

Cause No. _____

In the Interest of the following Minor Child(ren):

(Print the full name of each child.)

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

In the _____
Court Number

- District Court
- County Court at Law of

_____ County, Texas

Petition for Writ of Habeas Corpus

My name is: _____
First Middle Last

I am the **Petitioner**, the person filing this Petition for Writ of Habeas Corpus, and the person asking that the Respondent be required to return the child(ren) to my possession.

My relationship to the child(ren) is:

- Mother
- Father
- Non-parent with court ordered possession rights to the child(ren)

My address is:

The last three numbers of my Social Security number are _____.

- (Check here if you do not have a SSN) I have not been issued a Social Security number.

The **Respondent's** name is: _____
First Middle Last

The **Respondent** is the person illegally restraining the child(ren).

The Respondent's relationship to the child(ren) is:

- Mother
- Father
- Non-parent with court ordered possession rights to the child(ren)
- The Respondent is not a parent of the child and has no court ordered possession rights to the child

The child(ren) are being illegally restrained by the Respondent at the following address:

Street and Street Number: _____

City: _____

Zip Code: _____

County: _____

State: _____

Process should be served on the Respondent at this address.

1. Child(ren)

I ask the Court to make orders about the following child(ren):

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

2. Jurisdiction

This Court has jurisdiction to hear the case because it is either the court of continuing, exclusive jurisdiction or a court with jurisdiction to issue a writ of habeas corpus in the county in which the child is found. Texas Family Code 157.371.

3. Court Order for Conservatorship of the Child(ren)

Choose one:

Check (1) if you are claiming superior rights under a court order.

Check (2) if you are claiming superior rights because no court order exists, you are a parent of the child, and the Respondent is not a parent of the child.)

- (1) I am entitled to possession of the child(ren) under an existing court order for possession. The order was entered by the _____ (number) District or County Court of _____ County, Texas, in Case Number _____.

This order is in full force and effect and has not been modified. A certified copy of the order is attached to this petition.

Subject to Texas Family Code Chapter 152 and the Parental Kidnapping Prevention Act (28 U.S.C. Section 1738A), if the right to possession of a child is governed by a court order, the court in a habeas corpus proceeding shall compel the return of the child to the Petitioner if the court finds that the Petitioner is entitled to possession under the order. Texas Family Code 157.372.

- (2) I have a superior right to possession of the child(ren) as a parent under Texas Family Code Chapter 151.001. I am entitled to possession of the child(ren) because I am the biological or legal parent of the child(ren), the Respondent is **not** a biological or legal parent of the child(ren), no Court has ever issued orders regarding possession of the child(ren), and no suit affecting parent child relationship is currently pending.

If the right to possession of a child is not governed by an order, the Court shall compel the return of the child to the parent if the right of possession is between a parent and a nonparent and a suit affecting the parent-child relationship has not been filed. Texas Family Code 157.376.

4. Relief Requested

I ask the Court to immediately issue its writ of habeas corpus commanding that the Respondent bring the child(ren) before this Court for a hearing; after the hearing, I ask the Court to order that the child(ren) be returned to me.

I also ask that the Respondent be ordered to pay all court costs.

I ask for recovery of all relief requested and for all entitled general relief.

Respectfully,

Petitioner's Signature

Phone number

→

Petitioner's Printed Name

Date

Petitioner's

Mailing Address: _____

city

state

zip

Petitioner's Email
Address: _____

Petitioner's Fax _____

(if available): _____

Verification (Party must sign in front of a notary, below.)

I am the Petitioner in this Petition for Writ of Habeas Corpus. I have personal knowledge of the allegations and facts stated in this Petition, and I swear under oath that they are true and correct.

Signature of Petitioner ONLY sign in front of a notary!

Notary fills out below.

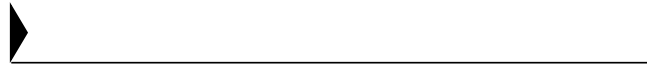
State of _____
(Print name of state where this petition is notarized)

County of _____
(Print the name of the county where this Petition is notarized)

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

by _____
(Print name of person who is signing this Petition. NOT the notary's name.)

[Notary Stamps Here]


Notary's Signature