Cause Number: _____

In the interest of

_____,
First, Middle and Last Name of the Child

a child.

In the _____
Court Number

☐ District Court ☐ County Court of:

_____ 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 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: _____
<div align="center">First   Middle   Last</div>

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: _____.
<div align="center">First   Middle   Last</div>

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.

Respondent C - Person with a Court-Ordered Relationship with the Child

> *You **MUST** give legal notice of this case to any person who has a court-ordered relationship with the child. If there is more than one person with a court-ordered relationship with the child, make a copy of this page, fill it out, mark it as Exhibit: Additional Person with Court-Ordered Relationship and attach it to this Petition.*

Check one.

☐ No one (other than the child's mother or me) has a court-ordered relationship with the child.

☐ The following person (Respondent C) has a court-ordered relationship with the child.

Respondent C's full name is: _____.
First   Middle   Last

Respondent C is a: *Check all that apply:*

☐ person with court-ordered custody of the child
☐ person with court-ordered visitation rights with the child
☐ person ordered to pay child support for the child
☐ guardian of the person or estate of the child

Also, check one box below.

☐ I will have a sheriff, constable, or process server give legal notice of this case (with a copy of this *Petition* attached) to Respondent C 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 C at this time. I will give Respondent C a file-stamped copy of this *Petition* and I think Respondent C will sign a Waiver of Service, or file an Answer.

Respondent D - Title IV-D Agency (Attorney General's Office)

> *You **MUST** give legal notice of this case to the Office of the Attorney General, Child Support Division, **if the child, or anyone on behalf of the child, receives or has received TANF or Medicaid <u>or</u> the Attorney General's Office has ever been involved in a court case about the child.***

(Check one.)

☐ Neither the child, nor anyone on behalf of the child, receives or has received TANF or Medicaid **and** the Attorney General's Office has never been involved in a case about the child.

☐ The child, or someone on behalf of the child, receives or has received TANF or Medicaid **or** the Attorney General's Office has been involved in a court case about the child. I will have a sheriff, constable, or process server give legal notice of this case to Office of the Attorney General, Child Support Unit. I ask the clerk to issue the citation. 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**.

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.

<div align="center">

Verification --- *Do not sign until you are in front of a Notary*
</div>

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."

▶ _____   _____

     Your signature   Date

_____   _____
Print your name.   *Mailing Address*

(   ) _____   _____
Phone Number   *City*   *State*   *Zip*

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*

I understand I must notify the Court and all Respondents (and their attorneys, if they have attorneys), in writing, if my mailing address changes during this case.

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