must first get a certificate from the Paternity Registry.

If the child was born or conceived in another state, you must get a certificate from the other state's Paternity Registry, if they have one.

Genetic Testing

Sometimes there is a question about who the child's biological father is. In these cases, the courts use genetic testing. Genetic tests are very accurate. The tests can say who the parent is (with up to 99% accuracy).

Do I need a court order for genetic testing?

No. You can ask for genetic testing without a court order.

Will the court accept the results?

Yes, but only if the test was done by an accredited lab.

If I am involved in a paternity case, what kind of report does the court need?

The court will accept the lab's report if it has:

- The name and photo of each person tested,
- The names of all people who collected, handled, and tested the specimens,
- The date and place where the specimens were collected, and
- The dates the lab received the specimens.

A laboratory employee, under penalty of perjury, must also sign the report.

Who pays for the genetic testing?

Usually, the person who asks for the testing pays for it. But sometimes, the parties agree otherwise, or the court orders someone else to pay.

Does the Attorney General's Office use genetic testing?

Yes. The Attorney General's Office offers genetic testing when the parties do not agree about paternity. But the court may order the parties to pay for the testing.

What if the man thought to be the child's father cannot be found?

A court may order the man's relatives to have genetic testing. But to do that, the court must decide that the need for testing outweighs the relative's right to privacy.

What if the man thought to be the child's father is dead?

In Texas, a court can order genetic testing on a dead person's remains.

Paternity or Parentage Cases

When people disagree about who a child's parents are, they can ask a court to decide. This is called a Paternity or Parentage case.

How do I ask the court to decide who the parents are?

You must file a *Petition to Establish Paternity*.

Can anyone ask a court to decide who the parents are?

No. The law says only these people can file a *Petition*:

- The child
- The mother (if she is dead, her parents, brother or sister, aunt or uncle, niece or nephew)
- A man who thinks he is the father
- A government agency
- An adoption agency, or
- An "intended parent" if there is a [gestational agreement](#).

Do I have to tell anyone if I file a Petition?

Yes. You must tell the child's mother and the person you think is the father.

What if the child's father lives in another state?

The laws in Texas cannot make him participate in the case, unless:

- He agrees.
- He was served personal notice in Texas.
- He lived in Texas with the child.
- He lived in Texas and provided prenatal expenses for the child.
- The child lives in Texas because of something the father did. Or,
- The child was conceived from intercourse he had in Texas.

Where do I file the paternity case?

If the child lives in Texas, you can file in the county where the child lives (or is found).

If the child does not live in Texas, file in the county where the alleged father lives (or is found). If the alleged father is dead, file in the county where the probate case for the father's estate was filed.

Is there a time limit on when I can file a Paternity case?

No. If the child does not have a legal father, there's no time limit.

But once the child becomes an adult, only the adult child may file a paternity case.

What if the mother's husband is not the father?

If the mother is married to a man who is not the child's father, you cannot file a paternity case after the child turns 4, unless:

- A court finds that the mother and her husband did not have sex with each other when the child was conceived, and
- The husband never said the child was his.

Exception: If an *Acknowledgement of Paternity* or *Denial of Paternity* was filed, the deadline is 60 days after the date it was filed (unless the man can prove there was fraud,

tremendous pressure, or an important mistake).

Can I file a paternity case before the child is born?

Yes. But you cannot complete it until the child is born.

Can I get child support for my child during my case?

A court can order temporary child support from:

- The mother's husband
- An alleged father (who refuses genetic testing)
- The mother
- An alleged parent who has asked the court to be named parent
- An alleged father who was proved to be the father.

If I am trying to prove I am the father, will the court let me visit with the child?

Yes. A court can make temporary visitation orders during a paternity case.

How can I prove that my husband or someone who signed an *Acknowledgment of Paternity* is not the father?

You must provide genetic testing results that:

- Show the husband or the man who signed the Acknowledgment are genetically "excluded," and
- Show another man is the father.

Will a jury decide my paternity case?

No. In Texas, paternity cases are decided by a judge – not a jury.

Will my paternity case be open to the public?

Yes. It's open to the public, like all civil cases.

What if someone is trying to prove I am the father?

If you were served, but do not do anything, the court will find you "in default." The court can decide you are the father and order you to pay child support.

What kind of orders could the court make?

The court can make orders that:

- Say who is and who is not the child's parent,
- Say the father must pay child support and prenatal medical expenses. (The court may make the child support orders retroactive.)
- Change the child's name on the child's birth certificate.
- Say one or both people involved must pay for the court costs, genetic testing, attorneys, and travel expenses.

Can anyone help me with my paternity order?

Yes. The Texas Attorney General's Office can help with paternity and child support cases, for free. Call: **800-252-8014**.

CAUSE NO. _____

**IN THE INTEREST OF
MINOR CHILDREN:**

_____	,	§	_____	IN THE
_____	,	§	_____	COURT OF
_____	,	§	_____	COUNTY, TEXAS
[Print the children's names.]		§		

Petition to Determine Parentage

1. DISCOVERY

Discovery should use Level 2 guidelines 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. PETITIONER [YOU]

I am the Petitioner. I am asking the Court to name the children's parents.

My name is _____.
[PRINT your full name]

I am: [CHECK one.]

- the mother.
- a man asking the court to name me the children's father.
- the mother's [mother/father/sister/brother/aunt/uncle/niece/nephew]. The mother is deceased.
- an adult asking the Court to determine my parentage. My birthday is: _____. I have no legal father.
- an intended parent. The gestational agreement named me the children's mother/father.

3. 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.

4. REQUIRED INFORMATION [CHECK ONE.]

- At least one of the parties is not a Texas resident. The information required by Section 152.209, Texas Family Code is attached in Exhibit A. [Complete and attach Exhibit 152.209, Required Information.]
- All parties are Texas residents.

5. CHILDREN

The following children are part 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	_____	_____	_____	_____	_____

This petition is filed before the birth of a child who is due to be born on [date] _____.

- The children named in this case have no legal father. No one is presumed to be the father. The mother was not married during the time the children were born or conceived. No one signed an Acknowledgment of Paternity. No Court has named anyone the father of these children.
- The children named in this case have an acknowledged father. Some one signed an Acknowledgment of Paternity. But the Acknowledgment is not valid, or should be set aside because of fraud, duress, or material mistake of fact.
- The mother was married when the children were born or conceived. But the presumed parents did not live together or have sexual intercourse with each other during the time of conception. The presumed father never openly treated the children as his own.

6. RESPONDENTS—

The names and addresses of each party whose rights, privileges, duties, or powers may be affected by this motion are listed on the following pages.

RESPONDENT A:

A. Mother:

The mother is [PRINT mother's first and last names.]_____.

Legal Notice to the Mother.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the mother right now because she may sign a Waiver of Service. [You are saying that the mother may sign a paper, in front of a notary, agreeing that you have given her a FILE-STAMPED copy of this Original Petition to Determine Parentage, and she does not want to have a sheriff, constable, or private process server give her another copy of this Original Petition to Determine Parentage.]

If the mother does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the mother at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the mother 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 to Determine Parentage to the mother at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the mother 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:

B. Alleged Father:

The alleged father is [PRINT alleged father's first and last names.] _____.

Legal Notice to the Alleged Father.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the alleged father right now because he may sign a Waiver of Service. [You are saying that the alleged father may sign a paper, in front of a notary, agreeing that you have given him a FILE-STAMPED copy of this Original Petition to Determine Parentage, and he does not want to have a sheriff, constable, or private process server give him another copy of this Original Petition to Determine Parentage.]

If the alleged father does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the alleged father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the alleged father 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 to Determine Parentage to the alleged father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the alleged father 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:

C. Presumed/ Acknowledged/Adjudicated Father:

The presumed/acknowledged/adjudicated father is _____.
[PRINT presumed/acknowledged/adjudicated father's first and last names.]

Legal Notice to the Presumed/Acknowledged/Adjudicated Father.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the presumed/acknowledged/adjudicated father right now because he may sign a Waiver of Service. [You are saying that the presumed/acknowledged/adjudicated father may sign a paper, in front of a notary, agreeing that you have given him a FILE-STAMPED copy of this Original Petition to Determine Parentage, and he does not want to have a sheriff, constable, or private process server give him another copy of this Original Petition to Determine Parentage.]

If the presumed/acknowledged/adjudicated father does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the presumed/acknowledged/adjudicated father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the presumed/acknowledged/adjudicated father 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 to Determine Parentage to the presumed/acknowledged/adjudicated father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the presumed/acknowledged/adjudicated father 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 D:

D. Paternity Registrant:

[PRINT paternity registrant's first and last names.] _____ registered with the Paternity Registry, asking to be notified in a case involving the child in this suit.

Legal Notice to the Paternity Registrant.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the Paternity Registrant right now because he may sign a Waiver of Service. [You are saying that the Paternity Registrant may sign a paper, in front of a notary, agreeing that you have given him a FILE-STAMPED copy of this Original Petition to Determine Parentage, and he does not want to have a sheriff, constable, or private process server give him another copy of this Original Petition to Determine Parentage.]

If the Paternity Registrant does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the Paternity Registrant at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Paternity Registrant 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 to Determine Parentage to the Paternity Registrant at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Paternity Registrant 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 E:

E. Court Ordered Relationships: [CHECK one.]

- There are no court-ordered relationships affecting the children in this case.
- _____ is the children's _____
[PRINT first and last name.] [PRINT court-ordered relationship.]

Legal Notice to a Person with a Court-Ordered Relationship.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the Respondent E right now because s/he may sign a Waiver of Service. [You are saying that the Respondent E 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 to Determine Parentage, 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 to Determine Parentage.]

If the Respondent E does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the Paternity Registrant at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent E 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 to Determine Parentage to the Respondent E at this address:

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

10. PURPOSE OF SUIT

The purpose of this suit is to establish the parent-child relationship between _____ and the children in this suit.

[PRINT first and last names of alleged father]

[CHECK if appropriate]:

- Petitioner also wants to exclude [PRINT the first and last names of the presumed, acknowledged, alleged, or adjudicated fathers] _____ as fathers of the children.

11. CONSERVATORSHIP

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).

and naming **Respondent D:** [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 E:** [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 Petitioner asks the Court to make the above appointments. Petitioner also asks that orders be made for visitation with the children, and that the parental rights and duties of the conservators be divided.

12. SUPPORT

Petitioner asks that appropriate child support orders be made, including retroactive (back) child support.

Petitioner asks that [PRINT first and last names of the person.] _____
_____ be ordered to pay a fair portion of all prenatal and postnatal health-care expenses of the mother and the children.

13. AD LITEMS [CHECK all that apply.]

- Petitioner asks the Court to appoint an ad litem to represent the interests of the children..
- Petitioner asks the Court to appoint an attorney ad litem to represent the interests of _____, who is an incapacitated person entitled to citation.
- One or more people entitled to citation must be cited by publication, and Petitioner asks the Court to appoint an attorney ad litem for any party so cited who may default or fail to appear.

14. NAME CHANGE OF CHILDREN

Good cause exists to change the name of the child known as [PRINT child's current full name] _____, and Petitioner requests that the child's name be changed to: _____.
[PRINT child's new full name]

15. GENETIC TESTING

[CHECK all that apply.]

- Before filing this suit, the parties completed genetic testing
- I ask the Court to order genetic testing as soon as all necessary parties are before the Court..
- Genetic testing is not requested.

16. TEMPORARY ORDERS

[CHECK all that apply.]

- I am not asking for temporary orders.
- After notice and hearing, I ask the Court to temporarily [CHECK all that apply]:
 - order _____ to pay child support.
 - name _____ Sole Managing Conservator.
 - name _____ Joint Managing Conservator with the right to establish the child's primary residence (Home-Parent).
 - divide the parental rights and duties.
 - order visitation for the parties and the child.

17. PRAYER

I pray that citation and notice issue as the law requires.

I pray for an order determining parentage, and for orders establishing custody, visitation and child support.

I pray for general relief.

Petitioner, pro se [Sign your name.]

[PRINT your name and information.]:

Name: _____ Telephone: _____

Mailing Address: _____

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

IN THE INTEREST OF §
 MINOR CHILDREN: §
 _____, § IN THE
 _____, § COURT OF
 _____, §
 _____, § _____ COUNTY, TEXAS
 [Print the children's names.] §

PETITION TO RESCIND/CONTEST ACKNOWLEDGMENT OF PATERNITY

1. DISCOVERY

Discovery should use Level 2 guidelines 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. PETITIONER [YOU]

I am the Petitioner. I am asking the Court to set aside the Acknowledgment of Paternity.

My name is _____.
[PRINT your full name]

I am: [CHECK one.]

- a man asking the court to name me the children's father.
- the mother's [mother/father/sister/brother/aunt/uncle/niece/nephew]. The mother is deceased.
- an adult asking the Court to determine my parentage. My birth date is: _____.
- a person who signed the Acknowledgment or Denial of Paternity.

3. ACKNOWLEDGMENT / DENIAL OF PATERNITY

The Acknowledgment of Paternity was filed with the Bureau of Vital Statistics on _____ [date].

A Denial of Paternity:

- was filed with the Acknowledgment.
- was not filed with the Acknowledgment.

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. REQUIRED INFORMATION [CHECK ONE.]

- At least one of the parties is not a Texas resident. The information required by Section 152.209, Texas Family Code is attached in Exhibit A. [Complete and attach Exhibit 152.209, Required Information.]
- All parties are Texas residents.

6. CHILDREN

The following children are part 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	_____	_____	_____	_____	_____

This petition is filed before the birth of a child who is due to be born on _____.
[date]

7. RESPONDENTS—

The names and addresses of each party whose rights, privileges, duties, or powers may be affected by this motion are listed on the following pages.

RESPONDENT A:

A. Mother:

The mother is _____.
[PRINT mother's first and last names.]

Legal Notice to the Mother.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the mother right now because she may sign a Waiver of Service. [You are saying that the mother may sign a paper, in front of a notary, agreeing that you have given her a FILE-STAMPED copy of this Original Petition to Determine Parentage, and she does not want to have a sheriff, constable, or private process server give her another copy of this Original Petition to Determine Parentage.]

If the mother does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the mother at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the mother 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 to Determine Parentage to the mother at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the mother 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:

B. Alleged Father:

The alleged father is _____.

[PRINT alleged father's first and last names.]

Legal Notice to the Alleged Father.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the alleged father right now because he may sign a Waiver of Service. [You are saying that the alleged father may sign a paper, in front of a notary, agreeing that you have given him a FILE-STAMPED copy of this Original Petition to Determine Parentage, and he does not want to have a sheriff, constable, or private process server give him another copy of this Original Petition to Determine Parentage.]

If the alleged father does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the alleged father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the alleged father 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 to Determine Parentage to the alleged father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the alleged father 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:

C. Presumed Father:

The presumed father is _____.

[PRINT presumed father's first and last names.]

Legal Notice to the Presumed Father.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the presumed father right now because he may sign a Waiver of Service. [You are saying that the presumed father may sign a paper, in front of a notary, agreeing that you have given him a FILE-STAMPED copy of this Original Petition to Determine Parentage, and he does not want to have a sheriff, constable, or private process server give him another copy of this Original Petition to Determine Parentage.]

If the presumed father does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the presumed father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the presumed father 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 to Determine Parentage to the presumed father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the presumed father 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 D:

D. Acknowledged Father:

The acknowledged father is _____.
[PRINT acknowledged father's first and last names.]

Legal Notice to the Acknowledged Father.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the acknowledged father right now because he may sign a Waiver of Service. [You are saying that the acknowledged father may sign a paper, in front of a notary, agreeing that you have given him a FILE-STAMPED copy of this Original Petition to Determine Parentage, and he does not want to have a sheriff, constable, or private process server give him another copy of this Original Petition to Determine Parentage.]

If the acknowledged father does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the acknowledged father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the acknowledged father 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 to Determine Parentage to the acknowledged father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the acknowledged father 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 E:

E. Adjudicated Father:

The adjudicated father is _____.
[PRINT adjudicated father's first and last names.]

Legal Notice to the Adjudicated Father.

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the adjudicated father right now because he may sign a Waiver of Service. [You are saying that the adjudicated father may sign a paper, in front of a notary, agreeing that you have given him a FILE-STAMPED copy of this Original Petition to Determine Parentage, and he does not want to have a sheriff, constable, or private process server give him another copy of this Original Petition to Determine Parentage.]

If the adjudicated father does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the adjudicated father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the adjudicated father 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 to Determine Parentage to the adjudicated father at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the adjudicated father 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 F:

F. Court Ordered Relationships: [CHECK one.]

- There are no court-ordered relationships affecting the children in this case.
- _____ is the children's _____
[PRINT first and last name.] [PRINT court-ordered relationship.]

Legal Notice to a Person with a Court-Ordered Relationship.

- No Service of Process Needed At This Time:** Please do not have a sheriff or constable give a copy of this Original Petition to Determine Parentage to the Respondent E right now because s/he may sign a Waiver of Service. [You are saying that the Respondent E 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 to Determine Parentage, 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 to Determine Parentage.]

If the Respondent E does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition to Determine Parentage to the Paternity Registrant at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent E 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 to Determine Parentage to the Respondent E at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent E 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 PROPERTY [CHECK ONE.]

- The children do not own any significant property.
- The children own the property listed below: [DESCRIBE]

10. GROUNDS FOR [RESCISSION/CONTEST] OF ACKNOWLEDGMENT OF PATERNITY

I am asking for an order rescinding the acknowledgment of paternity. Sixty days have not passed since the Acknowledgment became effective. And there has been no hearing to adjudicate an issue relating to the child.

[CHECK all that apply.]

- The acknowledgment should be set aside because of fraud, duress, or material mistake of fact.
- Genetic testing has established that the father listed on the acknowledgment of paternity is not the father of the child.
- The acknowledgment should be set aside because the parties’ acknowledgment falsely denied the existence of a presumed, acknowledged, or adjudicated father of the child.

11. GENETIC TESTING [CHECK all that apply.]

- Before this suit was filed, genetic testing was done with the consent of the mother, the acknowledged father, and each alleged or presumed father.
- Petitioner requests that genetic testing be ordered in accordance with chapter 160 of the Texas Family Code as soon as all necessary parties are before the Court. [**Include if applicable:** Petitioner requests that the arrangements prescribed by the Court for genetic testing include provisions for making blood, buccal cells, bone, hair, or other body tissue or fluid samples available to [name of expert], who is qualified in genetic testing and who is employed by Petitioner.]

12. CORRECTION OF BIRTH RECORDS

Petitioner asks that the Court order the bureau of vital statistics to amend the birth records of the children as appropriate.

13. PRAYER

Petitioner asks that citation and notice issue as required by law.

Petitioner asks for judgment rescinding or vacating the acknowledgment of paternity and ordering the bureau of vital statistics to delete the acknowledgment of paternity from the records of the bureau.

Petitioner asks for all other relief in accordance with the allegations contained in this petition.

Petitioner prays for general relief.

[Sign your name.]

[PRINT your name and information.]:

Name: _____

Telephone: _____

Mailing Address: _____

READ THIS:

◆ This form **MUST BE COMPLETED** and **SIGNED** by the Respondent **AFTER** the Original Petition to Determine Parentage has been stamped by the Clerk's Office with the date and time that it was filed. **THERE ARE NO EXCEPTIONS TO THIS RULE.**

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

IN THE INTEREST OF §
MINOR CHILDREN: § **IN THE**
_____, § _____ **COURT OF**
_____, §
_____, § _____ **COUNTY, TEXAS**
[Print the children's names.]

RESPONDENT'S SPECIAL APPEARANCE

I, _____, am the Respondent in this case to Determine Parentage.
[Print full name of the Respondent.]

1. Special Appearance

I file this special appearance under Rule 120a of Texas Rules of Civil Procedure. I am not a Texas resident. I am a resident and domiciliary of the state of _____.

The state of Texas has no jurisdiction over me. None of the grounds for personal jurisdiction under the Texas Family Code have been established. I ask the Court to determine this challenge to personal jurisdiction and enter an order before hearing any other pleading in this case.

2. Prayer

I ask the court to grant all the relief I have requested. I ask for general relief.

Respectfully submitted, [PRINT your name and information.]

Respondent, Pro Se [Sign your name on the line.]
Name: _____
Phone: _____
Mailing _____
Address: _____

Certificate of Service

[You must deliver a copy of your answer, and anything else you file in your court case, to each party. If the other party has a lawyer, you should serve the party's lawyer. You may serve your Special Appearance by certified mail, hand delivery, fax, or by delivery service. Texas Rules of Civil Procedure, 21 (a).]

I swear that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on _____.
[PRINT month, day and year.]

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

READ THIS:

◆ This form **MUST BE COMPLETED** and **SIGNED** by the Respondent **AFTER** the Original Petition to Determine Parentage has been stamped by the Clerk's Office with the date and time that it was filed. **THERE ARE NO EXCEPTIONS TO THIS RULE.**

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

IN THE INTEREST OF §
 MINOR CHILDREN: § IN THE
 _____, § _____ COURT OF
 _____, §
 _____, §
 _____, § _____ COUNTY, TEXAS
 [Print the children's names.] §

RESPONDENT'S ORIGINAL ANSWER

I, _____, am the Respondent in this case to Determine Parentage.
[Print the name of the Respondent.]

I file my Original Answer to the Original Petition to Determine Parentage and show the following:

[CHECK all that apply.]

1. General Denial

I am not the father of the children in this case.

2. Statute of Limitations

This case is barred by the Statute of Limitations because the children in this case have:

- an acknowledged father (man who signed an Acknowledgment of Paternity).
- an adjudicated father (the Court has named a father for this child).
- a presumed father (mother was married when the child was born).

This case was filed after the fourth anniversary of the acknowledgment, adjudication, or birth of the children.

3. Request for Genetic Testing

I ask the Court to order genetic testing.

4. Request to Deny Genetic Testing and Name the Presumed father

I ask the Court to deny genetic testing and to name the presumed father the legal father of the children. The mother and the presumed father have acted as though the presumed father is the children's father. It would be unfair to disprove the father-child relationship between the children and the presumed father. It is in the children's best interest to name the presumed father the father of the children. The Court should appoint a guardian ad litem for the children.

5. Admission of Paternity and Request for an Order

I am the father of the children named in this case. I ask the Court to name me the legal father of the children.

6. 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

[You must deliver a copy of your answer, and anything else you file in your court case, to each party. If the other party has a lawyer, you should serve the party's lawyer. You may serve your Original Answer by certified mail, hand delivery, fax, or by delivery service. Texas Rules of Civil Procedure, 21 (a).]

I swear that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on _____.
[PRINT month, day and year.]

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

READ THIS:

◆ This form **MUST BE COMPLETED** and **SIGNED** by the Respondent **AFTER** the Original Petition to Determine Parentage has been stamped by the Clerk's Office with the date and time that it was filed. **THERE ARE NO EXCEPTIONS TO THIS RULE.**

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

IN THE INTEREST OF

MINOR CHILDREN:

_____,
_____,

[Print the children's names.]

§
§ IN THE _____ COURT OF
§ _____ COUNTY, TEXAS
§
§
§
§
§

WAIVER OF CITATION

THE STATE OF TEXAS §
COUNTY OF _____ §

[Write in the name of the county where this Waiver of Citation is notarized.]

On this day, _____ appeared before me, the undersigned
[Print the name of the Respondent.]

authority, and after being sworn on oath by me said:

"I, _____,
[Print the name of the Respondent.]

am the Respondent in this suit to Determine Parentage.

"My mailing address is: _____
[Print Respondent's mailing address City State Zip]

"I have been given a copy of the Original Petition to Determine Parentage that was filed under this Cause Number. I have read the Original Petition to Determine Parentage and understand what it says. I do not want a constable, sheriff, or private process server to give me another copy of the Original Petition to Determine Parentage.

"I am entering an appearance by signing this Waiver of Citation, which I understand is a substitute for coming to court and telling the Judge my side of the facts. I also understand that

by signing this Waiver of Citation, I agree that the Judge in the county and state where this suit was filed can make decisions about my children even if this case should have been filed in another county or state.

“I do not want a record to be made of any testimony given in this case.

“I agree that this case may be heard by the Presiding Judge of the Court or by an Associate Judge or Referee of the Court who has been appointed by the Presiding Judge of the Court.

“I agree that the Judge can finalize this suit to Determine Parentage without asking me about my side of the facts, without my signature on the Final Order, and without further notice to me.”

Respondent [SIGN your name IN FRONT OF a Notary Public.]

To be completed by Notary Public:

State of Texas

County of _____

SWORN TO, and SUBSCRIBED before me on [Date] _____.

Signature of Notary Public of the State of Texas

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

IN THE INTEREST OF

§

MINOR CHILDREN:

§

IN THE

_____,

§

_____ COURT OF

_____,

§

_____,

§

_____ COUNTY, TEXAS

[Print the children's names.]

§

MOTION FOR GENETIC TESTING

I, _____, bring this motion for genetic testing.

[PRINT your first and last names.]

[Check one box] I am the Petitioner Respondent in this case.

1. The parties cannot agree to genetic testing. All necessary parties are before the Court; it is medically practical to take blood, buccal cells, bone, hair, or other body tissue or fluid samples for genetic testing of [the/each] child who is the subject of this suit; and genetic testing is required by section 160.502 of the Texas Family Code.
2. I ask the Court to set a hearing and issue orders for genetic testing and fees.
3. I ask the Court to order the parties to give blood, buccal cells, bone, hair, or other body tissue or fluid samples available to: [PRINT the expert's name.] _____, who is qualified in genetic testing and who is employed by: [PRINT the name of the expert's employer.] _____.

Respectfully submitted,

[PRINT your name and information.]

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

Name: _____

Phone: _____

Mailing _____

Address: _____

[City, State, Zip]

Certificate of Service

[You must deliver a copy of your answer, and anything else you file in your court case, to each party. If the other party has a lawyer, you should serve the party's lawyer. You may serve your Original Answer by certified mail, hand delivery, fax, or by delivery service. Texas Rules of Civil Procedure, 21 (a).]

I swear that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on _____.

[PRINT month, day and year.]

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

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

IN THE INTEREST OF

§

MINOR CHILDREN:

§

IN THE

_____,

§

_____, COURT OF

_____,

§

_____,

§

_____, COUNTY, TEXAS

[Print the children's names.]

§

ORDER FOR GENETIC TESTING

Today, the Court heard [PRINT your fist and last names.] _____'s motion for Genetic Testing.

The Court finds it medically practical to take blood, buccal cells, bone, hair, or other body tissue or fluid samples for genetic testing and that genetic testing has been requested and is required by section 160.502 of the Texas Family Code.

The Court ORDERS : [CHECK all that apply and print full name of individual in blank.]

- the mother, _____, and
- the presumed father, _____, and
- the alleged father, _____, and
- the alleged father, _____,

to present themselves to the following location at [time] _____ on [date] _____ to submit to genetic tests by the following experts:

Name of expert: _____
 Street address: _____
 City and State: _____
 Telephone: _____

The Court ORDERS those named above to remain at the genetic testing site until the genetic specimens have been collected. And to allow [PRINT name of genetic testing expert.] _____ or its designated agents or employees, to take blood, buccal cells, bone, hair, or other body tissue or fluid samples needed for genetic testing.

The Court orders the tests comply with Texas Family Code Chapter 160, and include a report in compliance with section 160.504 of the Texas Family Code.

The Court ORDERS the above named expert to file the original report with the Court and provide a copy of the report to the parties at the time the original report is filed.

The Court ORDERS the costs of genetic testing services be divided in the following manner:
[DESCRIBE how the genetic testing fees will be paid.]

SIGNED on _____.

JUDGE PRESIDING

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

**IN THE INTEREST OF
MINOR CHILDREN:**

§
§
§
§
§

IN THE
COURT OF

_____ COUNTY, TEXAS

[Print the children's names.]

MOTION FOR TEMPORARY ORDERS
[Parentage Suit]

My name is _____.
[PRINT your full name]

I am the: Petitioner. Respondent.

I am asking the Court to set a hearing for Temporary orders about support, custody, and visitation while this case pends.

Child Support:

[PRINT name of person who should pay child support.] _____ should be ordered to pay child support to _____ for the benefit of the children.
[PRINT name of person who should receive child support.]

Custody:

a. [PRINT name of person who should be named the Temporary Home-Parent.] _____ should be named Temporary Managing Conservator of the children.

b. [PRINT name of person who should be named the Temporary Co-Parent.] _____ should be named Temporary Possessory Conservator of the children.

Visitation:

I ask the Court to award periods of access to and possession of the children.

Hearing:

I ask the Court to set a hearing and grant the requested relief.

I ask for attorney’s fees.

I ask for general relief.

Respectfully submitted,

Respondent, Pro Se

[Sign your name on the line.]

[PRINT your name and information.]

Name:

Phone:

Mailing

Address:

Certificate of Service

[You must deliver a copy of your answer, and anything else you file in your court case, to each party. If the other party has a lawyer, you should serve the party’s lawyer. You may serve your Special Appearance by certified mail, hand delivery, fax, or by delivery service. Texas Rules of Civil Procedure, 21 (a).]

I swear that a true copy of the above was served on each attorney of record or party in accordance with the Texas Rules of Civil Procedure on _____.
[PRINT month, day and year.]

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

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

**IN THE INTEREST OF
MINOR CHILDREN:**

§
§
§
§
§

IN THE
COURT OF

_____ COUNTY, TEXAS

[Print the children's names.]

ORDER SETTING HEARING FOR TEMPORARY ORDERS
[Parentage Suit]

Today the Court considered the Motion for Temporary Orders filed by:

the Petitioner. the Respondent.

IT IS ORDERED that a hearing is set on [date]_____ at [time]_____.

The hearing is to determine whether, while this case pends,

- a. _____ should be named Temporary Managing Conservator of the children,
- b. _____ should be named Temporary Possessory Conservator of the children,
- c. _____ should be ordered to pay child support to Movant for the use and benefit of the children,
- d. periods of access to and possession of the children for Movant and Respondent,
- e. Respondent should be ordered to pay reasonable attorney's fees and expenses.

SIGNED on [date]_____ at [time]_____.

JUDGE PRESIDING

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

IN THE INTEREST OF §
 MINOR CHILDREN: § IN THE
 _____, § _____ COURT OF
 _____, §
 _____, § _____ COUNTY, TEXAS
 [Print the children's names.] §

ORDER APPOINTING ATTORNEY/GUARDIAN AD LITEM FOR CHILD
[Parentage Suit]

Today, the Court considered appointing an attorney ad litem or a guardian ad litem for the children.

Findings: [CHECK all that apply.]

- The Court finds the child has been made a party to this suit. Appointing an attorney ad litem is necessary.
- A party asked the Court to deny genetic testing because the child has an important relationship with the presumed father. Appointing a guardian ad litem is mandatory.
- The Court finds it is necessary to appoint an attorney ad litem because the child's interests are not fully represented.

Appointment: [CHECK all that apply.]

- The Court APPOINTS _____ attorney ad litem to represent the children in this suit. This appointment is effective immediately and remains in effect while this suit pends or until further order of the Court.
- The Court APPOINTS _____ attorney ad litem to represent the children in this suit. This appointment is effective immediately and remains in effect while this suit pends or until further order of the Court.

The Court ORDERS that the reasonable fees and expenses of the attorney/guardian ad litem shall be borne in the following manner: [DESCRIBE how the fees will be paid.]

SIGNED on _____.

 JUDGE PRESIDING

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

IN THE INTEREST OF §
 MINOR CHILDREN: § IN THE
 _____, § COURT OF
 _____, §
 _____, § COUNTY, TEXAS
 _____ §
 [Print the children's names.] §

ORDER DETERMINING PARENTAGE

Today, the Court heard this case.

APPEARANCES [CHECK all that apply.]

Petitioner:

- Petitioner, _____, appeared in person and announced ready for trial.
- Petitioner, _____, did not appear in person but has agreed to the terms of this order as evidenced by Petitioner's signature below.

Respondent A:

- Respondent A, _____, appeared in person, and announced ready for trial.
- although duly and properly cited, did not appear and wholly made default.
- waived issuance and service of citation by waiver duly filed and, after receiving proper notice, did not otherwise appear.
- has made a general appearance and has agreed to the terms of this order, as evidenced by the signature of Respondent below.

Respondent B:

- Respondent B, _____, appeared in person, and announced ready for trial.
- although duly and properly cited, did not appear and wholly made default.
- waived issuance and service of citation by waiver duly filed and, after receiving proper notice, did not otherwise appear.
- has made a general appearance and has agreed to the terms of this order, as evidenced by the signature of Respondent below.

Respondent C:

- Respondent C, _____, appeared in person, and announced ready for trial.
- although duly and properly cited, did not appear and wholly made default.
- waived issuance and service of citation by waiver duly filed and, after receiving proper notice, did not otherwise appear.
- has made a general appearance and has agreed to the terms of this order, as evidenced by the signature of Respondent below.

Respondent D:

- Respondent D, _____, appeared in person, and announced ready for trial.
- although duly and properly cited, did not appear and wholly made default.
- waived issuance and service of citation by waiver duly filed and, after receiving proper notice, did not otherwise appear.
- has made a general appearance and has agreed to the terms of this order, as evidenced by the signature of Respondent below.

Respondent E:

- Respondent E, _____, appeared in person, and announced ready for trial.
- although duly and properly cited, did not appear and wholly made default.
- waived issuance and service of citation by waiver duly filed and, after receiving proper notice, did not otherwise appear.
- has made a general appearance and has agreed to the terms of this order, as evidenced by the signature of Respondent below.

Ad litem

- _____, the Court-appointed guardian ad litem for the children also appeared.
- _____, the Court-appointed attorney ad litem for the children also appeared.
- _____, the Court-appointed attorney ad litem for _____ also appeared.
- _____, the Court-appointed attorney ad litem for _____ also appeared.
- _____, the Court-appointed attorney ad litem for _____ also appeared.

JURISDICTION

The Court finds that it has jurisdiction of this case and all of the parties. All persons entitled to citation were properly cited.

RECORD

- 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 a 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.]

CHILDREN

The Court finds that 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	_____	_____	_____	_____	_____

ADJUDICATION OF NONPARENTAGE

The Court finds that admissible results of genetic testing exclude _____
[PRINT name of nonfather.]
or identify another man as the father of the child _____.
[PRINT name of child.]

IT IS ORDERED that _____
[PRINT name of nonfather.]
is not, and he is adjudicated not to be, the father of the child _____,
[PRINT name of child.]
born on [date] _____ to [mother] _____.

ATTORNEY’S FEES

IT IS ORDERED that good cause exists to award _____
[PRINT name of attorney ad litem.]
judgment in the amount of \$ _____ for attorney’s fees, expenses, and costs incurred.

The judgment, for which let execution issue, is awarded against:

- Petitioner Respondent A Respondent B
- Respondent C Respondent D Respondent E

[PRINT name of party ordered to pay.] _____ is ORDERED to
pay the fees, expenses, costs, and interest to _____ at
[PRINT name of attorney ad litem.]
[PRINT address.] _____ by cash, cashier’s check, or money order
on or before [date]. _____

[PRINT name of attorney.] _____ may enforce this judgment
for fees, expenses, and costs in his or her own name by any means available for the enforcement
of a judgment for debt.

PARENTAGE FINDINGS [CHECK ALL THAT APPLY.]

- The Court finds that the alleged father, [PRINT alleged father's name.] _____, was duly and properly cited but did not appear and wholly made default, that the return of citation has been on file for at least ten days, and that evidence before the Court shows him to be the father of [PRINT name of child.]_____.

- The Court finds that the alleged father, [PRINT alleged father's name.] _____, has admitted to the paternity of the child, [PRINT child's name.] _____, by pleading or in open court under oath and that there is no reason to question the admission.

- The Court finds that the alleged father, [PRINT alleged father's name.] _____, has denied parentage of [PRINT child's name.] _____, but refused to submit to genetic testing.

- The Court finds the mother has denied that the alleged father, [PRINT alleged father's name.] _____, is the father of [PRINT child's name.] _____, but refused to submit to genetic testing.

- The Court finds that [PRINT alleged father's name.] _____ has denied parentage but that the genetic testing results show him to be the father of the child, [PRINT child's name.] _____.

- The Court finds that _____ is the presumed / acknowledged / adjudicated father of [PRINT child's name.] _____ and that admissible results of genetic testing do not exclude him or identify another man as the father of the child.

ADJUDICATION OF PARENTAGE

IT IS ORDERED that [PRINT father's name.] _____ is, and he is adjudicated to be, the father of [PRINT child's name.] _____ born on [date] _____ to _____, mother, and that the parent-child relationship between the father and the child is established for all purposes.

PARENTING PLAN - CONSERVATORSHIP, SUPPORT, AND HEALTH-CARE EXPENSES

The Court finds that the Exhibits described below are the Parenting Plan and are incorporated into this decree for all purposes.

The Court finds that the orders set out in Exhibit Conservatorship are in the best interest of the children.

The Court finds that the orders set out in Exhibit Child Support, attached, are in the best interest of the children.

The Court finds that the orders set out in Exhibit Medical Support, attached, are in the best interest of the children.

The Court finds that the orders set out in Exhibit Possession and Access, attached, are in the best interest of the children.

The Court finds that _____ should be ordered to
[PRINT name of person ordered to share in health-care expenses.]
pay an equitable portion of all prenatal and postnatal health-care expenses of the mother and the children. It should be paid as follows:

NAMES OF CHILDREN

IT IS ORDERED that the child formerly known as _____
[PRINT child's former first, last, and middle names.]
shall hereafter be named _____.
[PRINT child's new first, last, and middle names.]

AMENDMENT OF BIRTH CERTIFICATE

IT IS ORDERED that the bureau of vital statistics shall amend the birth record of the child formerly known as [PRINT child's former first, last, and middle names.] _____, by :

[CHECK all that apply.]

- adding [PRINT the father's name.] _____, identified as the father by this order as the father of the child.
- and by removing [PRINT the non-father's name.] _____, adjudicated by this order as not being the father of the child, from the birth record.
- changing the child's name as specified above.

REQUIRED INFORMATION

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

REQUIRED NOTICES

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE 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 EACH 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 PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH 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 EACH 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 PUNISHED 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 the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested. Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of this Court or by registered or certified mail addressed to the clerk at _____[address.] Notice shall be given to the state case registry by mailing a copy of the notice to State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

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.

WARNINGS

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED 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.

COSTS

All costs of court in this case are adjudged against _____, for which let execution issue.

IT IS ORDERED that _____ is awarded a judgment of \$_____ against _____ for costs of court incurred in this case, with interest at _____ percent per year compounded annually from the date the judgment is signed until paid, for which let execution issue.

IT IS ORDERED that costs of court are to be borne by the party who incurred them, for which let no execution issue.

IT IS ORDERED that all costs of court expended in this case are taxed one-half against Petitioner, _____, and one-half against Respondent, _____, for which let execution issue.

RELIEF NOT GRANTED

IT IS ORDERED that all relief requested in this case and not expressly granted is denied.

DATE OF ORDER

SIGNED on _____.

JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

[Petitioner's signature]
[Address] _____
[Telephone] _____
[Fax] _____

[Printed name]

Respondent A's signature
[Address] _____
[Telephone] _____
[Fax] _____

[Printed name]

[Respondent B's signature]
[Address] _____
[Telephone] _____
[Fax] _____

[Printed name]

[Respondent C's signature]
[Address] _____
[Telephone] _____
[Fax] _____

[Printed name]

Respondent D's signature
[Address] _____
[Telephone] _____
[Fax] _____

[Printed name]

Respondent E's signature
[Address] _____
[Telephone] _____
[Fax] _____

[Printed name]

Guardian Ad Litem's signature
[Address] _____
[Telephone] _____
[Fax] _____

[Printed name]

Attorney Ad Litem's signature
State Bar No.: _____
[Address] _____
[Telephone] _____
[Fax] _____

[Complete this order if child support has been ordered.]

CAUSE NO. _____

[Fill out cause number and heading information EXACTLY as it is written on the Petition]

IN THE INTEREST OF

§

MINOR CHILDREN:

§

IN THE

_____, §

_____ COURT OF

_____, §

_____, §

_____ COUNTY, TEXAS

[Print the children's names.]

§

EMPLOYER'S ORDER TO WITHHOLD FROM EARNINGS FOR CHILD SUPPORT

The Court ORDERS you, the employer of _____, Obligor, to withhold income from the Obligor's disposable earnings from this employment as follows:

OBLIGOR: *(the person who pays child support)*

Name: _____ Social Security Number: _____

Address: _____

OBLIGEE: *(the person who receives child support)*

Name: _____ Social Security Number: _____

Address: _____

CHILDREN:

1. Child's name: _____ Date child turns 18: _____
Social Security #: _____ Birth Place: _____
Birth Date _____

2. Child's name: _____ Date child turns 18: _____
Social Security #: _____ Birth Place: _____
Birth Date _____

3. Child's name: _____ Date child turns 18: _____
Social Security #: _____ Birth Place: _____
Birth Date _____

REFERENCE TO THE INCOME WITHHOLDING LAW.

Attached to this order is a copy of subchapter C, Chapter 158, of the Texas Family Code, which sets forth rights, duties, and potential liabilities of employers, in addition to the provisions of this order.

WITHHOLDING EARNINGS FOR CHILD SUPPORT.

The Court ORDERS that any employer of Obligor shall begin withholding from Obligor's disposable earnings no later than the first pay period following the date this order is served on that employer.

METHOD OF PAYMENT.

The Court ORDERS the employer, on each pay date, to remit all amounts withheld through the Texas Child Support State Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, for distribution according to law. The Court ORDERS the employer to include the following information with each payment:

1. The date of withholding
2. The number assigned by the title IV-D agency (if available), the county identification number (if available), or the cause number: _____.
3. Obligor's Name (*person who pays*): _____.
4. Obligee's Name (*person who receives*): _____.

MAXIMUM AMOUNT WITHHELD.

The maximum amount to be withheld shall not exceed 50 percent of Obligor's disposable earnings.

ORDER TO WITHHOLD.

The Court ORDERS the employer to withhold the following amounts from the earnings of Obligor:

\$ _____ if Obligor is PAID MONTHLY, which is:
 \$ _____ on current support and
 \$ _____ on the medical support owed
 (*if the Obligor is reimbursing the Receiver for health insurance premiums for the children, and the reimbursement is included in the monthly child support amount.*)

\$ _____ if Obligor is PAID TWICE MONTHLY, which is:
 \$ _____ on current support and
 \$ _____ on the medical support owed
 (*Divide monthly child support amount by two.*)

\$ _____ if Obligor is PAID EVERY OTHER WEEK, which is:
 \$ _____ on current support and
 \$ _____ on the medical support owed
 (*Multiply monthly child support by 12, then divide by 26.*)

\$ _____ if Obligor is PAID EVERY WEEK, which is:
 \$ _____ on current support and
 \$ _____ on the medical support owed
 (*Multiply monthly child support by 12, then divide by 52.*)

Until one of the following events occur:

1. The child reaches the age of eighteen years, *provided that*,
 - (a) The child is enrolled in an accredited secondary school program leading toward a high school diploma, or in courses for joint high school and junior college credit, or on a full-time basis in a private secondary school program leading toward a high school diploma; *and*
 - (b) *The child is complying with the minimum attendance requirements* of Chapter 25 of the Education Code, or the minimum attendance requirements imposed by the school in which the child is enrolled, if the child is enrolled in a private secondary school;

then the periodic child-support payments shall continue to be due and paid until the end of the month in which the child graduates; or
2. The child marries; or
3. The child dies; or
4. The child's disabilities are otherwise removed for general purposes; or
5. The date on which the Court enters a further order modifying child support, or
6. The Court makes a finding that the child is 18 years of age or older and has failed to comply with the enrollment or attendance requirements described above; or
7. The marriage or re-marriage of Obligor and Obligee.

B. [Complete this section if you and your spouse **agree to lower** the monthly amount of **child support** paid by Obligor **EACH TIME** that a child of the marriage no longer requires child support.]

IT IS ORDERED that Obligor must pay and shall pay child support to Obligee in the amount of \$_____ per month, with the first payment being due and payable on the first day of the first month immediately following the date this decree is signed, and the same amount is due and payable on the first day of each month thereafter until the first month following the date on which one of the following events has occurred with respect to each and every child subject of this suit:

1. The child reaches the age of eighteen years, *provided that*,
 - (a) The child is enrolled in an accredited secondary school program leading toward a high school diploma, or in courses for joint high school and junior college credit, or on a full-time basis in a private secondary school program leading toward a high school diploma; *and*
 - (b) *The child is complying with the minimum attendance requirements* of Chapter 25 of the Education Code, or the minimum attendance requirements imposed by the school in which the child is enrolled, if the child is enrolled in a private secondary school;

Then the periodic child-support payments shall continue to be due and paid until the end of the month in which the child graduates; or

2. The child marries; or

3. The child dies; or
4. The child's disabilities are otherwise removed for general purposes; or
5. The date on which the Court enters a further order modifying child support, or
6. The Court makes a finding that the child is 18 years of age or older and has failed to comply with the enrollment or attendance requirements described above; or
7. The marriage or re-marriage of Obligor and Obligee.

Thereafter, Obligor is ORDERED to pay to Obligee child support of _____ per month, due and payable on the first day of the first month immediately following the date of the earliest occurrence of one of the events specified above for another child and the same amount being due on the first day of each month thereafter until the next occurrence of one of the events specified above for another child.

Thereafter, Obligor is ORDERED to pay to Obligee child support of _____ per month, due and payable on the first day of the first month immediately following the date of the earliest occurrence of one of the events specified above for another child and the same amount being due on the first day of each month thereafter until the next occurrence of one of the events specified above for another child.

CALCULATING DISPOSABLE EARNINGS.

The employer shall calculate Obligor's disposable earnings, which are subject to withholding for child support, as follows:

- A. Determine the "earnings" of Obligor. "Earnings" means a payment to or due an individual, regardless of source and how denominated, and includes a periodic or lump-sum payment for wages, salary, compensation received as an independent contractor, overtime pay, severance pay, commission, bonus, and interest income; payments made under a pension, an annuity, workers' compensation, and a disability or retirement program; and unemployment benefits.
- B. Subtract the following sums to calculate Obligor's "disposable earnings":
 - (1) any amounts required by law to be withheld, that is, federal income tax and federal FICA or OASI tax (Social Security), Railroad Retirement Act contributions;
 - (2) union dues;
 - (3) nondiscretionary retirement contributions by the Obligor; and
 - (4) medical, hospitalization, and disability insurance coverage for Obligor and Obligor's children.

MORE THAN ONE ORDER WITHHOLDING.

If you receive more than one "Writ of Withholding" or "Employer's Order to Withhold Earnings for Child Support" for Obligor, you shall pay an equal amount towards the current support portion of all orders or writs until each is individually complied with, and thereafter pay equal amounts on the arrearage portion of all orders or writs until each is complied with, or until the maximum total amount of allowable withholding, 50 percent of the Obligor's

disposable earnings, is reached, whichever occurs first.

TERMINATION OF WITHHOLDING.

For as long as Obligor is employed by you, you, the employer of Obligor, shall continue to withhold income in accordance with this order until the youngest child reaches eighteen years of age or graduates from high school, whichever occurs last. This order indicates when each child reaches eighteen years of age. Written notice from a child's school of the child's high-school graduation will constitute notice of graduation to you.

NOTICE OF CHANGE OF EMPLOYMENT.

The Court ORDERS the employer to notify the Court and Obligee within seven days of the date that Obligor terminates employment. The Court ORDERS the employer to provide Obligor's last known address and the name and address of the Obligor's new employer, if known.

MEDICAL CHILD-SUPPORT ORDER

If this box is checked, the Court ORDERS the employer to provide health insurance for Obligor's children as set out in the Medical Child-Support Order, a copy of which is attached to this order and incorporated in it for all purposes.

Signed on _____

JUDGE PRESIDING

Every case will include a Petitioner and a Respondent. Most cases won't include a Respondent B and Respondent C. If your case doesn't include more than two parties, you won't have a Respondent B or Respondent C. If you don't have a Respondent B or Respondent C in your case, mark a line through choices that name Respondent B or Respondent C.

Exhibit Conservatorship (Custody)

It's presumed to be best for children when both parents and parties are Joint Managing Conservators. This means the parties make decisions together about the children's health, education, and welfare. But sometimes, the Court finds it best for only one party to make most of the decisions for the children. In those rare cases, the party who makes the decisions is called a Sole Managing Conservator, and the other party is named a Possessory Conservator. In both a Joint Managing Conservatorship and a Sole Managing Conservatorship, one party must be named the Home-parent, the party who designates the child's primary residence. The other party is a Co-Parent who does not have primary custody of the child.

IT IS ORDERED *Petitioner* is named: [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, with the exclusive right to establish the children's primary residence, (Home-Parent)
- Possessory Conservator, (Co-Parent)

and *Respondent A*, _____, is named [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, with the exclusive right to establish the children's primary residence, (Home-Parent).
- Possessory Conservator (Co-Parent).

and *Respondent B*, _____, is named [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, with the exclusive right to establish the children's primary residence, (Home-Parent).
- Possessory Conservator (Co-Parent).

and **Respondent C**, _____, is named [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, with the exclusive right to establish the children's primary residence, (Home-Parent).
- Possessory Conservator (Co-Parent).

Every case will include a Petitioner and a Respondent. Most cases won't include a Respondent B and Respondent C. If your case doesn't include more than two parties, you won't have a Respondent B or Respondent C. If you don't have a Respondent B or Respondent C in your case, mark a line through choices that name Respondent B or Respondent C.

It is possible to have more than one person ordered to pay child support. This may be the case for you, if your case has more than one respondent.

Exhibit Child Support Order

[It is presumed it is in a child's best interest for the Co-Parent to pay child support to the Home Parent according to the child support guidelines found in Chapter 154 of the Texas Family Code. **NOTE: If you have guideline child support ordered, you must complete one of the following sections. Choose either Section A or Section B of this Exhibit Child Support Order.**]

[If the child support order differs significantly from the child support guidelines of Chapter 154, you must explain the reason for the difference to the Court. **NOTE: If the child support ordered differs significantly from the child support guidelines, you must also complete Section C of this Exhibit Child Support Order.**]

["Guideline Child Support" is based on the formula that Obligor pays 20% of his or her net resources to support one child, and an additional 5% for each additional child of this suit. This percentage may be reduced if Obligor is responsible for supporting additional children from another relationship. See Section 154 of the Texas Family Code for a complete discussion of the child support guidelines.

Obligors are not required to support children who have reached the age of eighteen (18) **and** have graduated or left high school. Some Obligors choose to continue paying the same amount of support even after an older child has reached the age of eighteen (18) and left school.

If you have more than one child in need of support, parties may agree to keep child support at the same level, even though the law no longer requires the Obligor to support a particular child. However, if the Obligor prefers that child support be reduced as each child no longer requires child support, he or she is entitled to a "**step down**" (reduction of the child support ordered), to accurately reflect the actual number of children that the law requires the Obligor to support.]

Obligor. (Co-Parent) In this order and this Exhibit: [Check all that apply.]

- Petitioner is the Obligor, the person who must pay child support.
OR
 Respondent A is the Obligor, the person who must pay child support.
OR
 Respondent B is the Obligor, the person who must pay child support.
OR
 Respondent C is the Obligor, the person who must pay child support.

Obligee. (Home-Parent) In this order and this Exhibit: [Check only one.]

- Petitioner is the Obligee, the person who has a right to receive child support.
OR
 Respondent A is the Obligee, the person who has a right to receive child support.
OR
 Respondent B is the Obligee, the person who has a right to receive child support..
OR
 Respondent C is the Obligee, the person who has a right to receive child support..

A. Constant Child Support Order

[Complete this section IF the parties agree that Obligor should **pay the same amount of child support** *until each and every* child of the suit no longer requires child support. If the parties do not agree to have a constant child support order, then skip this section and complete Section B, Step Down Child Support order, where the Obligor receives a reduction in child support as each individual child no longer requires child support.]

IT IS ORDERED that Obligor (Co-Parent) must pay and shall pay child support to Obligee (Home-Parent) in the amount of \$_____ per month. The first payment is due and payable on the first day of the first month immediately following the date this order is signed.

IT IS FURTHER ORDERED that the same amount is due and payable on the first day of each month thereafter until the first month *following* the date on which one of the following events has occurred with respect to *each and every* child subject of this suit:

1. The child reaches the age of eighteen years, *provided that*,
 - (a) The child is enrolled in an accredited secondary school program leading toward a high school diploma, or in courses for joint high school and junior college credit, or on a full-time basis in a private secondary school program leading toward a high school diploma; *and*
 - (b) *The child is complying with the minimum attendance requirements* of Chapter 25 of the Education Code, or the minimum attendance requirements imposed by the school in which the child is enrolled, if the child is enrolled in a private secondary school;

Then the periodic child-support payments shall continue to be due and paid until the end of the month in which the child graduates; or

2. The child marries; or
 3. The child dies; or
 4. The child's disabilities are otherwise removed for general purposes; or
 5. The date on which the Court enters a further order modifying child support, or
 6. The Court makes a finding that the child is 18 years of age or older and has failed to comply with the enrollment or attendance requirements described above.
 7. The marriage or re-marriage of Obligor and Obligee.
-

B. “Step Down Child Support Order”

[Complete this section if the parties **agree to lower** the monthly amount of **child support** paid by Obligor, Co-Parent, **EACH TIME** a child of the suit no longer requires child support.]

IT IS ORDERED that Obligor (Co-Parent) must pay and shall pay child support to Oblige (Home-Parent) in the amount of \$_____ per month. The first payment is due and payable on the first day of the first month immediately following the date this order is signed.

IT IS FURTHER ORDERED that the same amount is due and payable on the first day of each month thereafter until the first month following the date on which one of the following events has occurred with respect to any child subject of this suit:

1. The child reaches the age of eighteen years, *provided that*,
 - (c) The child is enrolled in an accredited secondary school program leading toward a high school diploma, or in courses for joint high school and junior college credit, or on a full-time basis in a private secondary school program leading toward a high school diploma; *and*
 - (d) *The child is complying with the minimum attendance requirements* of Chapter 25 of the Education Code, or the minimum attendance requirements imposed by the school in which the child is enrolled, if the child is enrolled in a private secondary school;Then the periodic child-support payments shall continue to be due and paid until the end of the month in which the child graduates; or
2. The child marries; or
3. The child dies; or
4. The child’s disabilities are otherwise removed for general purposes; or
5. The date on which the Court enters a further order modifying child support, or
6. The Court makes a finding that the child is 18 years of age or older and has failed to comply with the enrollment or attendance requirements described above.
7. The marriage or re-marriage of Obligor and Oblige.

Thereafter, Obligor (Co-Parent) is ORDERED to pay to Oblige (Home-Parent) child support of \$_____ per month, due and payable on the first day of the first month immediately following the date of the earliest occurrence of one of the events specified above for another child and the same amount being due on the first day of each month thereafter until the next occurrence of one of the events specified above for another child.

Thereafter, Obligor (Co-Parent) is ORDERED to pay to Oblige (Home-Parent) child support of \$_____ per month, due and payable on the first day of the first month immediately following the date of the earliest occurrence of one of the events specified above for another child and the same amount being due on the first day of each month thereafter until the next occurrence of one of the events specified above for another child.

Thereafter, Obligor (Co-Parent) is ORDERED to pay to Oblige (Home-Parent) child support of \$_____ per month, due and payable on the first day of the first month immediately following the date of the earliest occurrence of one of the events specified above for another child and the same amount being due on the first day of each month thereafter until the next occurrence of one of the events specified above for another child.

Thereafter, Obligor (Co-Parent) is ORDERED to pay to Obligee (Home-Parent) child support of \$_____ per month, due and payable on the first day of the first month immediately following the date of the earliest occurrence of one of the events specified above for another child and the same amount being due on the first day of each month thereafter until the next occurrence of one of the events specified above for another child.

Thereafter, Obligor (Co-Parent) is ORDERED to pay to Obligee (Home-Parent) child support of \$_____ per month, due and payable on the first day of the first month immediately following the date of the earliest occurrence of one of the events specified above for another child and the same amount being due on the first day of each month thereafter until the next occurrence of one of the events specified above for another child.

C. Deviation from Child Support Guidelines

[Complete this section, Deviation from Child Support Guidelines **ONLY IF** the child support ordered is significantly more or less than the child support recommended in the Child Support Guidelines found in Chapter 154 of the Texas Family Code.]

In accordance with Texas Family Code section 154.130, the Court makes the following findings and conclusions regarding the child-support order made in open court in this case on this day:

1. The application of the guidelines in this case would be unjust or inappropriate.
2. The amount of net resources available to the Obligor (Co-Parent) per month is \$_____.
[Net resources are all wage and salary income, including: commission, overtime pay, tips and bonuses; interest, dividends, and royalty income; self-employment income; rental income (income received from rentals after expenses and mortgage payments); and all income actually received (including retirement pay, pensions, trust income, annuities, capital gains, social security benefits, unemployment benefits, disability and worker’s compensation benefits, interest from notes, gifts and prizes, spousal maintenance, and alimony).]
3. The amount of net resources available to the Obligee (Home Parent) per month is \$_____.
4. The number of minor children before the Court is _____. (minor children husband and wife have together)
5. The names and birth dates of all children not before the Court who reside in the same household with the Obligor (Co-parent) and/or for whom the Obligor (Co-parent) has a legal duty to pay support are as follows: [PRINT the names and birth dates of the minor children Obligor has who are not Obligee’s biological children, and for whom Obligor provides support or who reside with Obligor.]

Full Name:	Birth Date:
Full Name:	Birth Date:
Full Name:	Birth Date:
Full Name:	Birth Date:
Full Name:	Birth Date:

6. If the percentage guidelines of section 154.125 or 154.129 of the Texas Family Code are applied to the first \$6,000 of Obligor’s (Co-Parent’s) net resources, the amount of child-support payments per month is \$_____.
7. The percentage applied to the first \$6,000 of Obligor’s (Co-Parent’s) net resources for child support by the actual order rendered by the Court is _____ % (percent).
8. The specific reasons that the amount of child support per month ordered by the Court is different from the amount computed by applying the percentage guidelines of section 154.125 or 154.129 of the Texas Family Code are:

D. Withholding from Earnings

IT IS ORDERED that any employer of Obligor shall be ordered to withhold from earnings for child support from the disposable earnings of Obligor for the support of the children who are the subject of this suit. [Obligor’s employer must take out child support from Obligor’s paycheck.]

E. Suspension of Withholding from Earnings

The COURT FINDS that good cause exists, or the parties agree, that no order to withhold earnings for child support should be delivered to any employer of Obligor as long as no delinquency or other violation of the child support order occurs. A delinquency occurs when Obligor is behind in child support payments for more than thirty days, or the past due amount equals or is greater than the amount due for a one-month period. If a delinquency or other violation occurs, upon request, the clerk shall deliver the order to withhold earnings as provided in this order.

[Check this box ONLY IF the parties agree that you do not want the Obligor’s employer to take child support out of Obligor’s paycheck.]

ACCORDINGLY, IT IS ORDERED that, as long as no delinquency or other violation of this child support order occurs, all payments shall be made through the Child Support State Disbursement Unit and then promptly forwarded to the Obligee for the support of the children. If a delinquency or other violation occurs, all payments shall be made according to the order to withhold earnings as provided in this order.

F. Withholding as Credit against Support Obligation.

[If the employer fails to deduct it or does not deduct the correct amount, Obligor must pay directly to the child support registry.]

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of Obligor by the employer and paid in accordance with the order to that employer shall constitute a credit against the child-support obligation. Payment of the full amount of child-support ordered paid by this decree through the means of withholding from earnings shall discharge the child-support obligation. If the amount withheld from earnings and credited against the child-support obligation is less than 100 percent of the amount ordered to be paid by this decree, the balance due remains an obligation of Obligor, and it is hereby ORDERED that Obligor pay the balance due directly to the local registry of the court specified below.

G. Order to Employer.

[If child support is ordered, then the Court will sign an Employer’s Order to Withhold Earnings for Child Support, even if the parties agree not to have the order served at this time. The order tells the employer to have child support taken out of Obligor’s paycheck. Either parent can have a process server officially give this Order to the employer. Parents can also agree not to give it to the employer, so that child support will not be deducted from the Obligor’s paycheck. If parents choose not to give the Order to the employer, Obligor still must pay child support directly to the child support registry.]

“On this date the Court signed an Employer’s Order to Withhold from Earnings for Child Support.”

IT IS ORDERED that, on the request of a prosecuting attorney, the attorney general, Obligee, or Obligor, the clerk of this Court shall cause a certified copy of the “Employer’s Order to Withhold from Earnings for Child Support” to be delivered to any employer.

IT IS FURTHER ORDERED that the clerk of this Court shall attach a copy of subchapter C of chapter 158 of the Texas Family Code for the information of any employer.

H. Payments through Child Support State Disbursement Unit

[It is Texas law that all child support payments must be made through the state registry, before they are forwarded to the Obligee. No credit is given for payments that are not made through the registry.]

IT IS ORDERED that all payments shall be made through Child Support State Disbursement Unit, PO Box 659791, San Antonio, Texas 78265-9791, and then forwarded by that agency to Obligee for support of the children.

I. Establishment of Account and Payment of Domestic Relations Office Service Fee

- (a) IT IS ORDERED THAT both the Obligor and Obligee shall complete a “Request to Establish an Account” form and deliver it to the Domestic Relations Office within 5 days after the court has approved and signed this decree.
- (b) Upon receipt of this form, the Domestic Relations Office shall set up and open an account in the State Disbursement Unit database in order that all payments of child support received by that Unit can be distributed according to law.
- (c) IT IS FURTHER ORDERED THAT, at the time an account is established at the Domestic Relations Office, that both the Obligor and Obligee shall each pay the required service fee, as authorized by Texas Family Code Section 203.005 (a)(5).
- (d) Each party is ordered to pay this fee each and every year that a child support account remains active with the Domestic Relations Office.

J. No Credit for Informal Payments

IT IS ORDERED that the child support as prescribed in this decree shall be exclusively discharged in the manner ordered and that any direct payments made by Obligor to Obligee or any expenditures incurred by Obligor during Obligor’s periods of possession of or access to the children, as prescribed in this decree, for food, clothing, gifts, travel, shelter, or entertainment are deemed in addition to and not in lieu of the support ordered in this decree.

[No credit is given for child support payments that are not made through the State Disbursement Unit.]

K. Support as Obligation of Estate

IT IS ORDERED that the provisions for child support in this decree shall be an obligation of the estate of Obligor and shall not terminate on the death of Obligor. Payments received for the benefit of the children from the Social Security Administration, Department of Veteran’s Affairs, other government agency, or life insurance shall be a credit against this obligation.

[If Obligor dies, Obligor’s estate, if any, must pay the remaining child support due. If Social Security Administration, etc., is making payments to the child, then this money is credited toward any remaining child support due.]

L. Notice of Change of Address

[Obligor must notify the Court of a change in address or employment.]

IT IS FURTHER ORDERED that Obligor shall notify this Court and Obligee by US certified mail, return receipt requested, of any changes of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of Obligor and the name and address of Obligor’s current employer, whenever that information becomes available.

Every case will include a Petitioner and a Respondent. Most cases won't include a Respondent B and Respondent C. If your case doesn't include more than two parties, you won't have a Respondent B or Respondent C. If you don't have a Respondent B or Respondent C in your case, mark a line through choices that name Respondent B or Respondent C.

Exhibit Medical Support Order

1. **Insurance Payor.** In this order and this Exhibit [Check only one.]:
 - Petitioner is the Payor, the person who must provide and pay for health insurance for the children.
 - OR**
 - Respondent A is the Payor, the person who must provide and pay for health insurance for the children.
 - OR**
 - Respondent B is the Payor, the person who must provide and pay for health insurance for the children.
 - OR**
 - Respondent C is the Payor, the person who must provide and pay for health insurance for the children.

2. **Insurance Receiver.** In this order and this Exhibit [Check only one.]:
 - Petitioner is the Insurance Receiver, the person entitled to insurance information.
 - OR**
 - Respondent A is the Insurance Receiver, the person entitled to insurance information.
 - OR**
 - Respondent B is the Insurance Receiver the person entitled to insurance information.
 - OR**
 - Respondent C is the Insurance Receiver the person entitled to insurance information.

3. **Definitions.**
 - (a) "Health insurance" means insurance coverage that provides basic health-care services, including doctor services, office visits, hospitalization, laboratory, X-ray, and emergency services.
 - (b) "Reasonable cost" means the cost of the health insurance premium is not more than 10 % of the Payor's net monthly income.
 - (c) "Through employment" means through the party's employment or membership in a union, trade association, or other organization.
 - (d) "Insuring Party" means the person who actually provides the health insurance, either Payor or Receiver.
 - (e) "Constructive trustee" means the person who is sent reimbursement from the insurance carrier.

4. Payor's Responsibility.

Payor is ORDERED to provide health insurance for the children. Payor may provide health insurance through one of the following:

- (a) Payor's employment
- (b) Receiver's employment
- (c) Private health insurance
- (d) Public health insurance program
- (e) Monthly medical support payments

5. Insurance through Payor's Employment

If health insurance for the children is available through Payor's employment, at a reasonable cost, Payor IS ORDERED to insure the parties' children through Payor's employment.

6. Insurance through Receiver's Employment.

- (a) If health insurance for the children is not available to Payor at a reasonable cost, but is available to Receiver at a reasonable cost, then Receiver IS ORDERED to cover the children as dependents on Receiver's health insurance plan, and Payor IS ORDERED to reimburse Receiver the cost of insuring the children.
- (b) Reimbursement is due on the first day of the first month following written request for payment, and on the first day of each month thereafter.

7. If health insurance is not available at a reasonable cost.

- (a) If health insurance is not available at a reasonable cost for the children through either party's employment, Payor IS ORDERED to purchase health insurance for the party's children.
- (b) Payor shall provide proof of coverage and the plan summary to Receiver within 7 days of obtaining coverage.

[Complete the next section ONLY IF, at the time of this order, Receiver provides health insurance, and Payor reimburses Receiver, AND the reimbursement is already included in Payor's monthly child support.]

8. Medical Support Payment Included in Child Support Amount.

The Court finds that Receiver currently provides health insurance for the children at a cost of \$_____ per month, and that reimbursement for this monthly health insurance premium is included in Payor's monthly child support amount of \$_____.

The Court further finds that this amount is due on the first day of the first month, after this order is signed, and on the first day of each month thereafter.

Should this health insurance no longer be available to Receiver, IT IS ORDERED that Payor shall provide health insurance for the children as described in this Exhibit.

9. Conversion of Policy

- (a) Should the Insuring Party lose insurance coverage for the children, the Insuring Party IS ORDERED to convert the policy to individual coverage for the children in an amount that equals or exceeds the coverage that was lost. This conversion must take place within 10 days of losing coverage.
- (b) If Receiver converts the policy, Payor IS ORDERED to reimburse Receiver for the cost of the converted policy. Reimbursement is due on the first day of the first month following written request for payment, and on the first day of each month thereafter.

10. Private Health Insurance Not Affordable.

- (a) If health insurance is not available to Payor at a reasonable cost through Payor's employment or Receiver's employment, and Payor is not financially able to provide insurance from another source, IT IS ORDERED that Payor shall obtain and maintain health coverage for the children through the TexCare Partnership, 1-800-647-6558, www.texcarepartnership.com.
- (b) If health coverage for the children is not available through the TexCare Partnership, IT IS ORDERED that Payor shall pay the sum of \$_____ per month to Receiver as medical support for the children, with the first payment being due and payable on the first day of the month following the signing of this order, and the same amount being due and payable on the first day of each month thereafter.

11. Claim Forms.

If the insurance company requires claim forms to be filed for reimbursement, then each party IS ORDERED to submit all forms, receipts, bills and statements needed to complete the claim within 10 days of receiving them.

12. Constructive Trust for Payments Received.

IT IS ORDERED that any insurance payments received belong to the party who paid those expenses.

IT IS FURTHER ORDERED that a party who receives insurance payments is designated a constructive trustee for the party who paid the expenses. The constructive trustee shall endorse and forward the payments, along with any explanation of benefits, to the paying party within 3 days of receiving them.

13. Filing by Party Not Carrying Insurance.

IT IS ORDERED that either party, even the Non-Insuring party, may file claims for health-care expenses directly with the Insurance carrier. IT IS FURTHER ORDERED that solely for purposes of article 3.51-13 of the Texas Insurance Code, the Non-Insuring Party is designated the managing conservator of the children.

14. Secondary Coverage.

Either party may provide secondary health insurance coverage for the children at his or her sole cost and expense. Should secondary health insurance cover the children, IT IS ORDERED that both parties shall maximize the insurance benefits available to the children.

15. Payment of Uninsured Expenses.

- (a) Each party IS ORDERED to pay one-half (50%) of all reasonable and necessary uninsured health-care expenses of the parties' children (for example: annual deductible and prescription drug, dental, eye care, and orthodontic charges; expenses that are not covered by health insurance), for as long as child support is ordered under the terms of this decree.
- (b) Each party IS ORDERED to submit all receipts for uninsured health-care expenses for the children to the other party within 10 days of receiving them.
- (c) IT IS FURTHER ORDERED that the non-paying party shall pay his or her half of the uninsured health-care expenses to the other party or the health-care provider within 10 days of receiving the receipts.
- (d) Exclusions. The provisions above concerning uninsured expenses do not include expenses for travel to and from the health-care provider or nonprescription medication.

16. Reasonableness of Charges.

IT IS ORDERED that all health care expenses are presumed reasonable. This presumption does not change even when a claim has been denied by a health insurer.

17. Information Required.

- (a) IT IS ORDERED that the Insuring Party shall furnish to the other party the following information within 30 days from when this order is signed:
 - (1) The Social Security number of the Insuring Party;
 - (2) The name and address of the employer of the Insuring Party;
 - (3) Whether the employer is self-insured or has health insurance available;
 - (4) Proof that health insurance has been provided for the children; and
 - (5) The name of the health insurance carrier, the number of the policy, a copy of the policy and schedule of benefits, a health insurance membership card, claim forms, and any other information necessary to submit a claim; or, if the employer is self-insured, a copy of the schedule of benefits, a membership card, claim forms, and any other information necessary to submit a claim.
- (b) IT IS FURTHER ORDERED that the Insuring Party shall furnish to the other party a copy of any renewals or changes to the policy within 15 days of receiving them.

(c) Additionally, IT IS ORDERED that the Insuring Party shall provide to the other party any additional information regarding health insurance coverage that becomes available to him or her, within 15 days of receiving it.

18. Section 1169 of Title 29 of the United States Code.

For the purpose of Section 1169 of Title 29 of the United States Code, the party not carrying the health insurance policy is designated the custodial parent and alternate recipient's representative.

19. Termination or Lapse of Insurance.

The Insuring Party IS ORDERED to notify the other party within 15 days of a termination or lapse in insurance coverage.

20. Notification.

Payor must notify Receiver if additional health insurance becomes available within 15 days of its availability. Payor must enroll the children in a health insurance plan at the next available enrollment period.

21. Place for Correspondence.

IT IS ORDERED that all correspondence required by the health care provision of this decree shall be sent to the receiving party's mailing address, as he or she has provided in compliance with this decree.

22. WARNING –

A parent who fails to provide or pay for health insurance, as ordered, or who fails to pay the other parent additional child support for the cost of health insurance, as ordered, is liable for all reasonable and necessary medical expenses of the children, whether or not the expenses would have been paid if health insurance had been provided.

Exhibit Possession and Access Order (Visitation)

Home Parent =	Co-parent(s) =
[PRINT name of person who has the exclusive right to designate the child's primary residence]	[PRINT name(s) of other parties with Co-parent rights.]

IT IS ORDERED that the conservators (Home Parent and Co-parent) shall have possession of the child at times mutually agreed to in advance by the parties.

In the absence of mutual agreement, IT IS ORDERED that the conservators (Home Parent and Co-parent) shall have possession of the child under the specified terms set out in this Standard Possession Order. [Parties can agree to visitation that best fits their individual needs, but when they do not agree, visitation is as Ordered below.]

1. Parents Who Reside 100 Miles or Less Apart

A. **Co-parent Possession.** Unless this Standard Possession Order says differently, when Co-parent resides 100 miles or less from the primary residence of the child, **Co-parent** shall have the right to possession of the child as follows:

1. **Weekends.** On the first, third, and fifth Friday of each month. This possession begins and ends at the times specified in the General Terms and Conditions of this Standard Possession Order.
2. **Thursdays.** On Thursday of each week during the regular school term. This possession begins and ends at the times specified in the General Terms and Conditions of this Standard Possession Order.
3. **Spring Break in Even-Numbered Years.** In even-numbered years, this possession begins and ends at the times specified in the General Terms and Conditions of this Standard Possession Order.
4. **Extended Summer Possession by Co-parent.**

a. **With Written Notice by April 1.** If Co-parent gives Home Parent written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Co-parent shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. [Co-parent can choose 30 days of visitation, if he or she gives written notice to Home Parent of these dates by April 1st. These days can not begin before summer vacation and must end at least one week before school starts. This visitation has to be at least one week long, and cannot be broken into more than two separate visits. This visitation begins and ends at 6 p.m.]

b. **Without Written Notice by April 1.** If Co-parent does not give Home Parent written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Co-parent shall have possession of the child for thirty consecutive days in that year beginning at 6:00 p.m. on July 1 and ending at 6:00 p.m. on July 31.

[Without written notice by April 1st, Co-parent's summer visitation is from July 1st through July 31st, beginning and ending at 6 p.m.]

B. **Home Parent Possession.** Notwithstanding the weekend periods of possession ORDERED for Co-parent, it is explicitly ORDERED that **Home Parent** shall have a superior right of possession of the child as follows:

1. **Spring Break in Odd-Numbered Years** - In odd-numbered years, beginning at 6:00 PM on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 PM on the day before school resumes after that vacation.
2. **Summer Weekend Possession by Home Parent.** If Home Parent gives Co-parent written notice by April 15 of a year, Home Parent shall have possession of the child on any one weekend beginning at 6:00 PM on Friday and ending at 6:00 PM on the following Sunday during any one period of the extended summer possession by Co-parent in that year, provided that Home Parent picks up the child from Co-parent and returns the child to that same place.

[If Home Parent gives written notice by April 15th, Home Parent may have one weekend visit during Co-parent's extended summer visitation. This visit begins and ends at 6pm. Home Parent must pick up and return the children.]

3. **Extended Summer Possession by Home Parent.** If Home Parent gives Co-parent written notice by April 1 of a year or gives Co-parent fourteen days' written notice on or after April 1 of a year, Home Parent may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by Co-parent shall not take place in that year, provided that the weekend so designated does not interfere with Co-parent's period or periods of extended summer possession or with Father's Day or Mother's Day weekend.

[If Home Parent gives written notice by April 15th, Home Parent may choose one weekend during the summer when Co-parent would normally have visitation with the child. This visitation must end at least one week before school starts, and can not interfere with Father's or Mother's Day weekend or Co-parent's extended summer visitation, but may override Co-parent's regular weekend visitation.]

Home Parent shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for **Co-parent**.

[This concludes weekly, spring break, and summer visitation for parents who live less than 100 miles from each other. See also Holiday Visitation and General Terms and Conditions.]

2. Parents Who Reside More Than 100 Miles Apart

- A. **Co-parent Possession when Parents Reside More Than 100 Miles Apart.** Unless this Standard Possession Order states differently, when Co-parent resides more than 100 miles from the residence of the child, *Co-parent* shall have the right to possession of the child as follows:
1. **Weekends.** Unless Co-parent elects the alternative period of weekend possession described in the next paragraph, Co-parent shall have the right to possession of the child on the first, third, and fifth Friday of each month. This possession begins and ends at the times specified in the General Terms and Conditions of this Standard Possession Order.
 2. **Alternate Weekend Possession.** In lieu of the weekend possession described in the above paragraph, Co-parent shall have the right to possession of the child not more than one weekend per month of Co-parent's choice. This possession begins and ends at the times specified in the General Terms and Conditions of this Standard Possession Order.

Co-parent may choose this alternative period of weekend possession by giving written notice to Home Parent within ninety days after the parties begin to reside more than 100 miles apart. If Co-parent chooses this Alternative Weekend Possession, Co-parent shall give Home Parent fourteen days' written or telephonic notice of the chosen weekend. Co-parent cannot choose a weekend that interferes with the orders regarding Christmas, Thanksgiving, the child's birthday, and Father's or Mother's Day Weekend.

3. **Spring Break in All Years.** Every year, beginning and ending at the times specified in the General Terms and Conditions of this Standard Possession Order.
4. **Extended Summer Possession by Co-parent.**
 - a. **With Written Notice by April 1.** If Co-parent gives Home Parent written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Co-parent shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 P.M. [Co-parent can choose 42 days of visitation if he or she gives written notice to Home Parent by April 1st. These days can not begin before summer vacation, and must end at least one week before school starts. This visitation has to be at least one week long, and can not be broken into more than two separate visits. This visitation begins and ends at 6 P.M.]
 - b. **Without Written Notice by April 1.** If Co-parent does not give Home Parent written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Co-parent shall have possession of the child for forty-two consecutive days beginning at 6:00 p.m. on June 15 and ending at 6:00 p.m. on July 27 of that year. [Without written notice by April 1st, Co-parent has visitation from June 15th through July 27th, beginning and ending at 6pm.]

B. Home Parent Possession when Parents Reside More Than 100 Miles Apart. Notwithstanding the weekend periods of possession ORDERED for Co-parent, it is explicitly ORDERED that **Home Parent** shall have a superior right of possession of the child as follows:

1. **Summer Weekend Possession by Home Parent.** If Home Parent gives Co-parent written notice by April 15 of a year, Home Parent shall have possession of the child on any one weekend beginning at 6:00 PM on Friday and ending at 6:00 PM on the following Sunday during any one period of possession by Co-parent during Co-parent's extended summer possession in that year, provided that if a period of possession by Co-parent in that year exceeds thirty days, Home Parent may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that Home Parent picks up the child from Co-parent and returns the child to that same place.

[If Home Parent gives written notice to Co-parent by April 15th, Home Parent may choose one weekend visit during Co-parent's extended summer visitation, or two weekend visits if Co-parent has the children for more than 30 days. These visits begin and end at 6pm, and **Home Parent** must pick up and return the children.]

2. **Extended Summer Possession by Home Parent.** If Home Parent gives Co-parent written notice by April 15 of a year, Home Parent may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which Co-parent shall not have possession of the child, provided that the period or periods so designated do not interfere with Co-parent's period or periods of extended summer possession or with Father's or Mother's Day Weekend.

[If Home Parent gives written notice to Co-parent by April 15th, Home Parent may choose one weekend during the summer when Co-parent would normally have visitation with the child. This visitation must end at least one week before school starts, and can not interfere with Father's or Mother's Day weekend or Co-parent's extended summer visitation, but may override Co-parent's regular weekend visitation.]

[This concludes weekly, spring break, and summer visitation for parents who live more than 100 miles from each other. See also Holiday Visitation and General Terms and Conditions.]

3. Holiday Visitation

These orders regarding holiday visitation override conflicting weekend or Thursday visitation orders, no matter the distance between parents' residences.

A. **Co-parent** shall have right of possession of the child during holiday visitation as follows:

1. **Christmas Holidays in Even-Numbered Years.**

In even-numbered years, beginning at the time provided for in the General Terms and Conditions of this Standard Possession Order, and ending at noon on December 26th.

2. **Christmas Holidays in Odd-Numbered Years.**

In odd-numbered years, beginning at noon on December 26th, and ending at the time provided for in the General Terms and Conditions of this Standard Possession Order.

3. **Thanksgiving in Odd-Numbered Years.**

In odd-numbered years. This possession begins and ends at the times provided for in the General Terms and Conditions of this Standard Possession Order.

4. **Child's Birthday.** [Check box if appropriate.]

If Co-parent is not otherwise entitled under this Standard Possession Order to possession of the child on the child's birthday, Co-parent shall have possession of the child [] and the child's siblings beginning at 6:00 PM and ending at 8:00 PM on that day, provided that **Co-parent** picks up the child from Home Parent's residence and returns the child to that same place.

5. **Parent's Weekend.** [Check only one.]

Father's Day Weekend - Each year, beginning at 6:00 PM on the Friday before Father's Day and ending at 6:00 PM on Father's Day, provided that if he is not otherwise entitled under this Standard Possession Order to possession of the child, he shall pick up the child from Home Parent's residence and return the child to that same place. [If this is not one of Co-parent's regular weekends to visit with the children, Co-parent has to pick up and return the children to the Home Parent.]

Mother's Day Weekend - Each year, beginning at 6:00 PM on the Friday before Mother's Day and ending at 6:00 PM on Mother's Day, provided that if she is not otherwise entitled under this Standard Possession Order to possession of the child, she shall pick up the child from Home Parent's residence and return the child to that same place. [If this is not one of Co-parent's regular weekends to visit with the children, Co-parent has to pick up and return the children to the Home Parent.]

A. Notwithstanding the weekend and Thursday periods of possession ORDERED for Co-parent, it is explicitly ORDERED that **Home Parent** shall have a superior right of possession of the child during holidays as follows:

1. **Christmas Holidays in Odd-Numbered Years.**

In odd-numbered years, beginning at 6:00 PM on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26th.

2. **Christmas Holidays in Even-Numbered Years.**

In even-numbered years, beginning at noon on December 26th.

3. **Thanksgiving in Even-Numbered Years.**

In even-numbered years, beginning at 6:00 PM on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 PM on the following Sunday.

4. **Child's Birthday.** [CHECK box if appropriate.]

If Home Parent is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, Home Parent shall have possession of the child and the child's siblings beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that Home Parent picks up the child from Co-parent's residence and returns the child to that same place.

5. **Parent's Weekend** [CHECK only one.]

Father's Day Weekend - Each year, beginning at 6:00 PM on the Friday preceding Father's Day and ending at 6:00 PM on Father's Day, provided that if Home Parent is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from Co-parent's residence and return the child to that same place. [If this is not one of Home Parent's regular weekends to visit with the children, Home Parent has to pick up and return the children to the Co-parent.]

Mother's Day Weekend - Each year, beginning at 6:00 PM on the Friday preceding Mother's Day and ending at 6:00 PM on Mother's Day, provided that if Home Parent is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from Co-parent's residence and return the child to that same place. [If this is not one of Home Parent's regular weekends to visit with the children, Home Parent has to pick up and return the children to the Co-parent.]

[This concludes the Holiday Visitation. See also General Terms and Conditions.]

4. General Terms and Conditions

Except as otherwise explicitly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

Home Parent shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for **Co-parent**.

“**School**” means the primary or secondary school in which the child is enrolled or, if the child is not enrolled in a primary or secondary school, the public school district in which the child primarily resides.

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

A. Surrender and Returning of Child by Home Parent

1. **Beginning of Co-parent’s Weekend, Thursday, and Holiday Possession.** Home Parent is ORDERED to surrender the child to Co-parent at the beginning of each period of Co-parent’s possession at: [Check only one.]
 6:00 p.m. **OR** The time the child is regularly dismissed from school.

Except, that in odd-numbered years, Co-parent’s Christmas possession begins at noon on December 26th, and Home Parent is ORDERED to surrender the child to Co-parent at this time.

2. **Co-parent picks up the child from the Home Parent’s residence, unless a period of possession begins at the time the child is regularly dismissed from school.** Home Parent is ORDERED to surrender the child to Co-parent at the beginning of each period of Co-parent’s possession at the residence of Home Parent.
3. **Co-parent picks up the child from school, if a period of possession begins at the time the child’s school is regularly dismissed.** If a period of possession by Co-parent begins at the time the child’s school is regularly dismissed, **Home Parent** is ORDERED to surrender the child to Co-parent at the beginning of each such period of possession at the school in which the child is enrolled.
4. If the child is not in school, Co-parent shall pick up the child at the residence of Home Parent at:
 6:00 p.m. **OR** _____ [Insert time, specify a.m. or p.m.] and Home Parent is ORDERED to surrender the child to Co-parent at the residence of Home Parent at this time under these circumstances.

B. Surrendering and Returning the Child by Co-parent

1. Ending of Co-parent's Weekend & Holiday Possession.

Co-parent is ORDERED to surrender the child to Home Parent at: [Check only one.]

6:00 p.m. on the Sunday following the visitation

OR

The time the child's school resumes after the visitation.

Except that in even-numbered years, Co-parent's Christmas possession ends at noon on December 26th, and Co-parent is ORDERED to surrender the child to Home Parent at this time.

2. Ending of Co-parent's Thursday Possession.

Co-parent is ORDERED to surrender the child to Home Parent at: [Check only one.]

8:00 p.m. **OR** The time the child's school resumes on Friday.

3. Weekend Possession Extended by a Holiday.

Unless this Standard Possession Order says differently, if a weekend period of possession by Co-parent

1. Begins on a Friday that is a school holiday during the regular school term; or
2. Begins on a federal, state, or local holiday during the summer months when school is not in session; or
3. If the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall:

(a) **BEGIN** at: [Check only one.]

6:00 PM on the Thursday preceding the Friday holiday or school holiday;

OR

The time the child's school is regularly dismissed on the Thursday immediately preceding the Friday holiday or school holiday;

(b) **And END AT:** [Check only one.]

6:00 PM on that Monday holiday or school holiday.

The time school resumes after that school holiday, as applicable.

4. Place of surrender and return of child by Co-parent. [Check only one.]

Surrender of Child by Co-parent. Co-parent is ORDERED to surrender the child to Home Parent at the residence of Co-parent at the end of each period of possession. [Choose this paragraph if Home Parent picks up the child from Co-parent at the end of the visit.]

OR

Return of Child by Co-parent. Co-parent is ORDERED to return the child to the residence of Home Parent at the end of each period of possession. However, it is ORDERED that, if Home Parent and Co-parent live in the same county at the time of rendition of this order, and Co-parent's county of residence remains the same after rendition of this order, and Home Parent's county of residence changes, effective on the date of the change of residence by Home Parent, Co-parent shall surrender the child to Home Parent at the residence of Co-parent at the end of each period of possession. [Choose this paragraph if Co-parent picks up and returns the child to Home Parent.]

5. **Co-parent returns the child to school if a period of possession by Co-parent ends at the time the child's school resumes.** If a period of possession by Co-parent ends at the time the child's school resumes, Co-parent is ORDERED to deliver the child to Home Parent at the end of each period of possession at the school in which the child is enrolled, but if the child is not in school, Co-parent returns the child to the residence of Home Parent at:

[Check only one.]

8:00 a.m. **OR** _____ [Insert time, specify a.m. or p.m.]

C. Personal Effects of Child

Each party is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

D. Designation of Competent Adult

Each party may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a party or a designated competent adult be present when the child is picked up or returned.

E. Inability to Exercise Possession

Each party is ORDERED to give notice to the person in possession of the child on each occasion that the party will be unable to exercise that party's right of possession for any specified period.

F. Written Notice

Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due.

G. Notice to School and Home Parent

If Co-parent's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, Co-parent shall immediately notify the school and Home Parent that the child will not be or has not been returned to school.

H. 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 HIS 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 is 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.

This concludes the Standard Possession Order.

Exhibit Required Information
Texas Family Code, Section 105.006

[If you pled in your Petition that providing this information would harm you or your child, check the box and fill in your name where it is requested. Write "Not Required" in the blanks that ask for identifying information about your or your child, such as social security number, phone number, address, etc. However, if the above statement does not apply to you, you must complete the blanks to provide the information required by Section 105.006 of the Texas Family Code.]

Pursuant to Texas Family Code section 105.006(c), the Court finds that requiring [your name] _____ to provide the information required by section 105.006 is likely to cause the child or [your name] _____ harassment, abuse, serious harm or injury.

Accordingly, IT IS ORDERED that [your name] _____ is not required to give or provide the information required by Texas Family Code section 105.006.

The remaining information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Mother's Name: _____ Social Security #: _____

Driver's License #: _____ Issuing State: _____

Home Phone Number: _____ Work Phone: _____

Current Residence Address: _____

Mailing Address: _____

Name of Employer: _____

Address of Employer: _____

Father's Name: _____ Social Security #: _____

Driver's License #: _____ Issuing State: _____

Home Phone Number: _____ Work Phone: _____

Current Residence Address: _____

Mailing Address: _____

Name of Employer: _____

Address of Employer: _____

Child's Name: _____ Social Security #: _____

Driver's License #: _____ Issuing State: _____

Home Phone Number: _____ Work Phone: _____

Current Residence Address: _____

Mailing Address: _____

Name of Employer: _____

Address of Employer: _____

Child's Name: _____ Social Security #: _____
Driver's License #: _____ Issuing State: _____
Home Phone Number: _____ Work Phone: _____
Current Residence Address: _____
Mailing Address: _____
Name of Employer: _____
Address of Employer: _____

Child's Name: _____ Social Security #: _____
Driver's License #: _____ Issuing State: _____
Home Phone Number: _____ Work Phone: _____
Current Residence Address: _____
Mailing Address: _____
Name of Employer: _____
Address of Employer: _____

Child's Name: _____ Social Security #: _____
Driver's License #: _____ Issuing State: _____
Home Phone Number: _____ Work Phone: _____
Current Residence Address: _____
Mailing Address: _____
Name of Employer: _____
Address of Employer: _____

Child's Name: _____ Social Security #: _____
Driver's License #: _____ Issuing State: _____
Home Phone Number: _____ Work Phone: _____
Current Residence Address: _____
Mailing Address: _____
Name of Employer: _____
Address of Employer: _____

Child's Name: _____ Social Security #: _____
Driver's License #: _____ Issuing State: _____
Home Phone Number: _____ Work Phone: _____
Current Residence Address: _____
Mailing Address: _____
Name of Employer: _____
Address of Employer: _____

Every case will include a Petitioner and a Respondent. Most cases won't include a Respondent B and Respondent C. If your case doesn't include more than two parties, you won't have a Respondent B or Respondent C. If you don't have a Respondent B or Respondent C in your case, mark a line through choices that name Respondent B or Respondent C.

Exhibit Rights and Duties

IT IS ORDERED that the rights and duties are awarded as follows:

	Petitioner makes all decisions.	Respondent A makes all decisions.	Respondent B makes all decisions.	Respondent C makes all decisions.	Parties make all decisions together.	Each party can make decisions alone.
The right to consent to medical, dental, and surgical treatment involving invasive procedures and to consent to psychological treatment of the children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to represent the children in legal action and to make other decisions of substantial legal significance concerning the children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to consent to marriage and enlistment in the armed forces of the United States.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to make decisions concerning the children's education.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The right to services and earnings of the children.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Except when a guardian of the children's estates or a guardian or attorney ad litem has been appointed for the children, the right to act as an agent of the children in relation to the children's estates if the children's action is required by a state, the United States, or a foreign government.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The duty to manage the estates of the children to the extent the estates have been created by community property or joint property of the parents.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

It's a New World...

How does Texas law affect families who use assisted reproduction?

Families look different than they used to. Some families have two parents. Some have one. Some families have a mother and a father. Some have two mothers or two fathers. Medicine has advanced to the point where a surrogate mother can actually give birth to another woman's child. Sperm donation makes it possible for a mother to have a child by herself.

As medicine and our culture have changed, laws have changed too. The *Uniform Parentage Act, Chapter 160 of the Texas Family Code*, tries to address these changes.

Assisted Reproduction

Science makes it possible for some people to become parents who once wouldn't have been able to. Assisted reproductive technology has answered many prayers, but does complicate the legal side of parentage. *Chapter 160, Subchapter H of the Texas Family Code* answers the legal questions that arise when children are born from assisted reproduction.

Assisted Reproduction is a method of causing pregnancy other than sexual intercourse. It includes:

- intrauterine insemination,
- egg donation,
- embryo donation,
- in vitro fertilization/transfer embryos, and
- intra cytoplasmic sperm injection.

Is a sperm donor or an egg donor a child's legal parent?

No. When a child is conceived by assisted reproduction, a donor is not the child's legal parent.

If I become a sperm donor, will I ever be legally responsible for any of the children that might be created from my sperm?

No. Neither a sperm nor an egg donor has any legal duty to support a child who is created from donated sperm or egg. Similarly, sperm and egg donors do not have any parental rights to children who are created from their sperm or eggs.

Who exactly is a donor?

A donor is some one who gives eggs or sperm for assisted reproduction. But a husband who provides his own sperm or a wife who provides her own eggs are *not* donors.

Who is a child's legal father if an unmarried woman undergoes assisted reproduction using sperm donation?

The child won't have a legally recognized father because the sperm donor cannot be the legal father.

Who are the child's legal parents when a married couple uses assisted reproduction?

The woman who gives birth to the child is the child's mother. If a husband provides sperm or agrees to his wife using assisted reproduction, he is the child's legal father.

Does the husband have to sign anything to show he agrees to assisted reproduction?

Yes. If a married woman undergoes assisted reproduction, she and her husband have to sign a consent form. The Court can make a finding that the husband is the father even if the consent form wasn't signed, as long as the child was born to the wife and the husband and wife openly treated the child as their own.

I want to be an egg donor. Does my husband have to agree?

No. A married woman can be an egg donor without her husband's consent.

My wife had a child using my sperm in assisted reproduction, without my consent. Is there anything I can do?

Yes. You have four years from the time you found out the child was born to file a court proceeding, challenging paternity.

You can challenge your paternity at any time if the court finds that:

- you didn't provide sperm, or didn't agree to assisted reproduction; and
- you didn't live with your wife after the time of the assisted reproduction; and
- you never openly treated the child as your own.

What happens if my ex-wife undergoes assisted reproduction with embryos created from my sperm after we divorce?

When a marriage ends before eggs, sperm, or embryos are placed, the ex-spouse is not the child's legal parent, unless you consented in writing to be a parent if assisted reproduction occurred after a divorce.

My husband died before we completed assisted reproduction. If I complete the process using his sperm, will he be considered my child's father?

If the eggs, sperm, or embryos weren't placed before your husband died, he will not be the child's legal father. Unless, he gave written consent that said he would be the child's father if assisted reproduction took place after his death. Of course, he would be your child's genetic father.

Gestational Agreements

Adoption was once the only choice for couples who weren't able to have children. But now, it's possible for a woman (a ***gestational mother***) to carry and give birth to a child for some one else (the ***intended parents***). The legal agreement between the couple and the woman is called a ***gestational agreement***. Children who are born of gestational agreements have to have their paternity and maternity defined. In Texas, these relationships are clarified in the Family Code, Chapter 160, Subchapter I.

A gestational agreement will be considered valid in Texas when a prospective gestational mother, her husband (if she's married), each donor, and each intended parent voluntarily sign a written agreement that states:

1. The gestational mother agrees to get pregnant with assisted reproduction.

2. The gestational mother and her husband (if she's married), and each donor (other than the intended parents) give up all parental rights and duties to each child conceived through assisted reproduction.
3. The intended parents will be the child's parents.
4. The gestational mother and intended parents agree to exchange medical information.

For Texas courts to validate a gestational agreement, the intended parents must be married to each other. Both must sign the agreement. The parties have to sign the agreement at least 14 days before eggs, sperm or embryos transfer to the gestational mother.

The agreement must include language about the doctor's responsibilities, and the parties' financial responsibilities for health care.

The gestational mother's eggs can't be used.

The agreement can't try to limit the gestational mother's right to make healthcare decisions for herself or the embryo. And the court must approve the agreement before the gestational mother becomes pregnant.

What's the legal term for a woman who gives birth to a child in a gestational agreement?

In Texas, we call her the "gestational mother." Some states refer to her as a surrogate.

What's the legal term for the couple who want to parent the baby?

They are called "intended parents."

Does a gestational mother have a legal relationship to the child she bears?

No. In a valid gestational agreement, the gestational mother gives up all parental rights to the child. Additionally, the agreement will state that the intended parents become the child's legal parents.

Can anyone become a gestational mother?

No. A woman has to have had at least one pregnancy and delivery and be in good physical and mental health to be a gestational mother.

Who can be intended parents?

In Texas, intended parents have to present medical evidence that the intended mother can't carry a pregnancy to term, or can't undergo a pregnancy without unreasonable risk to her physical or mental health or to the health of the unborn child.

Additionally, the intended parents may have to complete a home study, showing they qualify to be adoptive parents, unless the court says otherwise.

Does the court have to be involved in a gestational agreement?

Yes. A court must validate a gestational agreement before the gestational mother becomes pregnant.

After a child is born, the court must confirm the parent-child relationship between the intended parents and the child.

Who is included in the petition to the court?

You should include the intended parents, the gestational mother and her husband (if she's married), and any donors used in the assisted reproduction.

Where do we file the petition?

File it in the county where either the gestational mother or the intended parents have lived for the preceding 90 days.

Will the court record be confidential?

Yes. The proceedings, records, and party identities in a gestational agreement petition are given the same standard of confidentiality as in adoption cases.

I entered into an agreement to become a gestational mother, but I've changed my mind. Is there anything I can do?

Yes. Before you become pregnant, any party to the agreement may end the validated agreement by giving each party written notice. You also have to file your notice to end the agreement with the court. After receiving a notice to end the agreement, the court will vacate its order, and the agreement will no longer be valid.

What about ending the agreement after the gestational mother gets pregnant?

The Texas Family Code doesn't specifically address ending the agreement after the gestational mother becomes pregnant. It does state that a gestational mother's right to make her own healthcare decisions can't be limited. If she wishes to terminate the pregnancy, she may be able to do so. But if a child is born, and the agreement was properly validated, the intended parents are the child's legal parents.

Once the court validates the agreement, do we have to do anything else?

After the child is born, the intended parents need to file a birth notice with the court. After receiving the birth notice, the court will confirm the intended parents the child's legal parents. The order can require the gestational mother to surrender the child to the intended parents, and can order the Bureau of Vital Statistics to issue a birth certificate naming the intended parents as the child's parents.

What if the intended parents won't file the birth notice?

The gestational mother or a state agency, like Child Protective Services, may file the birth notice. If this happens, the court will order that the intended parents are the child's parents and they are financially responsible for the child.

What if a gestational mother marries after a court validates the gestational agreement?

The gestational agreement is still valid. The new husband's consent isn't required. He isn't presumed to be the father when the child is born.

We had a gestational agreement, but didn't get the court to validate it. What does this mean?

A gestational agreement that isn't validated by the court isn't enforceable. In an invalid gestational agreement, the gestational mother is the legal mother. If married, the law presumes her husband is the legal father. Even though they have no parental rights, intended parents of an invalid gestational agreement may be required to financially support the child.

In an invalidated gestational agreement, if the gestational mother decides to keep the child, the intended parents have no legal rights to the child. If the parties agree the intended parents should be the legal parents, they will have to adopt to become legal parents.

Legal Assistance

Texas Paternity law has tried to change with our changing culture. But the consistent theme remains doing what's best for the child. Paternity and assistive reproduction law tries to insure that a child has parents to provide financial and emotional support. If you have difficulty navigating these laws by yourself, find an attorney who can help you. Your parental rights are at stake.