

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

## Response to Petition for Writ of Habeas Corpus

I am the **Respondent**, \_\_\_\_\_  
First Middle Last

I submit this response to the Petition for Writ of Habeas Corpus filed by the **Petitioner**.

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.

My relationship to the child(ren) who are the subject of this suit is:

- I am the biological or legal mother
- I am the legal father
- I am a non-parent with court ordered possession rights to the child(ren)
- I am not a parent of the child and I have no court ordered possession rights to the child(ren)

### 1. General Denial

I enter a general denial.

### 2. Defenses

(Choose one or more, if applicable.)

(Options (1), (2), (3), and (4) are only applicable if the Petitioner claims a superior right of possession under a court order for possession of the child(ren).)

(1) The Petitioner is mistaken in claiming a superior right of possession to the child(ren); I have the superior right of possession under the current order of possession. See the order attached at Exhibit \_\_\_\_, with relevant sections marked on page \_\_\_\_\_.

(2) A different court order than the one submitted by Petitioner currently governs possession of the child(ren); Petitioner does not have the superior right of possession under the current court order. The current order is attached at Exhibit \_\_\_\_.

(3) The Petitioner is mistaken that a court order for possession of the child(ren) exists; no valid order currently governs possession of the child(ren).

(This could be because no court has ever issued an order; an earlier order is void; or an earlier order has been terminated, for example by death of the parties. Talk to a lawyer before filing this if you are not sure.)

(4) The order the Petitioner seeks to enforce was granted by a Court that did not give me reasonable notice of the proceeding and an opportunity to be heard. If the court finds that the previous order was granted by a court that did not give the contestants reasonable notice of the proceeding and an opportunity to be heard, the court may not render an order in the habeas corpus proceeding compelling return of the child(ren) on the basis of that order. Texas Family Code 157.372(b).  (5)(Options (6) and (7) are only applicable if Petitioner claims a superior right of possession as a legal parent of the child(ren).)

(6) The Petitioner is not a parent of the child(ren) under Texas Family Code Section 160.201; therefore, the Petitioner does not have a superior right of possession under Texas Family Code 151.001.

(7) The Petitioner is mistaken in claiming that there is no court order for possession of the child(ren); a court order for possession does exist and a certified copy is attached at Exhibit \_\_\_\_, with relevant sections marked on page \_\_\_\_.

(Options (8) and (9) may be applicable if Petitioner is claiming a superior right of possession as a parent or if Petitioner is claiming a superior right of possession under a court order.)

(8) There is a serious immediate question concerning the welfare of the child(ren) who are the subject of this suit. Even if the court finds that the Petitioner has superior right of possession to the child(ren), a serious immediate question of welfare gives the court discretion to compel or deny the return of the child(ren) to Petitioner. Texas Family Code 157.374.

(9) The Petitioner relinquished, by consent or acquiescence, actual possession and control of the child(ren) for at least six months before the date that this case was filed. Even if the court finds that the Petitioner has the superior rights of possession to the child(ren), Petitioner's relinquishment of the child(ren) gives the court discretion to compel or deny the return of the child(ren) to Petitioner. Texas Family Code 157.373.

### 3. Request for Relief

I ask that this Court deny the Petitioner's request that the child(ren) be returned to him or her.

I ask for general relief.

Respectfully,

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Phone number

→

\_\_\_\_\_  
Respondent's Printed Name

\_\_\_\_\_  
Date

Respondent's Mailing  
Address: \_\_\_\_\_

\_\_\_\_\_  
city

\_\_\_\_\_  
state

\_\_\_\_\_  
zip

Respondent's Email Address: \_\_\_\_\_

Respondent's Fax # \_\_\_\_\_

(if available): \_\_\_\_\_

### Certificate of Service

I will give a copy of this document to each party or attorney of record on the same day this document is filed with (turned in to) the Court as follows:

If I file this document electronically, I will send a copy of it through the electronic file manager if possible. If not possible, I will give a copy to each party or attorney in person, by mail, by commercial delivery service, by fax, or by email.

If I file a paper copy of this document, I will give a copy of it to each party or attorney in person, by mail, by commercial delivery service, by fax, or by email.

→

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date