

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

**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]

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**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: \_\_\_\_\_