

Cause Number: \_\_\_\_\_

In the interest of

In the \_\_\_\_\_  
Court Number

\_\_\_\_\_,  
First, Middle and Last Name of the Child

District Court  County Court of:

a child.

\_\_\_\_\_ County, Texas

## Petition to Terminate the Parent-Child Relationship Based on Mistaken Paternity

Print your answers

My name is: \_\_\_\_\_  
First Middle Last

I am the **Petitioner** and **legal father** of the child involved in this case.

My driver's license was issued in (state) \_\_\_\_\_. The last three numbers of my driver's license number are: \_\_\_\_ \_ \_.

**Or**  I do not have a driver's license.

The last three numbers of my social security number are: \_\_\_\_ \_ \_.

**Or**  I do not have a social security number.

### 1. Discovery Level

The discovery level in this case, if needed, is Level 2.

### 2. Jurisdiction of the Court

(Check one.)

No court has made orders about the child. No court has continuing jurisdiction.

This Court made orders about the child in a prior case. It has continuing, exclusive jurisdiction. This case should be filed using the same cause number as the prior case.

### 3. The Child

I ask the court to terminate the parent-child relationship between me and the child listed here:

Child's full name: \_\_\_\_\_  
First Middle Last

Age: \_\_\_\_\_ Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Sex:  Male  Female

(Check one.)

The child does not own any property.

The child owns the following property: \_\_\_\_\_.

#### 4. Termination

I ask the Court to terminate the parent-child relationship between the child named in this case and me. I have completed the *Petitioner's Supporting Affidavit* form, signed it in front of a notary, and attached it to this *Petition as Exhibit: Petitioner's Supporting Affidavit*. The *Affidavit* sets out specific facts that show each of the following:

- a. I am **not** the genetic father of the child.
- b. I found out I was **not** the child's genetic father on or about: (date) \_\_\_\_\_.
- c. I am mistakenly named as the legal father of the child because:

(Check one.)

**Acknowledgment of Paternity**

- I signed an Acknowledgment of Paternity saying I was the father of the child;
- I did not get genetic testing before I signed the Acknowledgment of Paternity; **and**
- I mistakenly believed I was the child's genetic father when I signed the Acknowledgment of Paternity.

**Court Order**

- A judge made a court order naming me as the legal father of the child;
- I did not get genetic testing before the judge made the order; **and**
- I did not contest parentage (argue I as not the father) because, at the time the judge made the order, I mistakenly believed I was the child's genetic father.

- d. Misrepresentations led me to the conclusion that I was the child's genetic father.
- e. I did **not** adopt the child.
- f. My wife and I did **not** conceive the child by assisted reproduction.
- g. I was **not** the intended father of the child under a gestational agreement (agreement to use a surrogate mother).

#### 5. Pretrial Hearing

I ask the Court to hold a pre-trial hearing, as required by Texas Family Code section 161.005 (f), to decide if I have set out a *meritorious prima facie case* for termination of the parent-child relationship and, if I have, order genetic testing of the child and me.

*This means the court will decide if the facts you have alleged in this Petition appear, on their face, to meet the requirements of the law. If they do, the Court will order genetic testing.*

#### 6. Visitation with the Child after Termination

(Check one.)

- I ask the court to make orders giving me the right to have possession of or access to the child after the court has terminated the parent-child relationship between the child and me.
- I am **not** asking the court to make orders giving me the right to have possession of or access to the child after the court has terminated the parent-child relationship between the child and me.

## 7. People Who Must Get Legal Notice of this Case

### Respondent A - The Child's Mother

You **MUST** give the child's mother legal notice of this case, unless she is deceased or her parental rights were terminated by a court order.

The child's mother's full name is: \_\_\_\_\_  
First Middle Last

Check one.

- I will have a sheriff, constable, or process server give legal notice of this case (with a copy of this *Petition* attached) to the child's mother here:

\_\_\_\_\_  
Street Address City State Zip

If this is a work address, name of business: \_\_\_\_\_

I ask the clerk to issue the citation of service. I understand that I will need to **pay the fee** (or file the form to show the Court that I am unable to pay the fee) and **arrange for service**.

- Do not send a sheriff, constable, or process server to give legal notice of this case to the child's mother at this time. I will give the child's mother a file-stamped copy of this *Petition* and I think she will sign a Waiver of Service, or file an Answer.

Or, if applicable, check one box below.

- The child's mother is deceased.  
*Attach a copy of her death certificate. Mark it as Exhibit: Mother's Death Certificate.*
- The child's mother's parental rights were terminated by a court order.  
*Attach a copy the order. Mark it as Exhibit: Court Order Terminating Mother's Parental Rights.*

### Respondent B – Alleged Father

You **MUST** give legal notice of this case to an alleged father of the child. An alleged father is a man who claims, or is claimed to be, the genetic father or possible genetic father of the child.

Check one.

- There is no alleged father of the child.
- The following person (Respondent B) is an alleged father of the child.

Respondent B's full name is: \_\_\_\_\_  
First Middle Last

Check one.

- I will have a sheriff, constable, or process server give legal notice of this case (with a copy of this *Petition* attached) to Respondent B here:

\_\_\_\_\_  
Street Address City State Zip

If this is a work address, name of business: \_\_\_\_\_

I ask the clerk to issue the citation of service. I understand that I will need to **pay the fee** (or file the form to show the Court that I am unable to pay the fee) and **arrange for service**.

- Do not send a sheriff, constable, or process server to give legal notice of this case to Respondent B at this time. I will give Respondent B a file-stamped copy of this *Petition* and I think he will sign a Waiver of Service, or file an Answer.



## 8. Out-of-State Respondents

(Check one.)

- Everyone involved in this case lives in Texas.
- Someone involved in this case (one of the Respondents of me) does not live in Texas. I have completed the Out-of-State Party Affidavit, signed it in front of a notary, and attached it to this Petition as Exhibit: Out-of-State Party Affidavit.

## 9. Sealing Records

I ask the Court to order the records in this case sealed.

## 10. Prayer

I ask the Court to terminate the parent-child relationship between the child and me, terminate my obligation to pay child support and make the other orders I have asked for in this Petition and any other orders to which I am entitled.

### Verification --- Do not sign until you are in front of a Notary

I swear, under oath, "I have personal knowledge of the allegations and facts stated in this Petition to Terminate the Parent Child Relationship Based on Mistaken Paternity, and they are true and correct."

▶ \_\_\_\_\_ Date  
Your signature

I understand that I must notify the Court and the respondent's attorney (or the respondent(s) if he or she does not have an attorney) in writing if my mailing address or email address changes during these proceedings. If I don't, any notices about this case will be sent to me at the mailing address or email address below.

\_\_\_\_\_  
Print your name.

( )  
\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip

( )  
\_\_\_\_\_  
Fax Number (if applicable)

### Notary fills out below

State of Texas, County of \_\_\_\_\_  
*Print the name of county where this Petition is notarized.*

Signed under oath before me, the undersigned Notary, on this date: \_\_\_\_\_

by \_\_\_\_\_  
*Print the first and last names of the person who is signing this Petition.*

I, the Notary Public, whose signature appears below, certify that I am not an attorney in this case.

(Notary's seal here)

▶ \_\_\_\_\_  
Notary's signature

### The following exhibits are attached to this Petition: (Check only those that apply to your case.)

- Exhibit: Petitioner's Supporting Affidavit  
**(Required)**
- Exhibit: Additional Person with a Court-Ordered Relationship
- Exhibit: Mother's Death Certificate
- Exhibit: Order Terminating Mother's Parental Rights
- Exhibit: Out-of-State Party Affidavit