



This guide is intended to help you use the **uncontested** divorce forms provided by www.TexasLawHelp.org

**Is your divorce contested? -Or-
Is your divorce uncontested?**

*Your case is **contested** when you and your spouse don't agree about getting the divorce, dividing your property and debts, or what to do with your children. **DO NOT USE THESE FORMS** or this brochure for a contested divorce.

Your case is **uncontested** when:

- ▶ It is 'agreed' – You and your spouse agree about all of the issues in your case.

or

- ▶ It is 'default' – Your spouse does not file an answer with the Court after being officially served with your divorce paperwork.

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REMEMBER: It is always best to have the advice of a lawyer. The court clerks, librarians, and judges want to help you, but they cannot give you legal advice, help you fill out your forms, or tell you what to do. If you proceed without a lawyer, you will be responsible for protecting yourself.

Basic Information

What is a divorce?

A divorce ends your marriage.

A divorce *decree* says who keeps what property and who pays what debts.

Where do I get divorced?

- ✓ You can get divorced in Texas if you **or** your spouse has lived in Texas for the last 6 months.
- ✓ File your divorce in the county courthouse where you **or** your spouse has lived for the last 90 days.

Why do I need to wait until after the baby is born?

Most Texas courts will not finalize a divorce if the wife is pregnant, even if the baby is not the husband's. Instead, the courts wait until after the baby is born so that orders regarding the baby can be included in the divorce decree.

Do I need a lawyer?

You do not *have* to have a lawyer to get a divorce, but it's a good idea especially if:

- You and your spouse do not agree (the divorce is contested).
- Your spouse has a lawyer.
- You are afraid for your safety or your children's safety.
- You are unsure how to divide property such as retirement and real estate correctly.

Getting a divorce can be complicated. If you make a mistake, it could affect your children, your property, and your income. Try to speak to a lawyer about your legal rights before you file your *Petition for Divorce*. Some lawyers will **unbundle** their services. They will "coach" you to represent yourself and only charge for the services you request. Other lawyers are available only if you hire them to handle every step of the case. If you can't afford to hire a lawyer, contact your local Legal Aid office.

What forms do I need?

There are several form packets to choose from on www.TexasLawHelp.org.

Choose the **Divorce without Children** forms if you do not have minor children of the marriage **or** if you have child support and visitation orders already in place.

Choose the **Divorce with Children** forms if children were born or adopted during the marriage and the children are younger than 18 or have not graduated from high school. **Exception:** If you already have final court orders for custody and support of the children, and you are not asking for a change to those orders in the divorce process, then use the Divorce without Children forms and attach a copy of the current custody and support orders (showing the judge's signature) to the Decree.

If you cannot afford the court filing fees, you should also file an **Affidavit of Inability to Pay Costs**. This form tells the court about your income and assets and asks the court to waive the filing fee.

The **Default Judgment Kit** explains what you need to do to get a final judgment when your spouse will not respond to the divorce. This kit includes instructions and explanations about what you must do, a checklist for the forms you need, and the forms you can use.

If you cannot find your spouse, review the **Legal Notice**, the **Service by Posting**, and the **Service by Publication**, kits on www.TexasLawHelp.org.

Important Note:

The www.TexasLawHelp.org forms are intended to be used in a basic, uncontested divorce.

It is best to hire an attorney if your divorce is contested.

Divorce in Texas – Know the Steps

Step 1. Fill out the Original Petition for Divorce.

This form tells the judge and your spouse that you want a divorce.

Step 2. Make 2 copies of your completed Original Petition for Divorce.

Step 3. File your Original Petition for Divorce.

Take the original and 2 copies of your completed *Original Petition for Divorce* to the Courthouse. File your papers with the District Clerk's Office.

The clerk will ask you to pay a fee (around \$250 - \$300) to file your *Original Petition for Divorce*. If you cannot afford the fee, you should also file an *Affidavit of Inability to Pay Costs*.

This form tells the court about your income and assets and asks the court to waive the filing fee.

The clerk will stamp your papers with the date you file. She will also assign a cause number and a judicial district. The clerk will keep the original and give back your copies. Keep a copy for yourself in a safe place. You will need the other copy to give legal notice to your spouse.

NOTE: In most counties family law cases are heard in the *district* courts and all paperwork is filed in the *District* Clerk's Office. In counties where family law cases are heard in county courts, you would file your paper work in the County Clerk's Office.

Step 4. Give Your Spouse “Legal Notice.”

You must **notify** your spouse that you are asking the court for a divorce and you must **prove** to the court that you did so. This is called giving “**legal notice**.” There are 3 ways to give legal notice:

1) Waiver of Service. You may give legal notice by giving your spouse a file-stamped copy of your *Original Petition for Divorce* and a *Waiver of Citation* that he or she signs in front of a notary and files with the Court. If you choose this method, do not give your spouse the *Waiver of Citation* until after you file your *Original Petition for Divorce*.*

2) Official Service in Person or by Mail. You can have an official process server give notice to your spouse either in person or by certified mail.

If you are having your spouse served in jail, do not use Official Service by Mail. Instead, send your divorce paperwork to an official server in that county so that your spouse can be personally served.

After your spouse is served the official server fills out a *Return of Service* form stating when and where your spouse was served. This is proof to the court that you notified your spouse of the divorce.

The *Return of Service* form must be filed with the clerk's office.

3) Official Service by Publication or Posting. Either Publication or Posting is used when a spouse can't be found. You will have to prove to the judge that you tried hard to find your spouse. You may have to pay your spouse's attorney's fees. There is more information about this type of service at www.TexasLawHelp.org.

Step 5. Wait.

61 Day Waiting Period – (Applies in Most cases)

In most cases, you must wait at least 61 days from the day you filed your *Original Petition for Divorce* before you can finish your divorce. You can always wait longer than 61 days, but your divorce cannot be finished in less than 61 days. When counting the 61 days, count the day you filed your *Original Petition for Divorce* on a calendar, and then count out 61 more days.

The 61 Day Waiting Period can be waived in cases of domestic violence if:

You have an active Protective Order against your spouse who committed family violence during your marriage, or your spouse has received deferred adjudication or a final conviction for committing family violence against you or a member of your household.

Other Waiting Periods

21 Day Answer Period – (Applies in Official Service cases only)

If your spouse was served with legal notice by an official process server, you must wait at least 21 days after your spouse was served, to see if your spouse will file an answer. This 21-day period may or may not fall within the 61 day waiting period. When counting the 21 days, count the day your spouse was served on a calendar, and then count out 21 more days. Go to the next Monday on the calendar. This is the last official day of your spouse's answer period. However, your spouse can file an answer any time before you finish your divorce.

7 Day Waiting Period – (Applies in Posting cases only)

If you spouse was served by **Posting** add an additional 7 days to the 21 day answer period. Go to the next Monday on the calendar. This is the last official day of your spouse's answer period. However, your spouse can file an answer any time before you finish your divorce.

10 Day Waiting Period – (Applies in Official Service cases only)

If your spouse was served with legal notice by an official process server, the official process server fills out a return of service form stating when and where your spouse was served. The **return of service** must be on file with the District Clerk's office for 10 days. When counting the 10 days, do not count the day your spouse was served or the day you go to court. There must be 10 days in between.



What about mediation?

If you and your spouse do not agree on all issues you should consider mediation. In mediation, an independent person will try to help you reach an agreement. The divorce process is usually easier when you have an agreement. Talk to a lawyer first so that you understand your legal rights.

Mediation is not a good idea if you are afraid of your spouse.

Step 6. Determine if your case is *contested* or *uncontested*.

How did your spouse respond to the court when you gave him or her legal notice?

→ Your case is **contested** if your spouse files an answer and does not agree to the terms of the divorce.

→ Your **uncontested** case is '**agreed**' if you and your spouse agree on what to put in your Decree of Divorce, your spouse has signed a waiver or answer, and your spouse is willing to sign your *Decree of Divorce*.

→ Your **uncontested** case is '**default**' if your spouse did not file an answer after being officially served by the Official Service Process method. After the waiting periods have passed, call the Clerk's Office to find out if your spouse filed an answer. If your spouse did not file an answer you can finish your divorce without your spouse. Download the "Default Judgment Kit" from www.TexasLawHelp.org. This kit includes the extra paperwork you will need to finish your divorce by default.

Step 7. Find out when the Court hears uncontested divorce cases.

Call the District Clerk's Office to find out when the Court in your county hears uncontested divorce cases.

Step 8. Write your Final Decree of Divorce.

Fill out your *Decree of Divorce*. This is the paper the judge signs, granting your divorce. The *Decree of Divorce* also says who keeps what property and who pays what debts. If you and your spouse have children, the decree of divorce says who makes decisions about your children, when the children see each parent and which parent pays child support and provides health insurance for the children. The decree of divorce may include other orders such as who pays spousal support and how much.

It's best to have a lawyer review your *Decree of Divorce* before you present it to the Court. You may also need to hire a lawyer to write additional documents if you are dividing retirement benefits or a 401(k) account or transferring ownership of a house or land.

Step 9. Ask your spouse to sign the Final Decree of Divorce

Step 10 Go to court.

Bring all of your paperwork to the courthouse on the day the court in your county hears uncontested divorce cases. Read "Are you ready for court?" on page 7.

If your case is **agreed** bring:

- 1) a copy of your *Original Petition of Divorce*; and
- 2) the *Waiver of Citation or Answer* signed by your spouse; and
- 3) "Information on Suit Affecting the Family Relationship" form; **and**
- 4) your *Decree of Divorce*, (must be signed by you and your spouse).

If your case is **default** bring:

- 1) a copy of your *Original Petition of Divorce*; and
- 2) your *Decree of Divorce*; and
- 3) Military Servicemember's Affidavit and Certificate of Last Known Address, (these forms are part of the Default Judgment Kit at www.TexasLawHelp.org); **and**
- 4) "Information on Suit Affecting the Family Relationship" form

Steps in a divorce if your case is Uncontested

- 1 Fill out the *Original Petition for Divorce*.
↓
- 2 Make 2 copies of your completed *Original Petition for Divorce*.
↓
- 3 File your *Original Petition for Divorce*.
↓
- 4 Give Your Spouse "Legal Notice."
↓
- 5 Wait the required waiting periods.
↓
- 6 Determine if your case is *uncontested* or *contested* case before proceeding.
↓
- 7 Learn when & where the court hears uncontested divorces.
↓
- 8 Write your *Decree of Divorce*.
↓
- 9 Ask your spouse to sign the Decree of Divorce.
↓
Go to court and get the needed signatures.
↓
- 10 **Finish your Uncontested divorce** by filing the signed decree in the Clerk's Office.

Step 10. Finish your divorce by filing your decree in the District Clerk's Office.

Take your paperwork back to the Clerk's Office after it is signed by the Judge. Your divorce is not final until the paperwork is filed. File the "Information on Suit Affecting the Family Relationship" form.

The clerk will keep the original documents and make copies for you for a fee. You might consider asking the clerk for a certified copy of your Decree of Divorce. If you have **child support orders**, ask the clerk what you need to do to set up your child support account and wage withholding. There will be a fee.

**Giving Legal Notice in Agreed and Default Divorces:
Proving to the Court You Notified your Spouse of the Divorce**

If you can locate your spouse AND . . .

You want to give the divorce papers to your spouse yourself AND . . .

Your spouse **agrees** to all parts of the divorce and does not want to be notified of hearings or sign the decree, **THEN USE** →

WAIVER

The Waiver of Citation is a form signed by the responding spouse and filed with the court to show that he or she has received a notice and waives the right to know what orders for child support & property you will ask the judge to make.

Waiver of Citation method

You want someone else to give your spouse the divorce papers or you believe your spouse would not respond using the Waiver or Answer methods AND . . .

Your spouse wants to sign the decree, to know what orders you will ask for, or wants to know when hearings are scheduled, **THEN USE** →

The Answer is a form filed by the respondent instead of the Waiver of Citation when the respondent wants to retain certain rights.

Spouse files Answer method *

You want a constable, sheriff's officer or other official process server to deliver the paperwork or your spouse is in jail, **THEN USE** →

The official server needs to personally give your spouse the paperwork, *unless s/he voluntarily files an Answer.**

Official Service by Official Server method

You have a good mailing address for your spouse and you can be sure your spouse will be the person who signs the green certified mail card and your spouse is not in jail, **THEN USE** →

The server will mail the paperwork by certified mail, return receipt requested.

Official Service by Mail method

If you don't know where your spouse lives, works, or can be found AND . . .

You don't have children or valuable property **THEN USE** →

A server will post notice of your divorce at the courthouse for 7 days.

Official Service by Posting method

You have children or valuable property **THEN USE** →

If you serve by publication, your spouse has the right to an attorney and *you* would have to pay for the attorney's fees.

Official Service By Publication method

Are you ready for court?

Be prepared:

- ✓ Get to the courthouse early to find parking and your courtroom.
- ✓ When the courtroom opens, go in and tell the clerk you are present. The clerk usually sits next to the judge's bench.
- ✓ Most courtrooms do not allow children.

When you are in court:

- ✓ Dress neatly. Do not wear shorts, tank tops, or hats. Do not chew gum, or bring food or drink into the courtroom.
- ✓ Turn off your cell phone.
- ✓ Stand up when the judge enters the courtroom.
- ✓ Be calm and polite to everyone. Avoid gestures and facial expressions.
- ✓ Do not talk to the judge or your spouse, unless it is your turn to speak.
- ✓ The judge may not call your case right away. Wait patiently. If you have to leave the courtroom, tell the clerk where you are going.
- ✓ If friends or relatives come to court with you, ask them to follow these rules, too.

About testimony →

In some counties, the judge will ask you questions.

In other counties, you will be expected to have testimony prepared.

The judge will call your case.

- ✓ You will raise your right hand and swear to tell the truth.
- ✓ The judge will ask you questions. Wait until the judge finishes speaking before you start to speak.
- ✓ If you do not understand a question, say, "I don't understand." If you do not know an answer, say, "I don't know."
- ✓ Tell the truth and don't exaggerate. Give complete answers.
- ✓ Speak slowly and loud enough so everyone in court can hear you.
- ✓ Call the judge "Your Honor."
- ✓ Say "Yes" or "No" out loud. It's not enough to nod or shake your head.
- ✓ The judge will listen to what you say and review your papers. If everything is in order, the judge will sign your *Final Decree of Divorce*.

SAMPLE TESTIMONY FOR DIVORCE WITHOUT CHILDREN

My name is _____. I filed this suit for divorce from my spouse _____. (State your spouse's name.)

At the time I filed this divorce, I had lived in Texas for at least the last six (6) months, and in _____ County for at least ninety (90) days.

My marriage to _____ (State your spouse's name) _____ has become unworkable because of differences and misunderstandings between us. There is no reasonable chance that we will get back together.

There are no children born to or adopted of this marriage, who are under 18 years old and we are not currently expecting any other children.

I am requesting that the community property and debts be divided as set forth in the Decree of Divorce. I believe this division is fair.

(OPTIONAL) I am (or My spouse is) requesting a name change to the name that was used before we were married: _____ (State the name used before marriage)

I would respectfully request the Court to grant my divorce.

SAMPLE TESTIMONY FOR DIVORCE WITH CHILDREN

My name is _____. I filed this suit for divorce from my spouse _____. (State your spouse's name.)

At the time I filed for divorce, I had lived in Texas for at least the last six (6) months, and in _____ County for at least ninety (90) days.

I am seeking a divorce because of differences and misunderstandings between us. There is no reasonable expectation that we will get back together.

I am requesting that the community property and our debts be divided as set forth in the Decree of Divorce. I believe this division is fair to both of us, and to our children.

We have ___ child(ren) of this marriage, who are under 18 years old. (State the number of children you have with your spouse who are under 18 years old) We are not expecting any other children of the marriage.

I am requesting that conservatorship and child support be ordered as set forth in the Decree of Divorce. I believe that these orders would be in the best interest of our child(ren).

(OPTIONAL)

I am (or My spouse is) requesting a name change to the name used before we were married: _____ (State the name used before marriage)

I would respectfully request the court to grant my divorce.

Common Questions

Is it difficult to handle a contested case without a lawyer?

Yes. The court rules are very hard to understand if you are not a lawyer. If you make a mistake, the judge may not be able to see your side of the case. A mistake can affect your children, your property, and your income. If at all possible you should hire a lawyer. If you cannot afford a lawyer, contact your local Legal Aid Office.

Where can I read the laws about divorce?

You can read the Texas Family Code at <http://tlo2.tlc.state.tx.us/statutes/fa.toc.htm>.

You can the Texas Rules of Civil (court) Procedure at www.supreme.courts.state.tx.us/rules/trcphome.asp.

How long will it take to get divorced?

It will take at least 61 days after the day you file your *Original Petition for Divorce*.

When can I get married again?

You must wait at least **30 days** after the judge signs your *Decree of Divorce*.

Exception: There is no waiting period if you want to remarry the spouse you just divorced. If you want to marry some one else, you can ask the judge who signed your *Decree of Divorce* for permission to marry sooner than 30 days. This is called a *Waiver of the 30 Day Prohibition Against Remarriage*.

Can I get divorced if I do not know where my spouse is?

Yes. But first, you must prove to the court that you have tried hard to find your spouse. Read about service by posting and publication at www.TexasLawHelp.org.

What if I started my divorce in a different county?

You can finish your divorce in the county where you originally filed if you or your spouse had lived in that county for at least 90 days and Texas for at least 6 months at the time you filed your *Petition for Divorce*. If you want to have the case heard in the county where you are now living, talk to a lawyer.

Terms to Know

Petitioner: The spouse who asks the court for a divorce by filing a Petition. Even if both spouses want the divorce, only one spouse can be the petitioner.

Respondent is the other spouse.

Contested: A divorce is contested when the spouses don't agree about getting the divorce, dividing property and debts, or what to do about child support and custody.

Uncontested: Either the divorce is *agreed* (both parties agree on all the issues) or *default* (the respondent does not file an Answer).

Uncontested Docket is the court that hears divorce cases when the case is either an agreed (uncontested) or a default divorce.

Petition: This is the form the petitioner files to ask the court for a divorce.

Decree: This is the form that the judge signs to grant the divorce. A divorce decree says who keeps what property and who pays what debts.

In a divorce involving children, a divorce decree says which parent pays child support and provides health insurance. The decree also says when the child can visit a parent and which parent makes certain decisions about the child.

A divorce decree can include other orders, such as spousal support.

File: Giving legal papers to the courthouse clerk. There is usually a fee to file a petition, have a citation issued, or to have copies made.

Official Process Server: A constable, sheriff, or private process server who delivers court papers and files notice that the delivery was made in the Clerk's Office. There is a fee for Official Process Service. If your spouse lives or is jailed in another county, learn who provides Official process Service in your spouse's county by asking the Clerk's Office of that county. Contact information for Texas clerk's offices can be found at <http://www.txlaw.org/clerks.html>.

If my spouse and I do not own any property together, do we still have to fill out the property and debt sections on the Decree of Divorce form?

Yes. Anything you or your spouse purchased during your marriage, even if it was purchased after you separated, is community property. Any debts you or your spouse incurred during your marriage, even if they were incurred after you separated, are community debts. Answer each section carefully so you will be able to keep *any* property that belongs to you.

If my spouse filed an Answer, but later agrees to sign the Decree of Divorce, can I still go to an Uncontested Docket?

Yes, if your spouse has signed the *Decree of Divorce*.

How much will child support be?

In most cases, the court uses a special formula to calculate child support. This is called *Guideline* support. Usually, the supporting parent pays the following amounts to the parent with whom the children live most of the time.

For help calculating child support you can use the child support calculator at www.TexasLawHelp.org.

| number of Children* | Percent of Supporting Parent's Income <i>After Taxes</i> |
|---------------------|--|
| 1 child | = 20% |
| 2 children | = 25% |
| 3 children | = 30% |
| 4 children | = 35% |
| 5 children | = 40% |

→ *Important Note:

The formula is different if the supporting parent also has children with someone else. Use the child support calculator at www.TexasLawHelp.org or talk to a lawyer.

The Court can order a child support amount different from guideline support if the Court determines that amount to be in the best interest of the child.

Where do I send my child support payments?

The State Disbursement Unit, P.O. Box 659791, San Antonio, Texas, 78265-9791.

Can child support be paid directly to the other parent?

No. Unless the court orders otherwise, all child support payments must be sent to the State Disbursement Unit, P.O. Box 659791, San Antonio, Texas, 78265-9791.

What if I already have court orders regarding my children?

If there is a final court order for the custody and support of your children and you are not asking to change that order, you can file your divorce using the ***Divorce No Children forms*** at www.TexasLawHelp.org. When you fill out your *Original Petition for Divorce* include information about your children and your current custody and support order. You must attach a copy of your current custody and support order to your *Decree of Divorce*.

If there is a final order for the custody and support of your children and you do want to change those orders talk to a lawyer

Cause Number: _____
(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

IN THE MATTER OF THE MARRIAGE OF

Petitioner: _____
Print first, middle and last name of the spouse filing for divorce.

In the _____
(Court Number)

And

District Court County Court of:

Respondent: _____
Print first, middle and last name of other spouse.

_____ County, Texas

AND IN THE INTEREST OF: *(List children of this marriage who are under 18):*

1. _____ 2. _____ 3. _____
4. _____ 5. _____ 6. _____

Original Petition for Divorce

Print your answers.

Parties

My name is: _____
First Middle Last

I am the **Petitioner**. I am filing this Petition for Divorce.

The last three numbers of my driver's license number are: ____ ____ _____. My driver's license was issued in *(State)* _____.
or I do not have a driver's license number.

The last three numbers of my social security number are: ____ ____ _____.
or I do not have a social security number

My spouse's name is: _____
First Middle Last

My spouse is the **Respondent**.

1. Discovery

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

2. Jurisdiction

County of Residence

(Check all boxes that apply.)

- I have lived in this county for the last 90 days.
- My spouse has lived in this county for the last 90 days.

You cannot file this form until you or your spouse have lived in the county where you are asking for a divorce for the last 90 days, and in Texas for the last six months.

State of Residence

(Check all boxes that apply.)

- I have lived in Texas for the last six months.
- My spouse has lived in Texas for the last six months.

Out-of-State Respondent

(Check all boxes that apply.)

- My spouse does not live in Texas, **and**
 - My spouse agrees that a Texas court can make orders dividing our property and orders for custody and support of our children.
 - Texas is the last state where we lived together as a married couple. This petition is filed less than two years after we separated.
 - The children live in Texas because of my spouse's actions.
 - My spouse has lived in Texas with the children.
 - My spouse has lived in Texas and provided prenatal expenses or support for the children.
 - My spouse had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
 - Our child was born in Texas and my spouse registered with the paternity registry maintained by the bureau of vital statistics or signed an acknowledgment of paternity.
 - My spouse will be personally served with citation in Texas.

Note: If your spouse does NOT live in Texas, you must complete and attach the Exhibit: Out-of-State Party Affidavit.

Waiver of Waiting Period Based on Family Violence

(Check only if applicable.)

- I ask the Court to waive the 60 day waiting period for divorce because: (Check one box.)
 - My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.
 - I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.

3. Marriage, Separation, and Grounds for Divorce

My spouse and I got married on or about: _____
Month Day Year

We stopped living together as spouses on or about: _____
Month Day Year

I ask the Court to grant me a divorce.

The marriage has become insupportable due to discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation. (This means that you and your spouse do not get along and do not plan to get back together.)

4. Children

A. Children you and your spouse have together –

List all adopted and biological children of this marriage who are under 18.

If you have a disabled child, talk to an attorney to see if child support should continue after the child turns 18.

| | Child's name | Date of Birth | County and State where child resides now |
|----|--------------|---------------|--|
| 1. | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ |

B. Adult Disabled Children

(Check one box.)

- My spouse and I **do not** have any disabled children over 18.
- My spouse and I **do** have a disabled child over 18.

Note: If you have a disabled child, talk to a lawyer before filing this form. You or your spouse may be entitled to receive child support, even after the child becomes an adult.

C. Pregnancy

(Check one box.)

- The wife in this marriage **is not** pregnant.
- The wife in this marriage **is** pregnant.

(If pregnant, also check one box below.)

- The husband **is** the father of this child.
- The husband **is not** the father of this child.

Important: If the wife is pregnant and the husband is **not** the biological father of the child, paternity of the child must be established before you can finish your divorce. See Texas Family Code Section 160.204.

Paternity may be established by:

- filing, with the court, a case to *Adjudicate Parentage*, **or**
- filing, with the bureau of vital statistics, an *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the husband.

The Office of the Attorney General may be able to help establish paternity of the child.

Get more information about establishing paternity at www.TexasLawHelp.org.

If the wife is pregnant and the husband **is** the biological father of the child, you must wait until the child is born to finish your divorce.

**D. Court Orders involving children
you and your spouse have together**

(Check one box.)

- There are **no** court orders in effect now for any of the children listed above.
- There **is** a court order in effect now for at least one, but NOT ALL of the children listed above.

Child(ren) included in order: _____

County/State where order was made: _____

Date of order: _____ Cause #: _____

Name of order: _____

- There **is** a court order in effect now for ALL of the children listed above.

County/State where order was made: _____

Date of order: _____ Cause #: _____

Name of court order in effect now: _____

The court order in effect now is: temporary final.

I ask the court to make the following changes to this order: (Note: The court cannot change an order made in a different county, unless the case is transferred to the county where you file for divorce.)

Note: Do not use this form if you have a **final** court order for custody and support of all the children and you are NOT asking the court to make any changes to the order. Use the *Petition for Divorce – No Children* form instead.

If the court order in effect now: 1) does not include all your children, 2) is temporary, or 3) you are asking the court to make changes to the order, talk to a lawyer before you file this form.

E. Custody, Visitation, and Child Support

My spouse and I will try to make an agreement about custody, visitation, and support. If we cannot make an agreement, I ask the court to make decisions on these issues that are best for our children, including, if applicable, orders for current and retroactive child support and medical support.

F. Children's Health Insurance

The children do do not have private health insurance in effect.

Private Health Insurance is in effect: (Complete, if the children have private health insurance.)

Name of insurance company: _____

Policy number: _____

Cost of premium: \$ _____

Name of person who pays for insurance: _____

The insurance policy is is not available through the parent's work.

Private Health Insurance NOT in effect: (Complete, if the children do NOT have private health insurance.)

The children do do not receive medical assistance through CHIPS or Medicaid.

Cost of premium (if any): _____

Health insurance is is not available to the person who pays child support at a reasonable cost.

G. Children's property

(Check one box.)

- The children do not own any property.
- The children own the following property: _____

H. Children born during the marriage, but husband is not the father

(Check one box and fill in the requested information, if applicable.)

- The wife **did not** have children with another man while married to the husband.
- The wife **did** have children with another man while married to the husband.

All of the children born during the marriage that are not the husband's adopted or biological children are named below:

| | Child's name | Age | Date of Birth | Sex |
|----|--------------|-------|---------------|-------|
| 1. | _____ | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

If more than 6 children, list them on another sheet and write Attachment B at the top. Then attach it to this form.

(Check one box.)

- Paternity of the children named above **has not** been established. I understand that paternity of the children must be established before I can finish my divorce.
- Paternity of the children named above **has** been established: (Check one box.)
 - A court order has determined the father of each child named above. I understand I must attach a file-stamped copy of the order to my Final Decree of Divorce.
 - An *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the Husband has been filed with the bureau of vital statistics for each child named above. I understand I must attach a copy of these documents to my Final Decree of Divorce.

Important: If the wife had children with another man while married to the husband, paternity of the children must be established before you can finish your divorce. See *Texas Family Code Section 160.204*.

Paternity may be established by:

- filing, with the court, a case to *Adjudicate Parentage*, **or**
- filing, with the bureau of vital statistics, an *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the husband.

The Office of the Attorney General may be able to help establish paternity of the children.

Get more information about establishing paternity at www.TexasLawHelp.org.

5. Property

Community Property

My spouse and I will try to make an agreement about how to divide our community property and debts. If we cannot agree, I ask the Court to divide our property and debts according to Texas law.

Separate Property

List all property that you owned before you were married, including real estate, and all gifts, inheritance, or money damages you received from a lawsuit during your marriage, if the money was not compensation for lost wages.

1. House located at: _____
street address city state zip

2. Land located at: _____
street address city state zip

3. Cars, trucks, motorcycles or other vehicles

| Year | Make | Model | Vehicle Identification No. [VIN] |
|-------|-------|-------|----------------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

4. Inheritance, gifts, or money from a lawsuit (not for lost wages) given only to you (*describe*):

5. Other property that you owned before you were married (*describe*):

I ask the Court to confirm this property as my separate property in my Final Decree of Divorce.

6. Protective Order

Note: You MUST attach a copy of **any** protective order issued for you against your spouse **or** issued for your spouse against you, no matter when the protective order was issued.

Protective Order Against my SPOUSE

(Check one box and fill in the requested information, if applicable.)

I **do not** have a Protective Order against my spouse and I have not asked for one.

I **have** filed paperwork at the courthouse asking for a Protective Order against my spouse, but a judge has not decided if I should get it. I asked for a Protective Order on _____ in _____ County. The case number is _____.
Date Filed Name of County

I **do have** a Protective Order against my spouse. I got the Protective Order on _____ in _____ County, _____.
Date Ordered Name of County Name of State

The case number for the Protective Order is _____.

Protective Order Against ME

(Check one box and fill in the requested information if applicable.)

- My spouse **does not** have a Protective Order against me and has not asked for one.
- My spouse **has** filed paperwork asking to get a Protective Order against me, but a judge has not decided if my spouse will get it. My spouse asked for a Protective Order on _____ in _____ County. The case number is _____.
Date Filed *Name of County*
- My spouse **does have** a Protective Order against me. The Order was made in _____ County, _____ on _____.
Name of County *Name of State* *Date Ordered*
 The case number for the Protective Order is _____.

7. Family Information

(Check one box.)

- I will fill out and file the Family Information form when I file the Final Decree of Divorce, as required by Texas Family Code Section 105.006.
- I believe my children or I will be harassed, abused, seriously harmed, or injured if I am required to give my spouse the information checked below for myself and the children:

(Check the boxes below to tell the judge which information you want to be kept confidential.)

- home address, mailing address, employer, work address,
- home phone #, work phone #, social security #, driver's license #.

I ask the Court to Order that I not have to give this information or notice of changes in this information to my spouse. I also ask the Court to keep this information confidential.

Note: Ask the Court to sign the *Order on Request to Keep Family Information Confidential* form when you go to court. Find this form at www.FreeTexasForms.org in the Divorce in Texas with Children section.

8. Name Change

I ask the Court to change my name back to a name I had before my marriage:

PRINT First *Middle* *Last*

9. Notice to My Spouse

Your spouse has the legal right to be notified that you have filed for divorce.

(Check one box.)

- I will have a sheriff, constable, or process server give a copy of this Petition to my spouse here:

Street Address *City* *State* *Zip*

If this is a work address, name of business: _____

I ask the clerk to issue 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** by a sheriff, constable or process server.

- Do not send a sheriff, constable, or process server to give a copy of this Petition to my spouse, at this time. I think my spouse will sign a Waiver of Service, or file an Answer.

10. Prayer

I ask the Court to grant me a divorce and make the other orders I have asked for in this Petition and any other orders I am entitled to.

I ask the court for general relief.

| | |
|--------------------------------------|-----------------------|
| _____ | () |
| <i>Petitioner's Name (print)</i> | <i>Phone number</i> |
| → _____ | _____ |
| <i>Petitioner's Signature</i> | <i>Date</i> |
| <i>Petitioner's Mailing Address:</i> | _____ |
| | _____ |
| | <i>city state zip</i> |

I understand that I must let the Court, my spouse, and my spouse's attorney (if my spouse has an attorney) know in writing if my mailing address or phone number changes during this case.

Exhibit: Out-of-State Party Affidavit

Required by Texas Family Code, Section 152.209

Important! If you, the other parent, or anyone else named as a party in your case lives outside of Texas, you must:

- Fill out this form – *Do not sign it until you are in front of the notary!*
- After signing, file it in the Clerk's Office.
- Keep a copy for your records.

(All information must be true and correct. Print your answers.)

The person who signed this affidavit appeared, in person, before me and stated under oath:

"My name is _____. I am above the age of eighteen (18) years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

1. Personal Information

My name is: _____
First Middle Last

I am the: Petitioner Respondent

I am representing myself in this case.

Do you believe the health, safety or liberty of you or your children would be jeopardized by disclosure of the information in this affidavit? Yes No

If yes, ask the Clerk's Office to seal this affidavit and not disclose the information to the other party or the public, until and unless the court orders the information disclosed after a hearing in which the court takes into consideration the health, safety and liberty of you and your children. This is required by Texas Family Code, section 152.209 (e).

2. Children in this case (under 18)

First Child's Name: _____

Present Address: _____

Child now lives with Mother Father Other: (explain) _____

When did this child start living at this address? (Month, day, year) _____

(You must list every address for the last 5 years. Start with the most recent.)

1st past address _____ From: ____ / ____ / ____ To: ____ / ____ / ____

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

2nd past address _____ From: ____ / ____ / ____ To: ____ / ____ / ____

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

3rd past address _____ From: ____ / ____ / ____ To: ____ / ____ / ____

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

4th past address _____ From: ____ / ____ / ____ To: ____ / ____ / ____

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

2nd Child's Name: _____

Check here if this child has always lived with the 1st child and skip to next question.

Present Address: _____

Child now lives with Mother Father Other: (explain) _____

When did this child start living at this address? (Month, day, year) _____

(You must list every address for the last 5 years. Start with the most recent.)

1st past address _____ From: ___ / ___ / ___ To: ___ / ___ / ___

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

2nd past address _____ From: ___ / ___ / ___ To: ___ / ___ / ___

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

3rd past address _____ From: ___ / ___ / ___ To: ___ / ___ / ___

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

4th past address _____ From: ___ / ___ / ___ To: ___ / ___ / ___

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

3rd Child's Name: _____

Check here if this child has always lived with the 1st child and skip to next question.

Present Address: _____

Child now lives with Mother Father Other: (explain) _____

When did this child start living at this address? (Month, day, year) _____

(You must list every address for the last 5 years. Start with the most recent.)

1st past address _____ From: ___ / ___ / ___ To: ___ / ___ / ___

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

2nd past address _____ From: ___ / ___ / ___ To: ___ / ___ / ___

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

3rd past address _____ From: ___ / ___ / ___ To: ___ / ___ / ___

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

4th past address _____ From: ___ / ___ / ___ To: ___ / ___ / ___

Who did the child live with? Mother Father Other: (explain) _____

What is the present address of that person or persons? _____

If there are more than 3 children, make a copy of this page for each child and attach it to this form.

3. Other Court Cases

Have you taken part in any other court case about any of these children, in Texas or in any other state or country? Yes No

Do you know of any other court case that could affect this case, including custody, visitation, child support, civil or criminal cases for domestic violence, protective orders, termination of parental rights, adoptions and enforcement cases? Yes No

If you answered Yes for either of the above questions, complete the following:

| County, State and Country of Court Case | Case # | Type of case |
|---|--------|--------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Warning: You must tell the court if you later find out about a court case about these children, in Texas or in any other state or country.

4. Other People Who Claim Custody or Visitation

“Do you know of any other person who has physical possession of the children or claims the right to legal or physical custody or visitation with the children? Yes No

If **Yes**, complete the following for each person.

Name: _____

Address: _____

Relationship to child: _____

Name: _____

Address: _____

Relationship to child: _____

Do not sign until you are in front of a notary.



Signature

Date

Notary fills out below.

State of Texas,
County of _____
(Print the name of county where this statement is notarized)

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

By (Print name of person who is signing this affidavit.): _____

(Notary's seal here)



Notary's Signature

WARNING: Without the advice and help of an attorney, you may be putting yourself, your children, your property, and your money at risk. For a referral to an attorney, or if you are poor to the nearest Legal Aid Office, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.

If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

Print court information exactly as it appears on the Original Petition for Divorce.

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

In the _____
Court Number

Petitioner: _____
Print first, middle and last name of the spouse filing for divorce.

And

- District Court
 County Court at Law

Respondent: _____ County, Texas
Print first, middle and last name of other spouse.

AND IN THE INTEREST OF: (List all children you and your spouse have together who are under 18 or still in high school.)

1. _____ 2. _____ 3. _____
4. _____ 5. _____ 6. _____

Waiver of Service Only (Specific Waiver)

INSTRUCTIONS to Respondent: Talk to an attorney if you have questions. If you decide to use this form:

- Do not sign it until **at least one day after** the *Original Petition for Divorce* has been filed (turned in to the court). If you sign this form before then, you will have to redo it. Your spouse should have given you a copy of the *Original Petition for Divorce*. The official court stamp on your copy will tell you when it was filed.
- Fill out this form completely. You **MUST** include your mailing address.
- **Sign this form in front of a notary.** Do not sign until you are standing in front of the notary.
- File (turn in) the original signed form to the court where your spouse filed the *Original Petition for Divorce*. Keep a copy for your records. Give a copy to your spouse.
- Get additional information about divorce at www.TexasLawHelp.org.

The person who signed this affidavit appeared, in person, before me, the undersigned notary, and stated under oath:

"I am the Respondent in this case.

"My name is: _____
First Middle Last

"My mailing address is: _____
Mailing Address City State Zip

"My phone number is: (_____) _____ - _____.

"My email address is: _____.

"The last three numbers of my driver's license number are: ____ ____ _____. My driver's license was issued in (State): _____.

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

"The last three numbers of my social security number are: ____ ____ ____.

Or I do not have a social security number.

"I have been given a copy of the *Original Petition for Divorce* filed in this case. I have read the *Original Petition for Divorce* and understand what it says. I do not give up my right to review a different *Petition for Divorce* if it gets changed (amended).

"I understand that I have the right to be given a copy of the *Original Petition for Divorce* by a constable, sheriff or other official process server (legal notice). I do not want to be given legal notice. I give up my right to legal notice.

"I ask that the Court not enter any orders in this case unless the order is signed by me or unless I have received prior written notice of the date, time, and place of hearing.

"If I reach an agreement and sign a *Final Decree of Divorce*, the court can enter the *Decree* without me being present and without giving me notice. If I sign an agreed *Final Decree of Divorce*, I do not want a court reporter to make a record of the testimony.

"I understand that by signing this form I am entering an appearance in this case. I agree that a Judge or Associate Judge in the county and state where this case is filed may make decisions about my divorce, even if the divorce should have been filed in another county.

"I understand that I must let the Court and my spouse's attorney (or my spouse if s/he is not represented by an attorney) know in writing if my mailing address, phone number or email address changes during this case. If I don't, then I understand that any notices about this case will be sent to me at the address on this form.

Military Status (Check one.)

I am not in the military.

I am in the military. I agree to the provisions stated above and I waive only the rights, privileges, and exemptions I have under the Servicemembers Civil Relief Act that are contrary to those provisions.

Name Change (Check one.)

(Note: You can only use this form to change your name to a name you used before you got married.)

I am NOT asking the court to change my name.

I ask the Court to change my name back to a name I had before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors."

First Middle Last



Signature of Respondent

Date

Notary fills out below.

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

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

Sworn to and subscribed before me, the undersigned notary, on this date: _____ / ____ /20
Month day year

at _____ a.m./p.m.
time circle one

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

[Notary Stamps Here]



Notary's Signature

WARNING: Without the advice and help of an attorney, you may be putting yourself, your children, your property, and your money at risk. Call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690 for help finding a lawyer. If you or your child is a victim of domestic violence, you can get legal help by calling 1-800-374-4673.

WARNING: Filing an *Answer* with the Court enters your appearance in this case. Talk to a lawyer before filing an *Answer* if you **1) do not live in Texas** and **2) do not agree** that a Texas court should have the power to make orders that impose a personal obligation on you. Such orders could include orders dividing your property and debts, ordering you to pay child support, and (if requested by the Petitioner) ordering you to pay spousal maintenance, court costs and attorney fees. If you file an *Answer* (or any other pleading) before filing a *Special Appearance*, you will give up your right to argue that Texas lacks the power to make such orders because you live out-of-state. Call the State Bar of Texas Lawyer Referral Information Service at 1(800) 252-9690 for help finding a Texas lawyer.

(Print court information exactly as it appears on the Petition for Divorce)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

Petitioner: _____
(Print first, middle and last name of the spouse filing for divorce.)

In the _____
(Court Number)

And

District Court County Court at Law

Respondent: _____ County, Texas
(Print first, middle and last name of other spouse.)

Names of the children who are under 18 or still in high school:

1. _____ 2. _____ 3. _____
4. _____ 5. _____ 6. _____

Respondent's Answer to Divorce

Print your answers.

My name is: _____
First Middle Last

I am the **Respondent** in this divorce case

The last three numbers of my driver's license number are: ____ ____ ____ . My driver's license was issued in (State) _____ .
or I do not have a driver's license number.

The last three numbers of my social security number are: ____ ____ ____ .
or I do not have a social security number

1. General Denial

I enter a general denial. I want to be notified of all hearings in this case.

However, if my spouse (the Petitioner) and I reach an agreement I will sign the *Final Decree of Divorce*. If I sign the *Final Decree of Divorce*, then I agree that the Court can finalize this case without my getting notice of the hearing and without my coming to Court.

2. Contact Information

My mailing address is: _____
Print Mailing Address City State Zip

My phone number is: (____) _____ - _____.

I understand I *must* notify the Court and Petitioner or Petitioner’s attorney (if Petitioner has an attorney) in writing if my mailing address or phone number changes during this case. I understand that unless I give the Court and Petitioner or Petitioner’s attorney (if Petitioner has an attorney) written notice of changes in my mailing address, all information about this case, including the date and time of hearings, will be sent to me at the address on this form.

3. Name Change

(Check one.)

- I am NOT asking the court to change my name.
- I ask the Court to change my name back to a name I used before:

PRINT First Middle Last

I am not asking the court to change my name to avoid criminal prosecution or to avoid payment of debt.

4. Prayer

I ask the Court to grant me a divorce. I also ask the Court to make the other orders I have asked for in this *Answer* and any other orders to which I am entitled.

→ _____
Respondent’s Signature

Date

Respondent’s Printed Name

(____) _____
Phone Number

Respondent’s Mailing Address

City State Zip

5. Certificate of Service

I swear that I gave a true copy of this document to Petitioner or Petitioner’s attorney (if Petitioner has an attorney) in person, by fax, or by certified mail, return receipt requested.

→ _____
Respondent’s signature

Date

Print court information exactly as it appears on the Petition for Divorce.

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

In the _____
Court Number

Petitioner: _____
Print first, middle and last name of the spouse filing for divorce.

And

- District Court
- County Court at Law

Respondent: _____ County, Texas
Print first, middle and last name of other spouse.

AND IN THE INTEREST OF: (List all children you and your spouse have together who are under 18 or still in high school.)

- 1. _____ 2. _____ 3. _____
- 4. _____ 5. _____ 6. _____

Final Decree of Divorce

A hearing took place on _____
Date

There was no jury. Neither the husband nor wife asked for a jury.

1. Appearances

Petitioner

The Petitioner's name is: _____
First Middle Last

The Petitioner is the: (Check one.) Husband Wife

(Check one.)

- The Petitioner **was present**, representing him/herself. The Petitioner announced ready for trial.
- The Petitioner **was present**, representing him/herself. The Petitioner has signed below agreeing to the terms of this Final Decree of Divorce (called "Decree" throughout this document).
- The Petitioner **was not present** but has signed below, agreeing to the terms of this Decree.

Respondent

The Respondent's name is: _____
First Middle Last

The Respondent is the: (Check one.) Husband Wife

(Check one.)

- The Respondent **was present**, representing him/herself. The Respondent announced ready for trial.
- The Respondent **was present**, representing him/herself. The Respondent has signed below agreeing to the terms of this Decree.
- The Respondent **was not present**, but filed an Answer or Waiver of Service and has signed below agreeing to the terms of this Decree.
- The Respondent **was not present**, but filed a Global Waiver of Service that waived Respondent's right to notice of this hearing and did not otherwise appear.
- The Respondent **was not present**, but was served and has defaulted. The Petitioner has filed a Certificate of Last Known Address and a Military Status Affidavit.

2. Record

- A Court reporter recorded today's hearing.
- A Court reporter did not record today's hearing because the Husband, Wife, and judge agreed not to make a record.
- A Statement of the Evidence was signed by the Court.

3. Jurisdiction

The Court heard evidence and finds that it has jurisdiction over this case and the parties, that the residency and notice requirements have been met, and the *Petition for Divorce* meets all legal requirements.

The Court finds that: *(Check one.)*

- it has been at least 60 days since the *Petition for Divorce* was filed.
- the 60 day waiting period is not required because: *(Check one.)*
 - Petitioner has an active Protective Order under Title 4 of the Texas Family Code, or an active magistrate's order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure against Respondent because Respondent committed family violence during the marriage.
 - Respondent has a final conviction or has received deferred adjudication for a crime involving family violence against Petitioner or a member of Petitioner's household.

4. Divorce

IT IS ORDERED that the Petitioner and the Respondent are divorced.

5. Children

5A. Children Husband and Wife Have Together

The Court finds that the Husband and Wife are the parents of the children listed below and that there are no other children born to or adopted by Husband and Wife who are under 18 or still in high school.

(List all biological and adopted children you and your spouse have together who are under 18 or over 18 and still in high school.)

| | Child's name | Sex | Date of Birth | Place of Birth | Social Security # | State where child lives now |
|---|--------------|-------|---------------|----------------|-------------------|-----------------------------|
| 1 | _____ | _____ | / / | _____ | _____ | _____ |
| 2 | _____ | _____ | / / | _____ | _____ | _____ |
| 3 | _____ | _____ | / / | _____ | _____ | _____ |
| 4 | _____ | _____ | / / | _____ | _____ | _____ |
| 5 | _____ | _____ | / / | _____ | _____ | _____ |
| 6 | _____ | _____ | / / | _____ | _____ | _____ |

The Court finds that there are **no other court orders** regarding any of the children listed above.

5B. Disabled Children

The Court finds that the Husband and Wife do **not** have any disabled children of any age.

Remember: Talk to a lawyer if you have a disabled child or an adult disabled child. You or your spouse may be entitled to child support even after the child becomes an adult.

5C. Pregnancy

The Court finds that the Wife is **not** pregnant.

Remember: You cannot finish your divorce while the wife is pregnant.

5D. Children Born during the Marriage, but the Husband is Not the Father

(Check one.)

- The Court finds that the Wife did **not** have children with another man while married to the Husband.
- The Court finds that the child/ren listed below was/were born to the Wife during the marriage, but the Husband is not the biological father. The Court further finds that:

Remember: If the wife had children with another man while married to the husband, you cannot finish your divorce until: 1) a court order establishes that another man is the father of the children, or 2) a court order establishes that the Husband is not the father of the children, or 3) paternity of the children is established by filing a valid Acknowledgment and Denial of Paternity. See Texas Family Code Section 160.204. Get more information about establishing paternity at www.TexasLawHelp.org.

(Check all that apply.)

- A court order has established that another man is the biological father of the child/ren listed below. A copy of the court order is attached to this Decree as Exhibit ____.
- A court order has established that the Husband is not the biological father of the child/ren listed below. A copy of the court order is attached to this Decree as Exhibit ____.
- A valid *Acknowledgement of Paternity* was signed by the biological father and a valid *Denial of Paternity* was signed by the Husband for the child/ren listed below. The *Acknowledgment of Paternity* and *Denial of Paternity* were filed with the Vital Statistics Unit. A copy of the *Acknowledgment of Paternity* and *Denial of Paternity* is attached to this Decree as Exhibit ____.

You must list all children born during the marriage who are not the biological or adopted children of the husband.

| | Child's name | Sex | Date of Birth |
|---|--------------|-------|---------------|
| 1 | _____ | _____ | _____ |
| 2 | _____ | _____ | _____ |
| 3 | _____ | _____ | _____ |
| 4 | _____ | _____ | _____ |
| 5 | _____ | _____ | _____ |
| 6 | _____ | _____ | _____ |

6. Parenting Plan

The Court finds that the following orders concerning the rights and duties of the Husband and Wife in relation to their child/ren, including orders for conservatorship (custody), possession and access (visitation), child support and medical support, are in the child/ren's best interest.

The Court further finds that these orders constitute the parenting plan of the Court for the child/ren listed by name in **5A** above.

7. Conservatorship (Custody)

7A. Rights and Duties of Both Parents

The Court **ORDERS** that both parents *always* have the following rights:

1. The right to receive information from the other parent or conservator about the child/ren's health, education, and welfare;
2. The right to talk or confer with the other parent, to the extent it is possible, about upcoming decisions concerning the child/ren's health, education, and welfare;
3. The right to have access to the child/ren's medical, dental, psychological, and educational records;
4. The right to talk or consult with the child/ren's doctors, dentists, and psychologists;
5. The right to talk or consult with school officials, including teachers, and school staff, about the child/ren's welfare and educational status and school activities;
6. The right to attend the child/ren's school activities;
7. The right to be designated as an emergency contact on their child/ren's records;
8. The right to give consent for emergency medical, dental, and surgical treatment if the child/ren's health or safety is in immediate danger; and
9. Each parent has the right to manage the child/ren's estate(s) if he or she created it for the child/ren or if that parent's family created it for the child/ren.

The Court **ORDERS** that both parents *always* have the following duties:

1. the duty to inform the other parent in a timely manner of significant information concerning the health, education, and welfare of the child/ren; and
2. the duty to inform the other parent if the parent resides with for at least thirty days, marries, or intends to marry a person who the parent knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure or is currently charged with an offense that would require the person to register as a sex offender under that chapter, if convicted. The parent IS ORDERED to give this notice as soon as practicable, but no later than the 40th day after the date the parent or conservator begins to reside with the person, or within 10 days of marrying the person. The notice must include a description of the offense that required the person to register as a sex offender or the offense that the person is charged with that may require the person to register as a sex offender. **WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.**

The Court **ORDERS** that each parent, during his or her periods of possession of the children, has the following rights and duties:

1. The duty to care for, control, protect, and reasonably discipline the child/ren;
2. The duty to support the child/ren, including providing them with food, clothing, and shelter, and medical and dental care that does not involve an invasive procedure;
3. The right to consent to non-invasive medical and dental care for the child/ren; and
4. The right to direct the child/ren's moral and religious training.

7B. Parents Appointed Conservators

If the parents will be joint managing conservators, check box **7B(1)** below and fill in the requested information.

If one parent will be the sole managing conservator and the other will be the possessory conservator, check box **7B(2)** on the next page and fill in the requested information.

7B(1) **Joint Managing Conservators**

The Court **ORDERS** that the parents are appointed **Joint Managing Conservators** and:

(Check **7B(1)(a)** or **7B(1)(b)**.)

7B(1)(a) **One Parent Has the Exclusive Right to Decide Where the Child/ren Live.**

The Court **ORDERS** that _____
Print the name of the parent who will decide where the child/ren live.

has the exclusive right to designate the primary residence of the child/ren and that s/he:
(Check one.)

- may designate the child/ren's residence without regard to geographic location.
- must designate the child/ren's residence within the following geographic area:

- (Check one.)
- the school attendance zone of: _____.
 - this county. this county or county adjacent to this county.
 - Texas. other: _____.

7B(1)(b) **Neither Parent Has the Exclusive Right to Decide Where the Child/ren Live.**

The Court **ORDERS** that neither parent has the exclusive right to designate the primary residence of the children. However, both parents are **ORDERED** not to move the children's primary residence from the following geographic area:

- (Check one.)
- the school attendance zone of: _____.
 - this county. this county or county adjacent to this county.
 - other: _____.

The Court **ORDERS** that the parents, as **Joint Managing Conservators**, also have the rights and duties as marked below. The right or duty listed in the 1st column shall be exercised by the parent or parents as marked in the 2nd, 3rd, 4th, or 5th column.

(Check one box in each row.)

| | Mother exclusively | Father exclusively | Parents jointly | Parents independently |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| 1. the right to consent to invasive medical, dental, and surgical treatment for the child/ren | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. the right to consent to psychiatric or psychological treatment for the child/ren | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. the right to receive child support and save or spend these funds for the child/ren's benefit | <input type="checkbox"/> | <input type="checkbox"/> | No | No |
| 4. the right to represent the child/ren in a legal action and make important legal decisions that affect the child/ren | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. the right to consent to a child's marriage, or to a child enlisting in the U.S. Armed Forces | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. the right to make decisions concerning the child/ren's education | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

(Check one box in each row.)

| | Mother exclusively | Father exclusively | Parents jointly | Parents independently |
|---|--------------------------|--------------------------|--------------------------|--------------------------|
| 7. the right to the services and earnings of the child/ren | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. the right to make decisions for the child/ren about their estates if required by law (unless the child/ren have a guardian or attorney ad litem or guardian of the estate) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. the duty to manage the child/ren's estates to the extent the estates have been created by the parents' community or joint property. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

7B(2) **Sole Managing Conservator and Possessory Conservator**

The Court **ORDERS** that _____ is
 (Print the name of the parent appointed Sole Managing Conservator of the children.)
 appointed **Sole Managing Conservator** of the children.

The Court **ORDERS** that _____ is
 (Print the name of the parent appointed Possessory Conservator of the children.)
 appointed **Possessory Conservator** of the children.

The Court **ORDERS** that the **Sole Managing Conservator** has the following exclusive rights and duty:

1. the right to designate the primary residence of the child/ren without geographic restriction;
2. the right to consent to medical, dental, and surgical treatment for the child/ren involving invasive procedures;
3. the right to consent to psychiatric and psychological treatment of the child/ren;
4. the right to receive child support and to save or spend these funds for the benefit of the child/ren;
5. the right to represent the child/ren in legal action and to make other decisions of substantial legal significance concerning the child/ren;
6. the right to consent to marriage and to enlistment in the United States Armed Forces;
7. the right to make decisions concerning the child/ren's education;
8. the right to the services and earnings of the child/ren;
9. except when a guardian of the child/ren's estates or a guardian or attorney ad litem has been appointed for the child/ren, the right to act as an agent of the child/ren in relation to the child/ren's estates if the child/ren's action is required by a state, the United States, or a foreign government;
10. the duty to manage the estates of the child/ren to the extent the estates have been created by community property or the joint property of the parents.

7C. Order Regarding Passports for the Children

The Court **ORDERS** that: (Check one.)

- Mother shall have the exclusive right to apply for and renew passports for the child/ren.
- Father shall have the exclusive right to apply for and renew passports for the child/ren.
- Neither parent shall have the exclusive right to apply for and renew passports for the child/ren.

8. Possession and Access (Visitation)

The Court **ORDERS** that the parents shall have possession and access to the child/ren as ordered in the:
(Check one. Attach the appropriate Possession and Access Order to this Decree. Write Exhibit A at the top.)

- Standard Possession and Access Order attached as Exhibit A and fully incorporated into this Decree.
 Modified Possession and Access Order attached as Exhibit A and fully incorporated into this Decree.
 Supervised Possession and Access Order attached as Exhibit A and fully incorporated into this Decree.

(Check only if needed. Attach a Possession and Access Order for Child Under 3 to this Decree. Write Exhibit B at the top.)

- The Court **ORDERS** that until a child is 3 years old, the parents shall have possession and access to the child as ordered in the Possession and Access Order for Child Under 3 attached as Exhibit B and fully incorporated into this Decree. The Court **ORDERS** that beginning on the child's 3rd birthday, the parents shall have possession and access to the child as ordered in the Possession and Access Order attached as Exhibit A.

9. Child Support

9A. Order to Pay Child Support

The Court **ORDERS** _____ (Obligor) to pay
(Print the name of the parent who will **pay** child support.)

child support to _____ (Obligee) in the amount
(Print the name of the parent who will **receive** child support.)

and manner described below until one of the following **events that terminate child support** occurs for each child.

Events that Terminate Child Support

(See Texas Family Code Sections 154.006 and 154.002.)

The obligation to pay child support for a child terminates when:

- The child turns 18, unless when the child turns 18 he or she is enrolled and complying with attendance requirements in a secondary school program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit then child support terminates at the end of the month in which the child graduates. **-or-**
- The child marries, dies, or is emancipated by court order. **-or-**
- The child begins active duty in the United States armed forces. **-or-**
- A court terminates the parent-child relationship between the man ordered to pay child support and the child based on genetic testing that determines the man is not the child's father. **-or-**
- The person ordered to pay child support and the person ordered to receive child support marry or remarry each other, unless a nonparent or agency has been appointed conservator of the child.

9B. Obligor and Obligee

The Court **ORDERS** that the parent ordered to **pay** child support above is the **Obligor** and will be referred to as the "**Obligor**" throughout this section and section 10.

The Court **ORDERS** that the parent ordered to **receive** child support above is the **Obligee** and will be referred to as the "**Obligee**" throughout this section and section 10.

9C. Child Support Amount(s)

If only one child will receive support, check box **9C(1)** and fill in the child support amount.

If more than one child will receive support, check box **9C(2)** and fill in the child support amounts.

9C(1) **For a Single Child** Write in the child support amount for the single child on the 1st line below.
Write in the date the 1st child support payment is due on the 2nd line.
Choose a due date that is after the date this decree will be signed by the Court.

Obligor is **ORDERED** to pay \$ _____ child support per month. The 1st payment is due on _____. A like payment is due on the 1st day of each month after that **until** child support terminates for the child.
Month / Day / Year

9C(2) **For Multiple Children** Write in the total child support amount for all of the children on the 1st line.
Write in the date the 1st child support payment is due on the 2nd line. Choose a due date that is after the date this decree will be signed by the Court.
On each additional line, write in the child support amount for one fewer child. For example, if you have 3 children write in the child support amount for all 3 children on the 1st line, the child support amount for 2 children on the 3rd line and the child support amount for 1 child on the 4th line.
Note: Child support based on the guidelines set out in Texas Family Code Chapter 154, Subchapter C, decreases each time child support terminates for one of the children.

Obligor is **ORDERED** to pay \$ _____ child support per month. The 1st payment is due on _____. A like payment is due on the 1st day of each month after that **until** child support terminates for one child.
Month / Day / Year

After child support terminates for one child, Obligor is **ORDERED** to pay \$ _____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for one child. A like payment is due on the 1st day of each month after that **until** child support terminates for a second child.

After child support terminates for two children, Obligor is **ORDERED** to pay \$ _____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a second child. A like payment is due on the 1st day of each month after that **until** child support terminates for a third child.

After child support terminates for three children, Obligor is **ORDERED** to pay \$ _____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a third child. A like payment is due on the 1st day of each month after that **until** child support terminates for a fourth child.

After child support terminates for four children, Obligor is **ORDERED** to pay \$ _____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a fourth child. A like payment is due on the 1st day of each month after that **until** child support terminates for a fifth child.

After child support terminates for five children, Obligor is **ORDERED** to pay \$ _____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for a fourth child. A like payment is due on the 1st day of each month after that **until** child support terminates for a sixth child.

Warning! Do not pay child support directly to the other parent. Send all child support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**. If you pay child support directly to the other parent, you won't get credit and you may have to pay again!

9D. Place of Payment

The Court ORDERS Obligor to send all child support payments to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, for distribution according to law.

The Court ORDERS Obligor to Include the following information with each payment:

- Name of parent ordered to *pay* child support, **and**
- Name of parent ordered to *receive* child support, **and**
- Cause Number and County of Decree or Order, **and**
- Attorney General Case Number, if applicable.

Payments should be made out to the Texas State Disbursement Unit or TXSDU.

9E. No Credit for Informal Payments

IT IS ORDERED that money paid by Obligor directly to Obligee or spent while in possession of the child/ren does **NOT** count as child support and shall be deemed in addition to and not instead of the support ordered in this order.

9F. Child Support Account / Fees

Each parent is ORDERED to:

- Fill out any forms necessary to set up a child support account, **and**
- Take the forms to the local Domestic Relations Office or county child support liaison within 5 days after the judge orders child support, **and**
- Pay when due all fees charged to that parent by the state disbursement unit and any other agency authorized by law to a charge a fee for the collection and distribution of child support.

9G. Guideline or Non-Guideline Support

The Court finds that the child support ordered above is:

Guideline Support: The amount of child support is approximately the amount recommended by the Texas Family Code Child Support Guidelines. *See Texas Family Code, Chapter 154, Subchapter C.*

Non-Guideline Support: The amount of child support differs significantly from the amount recommended by the Texas Family Code Child Support Guidelines.

(If the amount ordered is not based on the guidelines, you must also provide the following information.)

The net monthly income/resources of the Obligor is \$ _____.

The net monthly income/resources of the Obligee is \$ _____.

Guideline child support would be _____ % of Obligor's net monthly resources, which is \$_____ per month.

The **actual** monthly child support amount ordered is \$_____, which is _____ % of Obligor's net monthly income/resources.

Guideline child support would be unjust or inappropriate under the circumstances because:

9H. Income Withholding

IT IS ORDERED that any employer of Obligor is ordered to withhold child support from Obligor's disposable earnings.

If an income withholding for support order is served on Obligor's employer, the employer shall withhold child support payments from Obligor's pay, and send it to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payments shall be recorded, and forwarded to Obligee. All child support withheld and paid in accordance with this order shall be credited against Obligor's child support obligation.

If the employer withholds less than 100% of the child support ordered, Obligor is ORDERED to send the balance owed to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

If an income withholding for support order is not served on the employer, or if Obligor's is self-employed or unemployed, Obligor's is ORDERED to send all child support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

IT IS ORDERED that the Clerk of this Court shall cause a certified copy of the income withholding for support order to be delivered to any employer of Obligor, if asked to do so by Obligor, Obligee, a prosecuting attorney, the title IV-D agency, a friend of the Court, or a domestic relations office.

9I. Suspension of Income Withholding

Check here if all parties agree not to have the employer withhold child support payments at this time.

The parties agree, and the Court ORDERS that an income withholding for support order shall not be served on the employer **unless**: 1) child support payments are more than 30 days late, 2) the past due amount is the same or more than the monthly child support amount, 3) another violation of this child support order occurs or 4) the Office of the Attorney General Child Support Division is providing services to Obligee. Obligor is ORDERED to send all child support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payment will be recorded, and forwarded to Obligee.

9J. Change of Employment

Obligor is ORDERED to notify this Court and Obligee by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than **7 days** after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of Obligor and the name and address of Obligor's current employer, whenever that information becomes available.

9K. Child Support After Death

IT IS ORDERED that the provisions for child support in this decree shall be an obligation of Obligor's estate and shall not terminate on his/her death. Payments received for the benefit of the child/ren, including payments from the Social Security Administration, Department of Veterans Affairs, or other governmental agency or life insurance proceeds, annuity payments, trust distributions, or retirement survivor benefits, shall be a credit against this obligation. Any remaining balance of the child support is an obligation of Obligor's estate.

9L. Life Insurance Policy

Check here if the person ordered to pay child support should also be ordered to maintain a life insurance policy for as long as child support is ordered.

As additional child support, the person paying child support under this order is ORDERED to obtain and maintain a life insurance policy on his or her life for as long as child support is ordered. The value of the policy shall be at least as much as the total child support obligation. The person receiving child support under this order must be named as the primary beneficiary for the benefit of the children.

10. Medical Support

10A. Obligation to Provide Medical Support

As additional child support, the Court **ORDERS** the parents to provide medical support as set out in this order for each child listed in **5A** above until one of the following **events that terminate child support and medical support** occurs for the child.

Events that Terminate Child Support and Medical Support

The obligation to pay child support and medical support for a child terminates when:

- The child turns 18, unless when the child turns 18 he or she is enrolled and complying with attendance requirements in a secondary school program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit then child support terminates at the end of the month in which the child graduates. **-or-**
- The child marries, dies, or is emancipated by court order. **-or-**
- The child begins active duty in the United States armed forces. **-or-**
- A court terminates the parent-child relationship between the man ordered to pay child support and the child based on genetic testing that determines the man is not the child's father. **-or-**
- The person ordered to pay child support and the person ordered to receive child support marry or remarry each other, unless a nonparent or agency has been appointed conservator of the child.

Note about the law:

The **Obligor** is the parent ordered to pay child support. The **Obligee** is the parent ordered to receive child support.

The law presumes that the **Obligor** (the parent ordered to pay child support) will also pay for the children's health insurance or pay cash medical support. *Texas Family Code 154.183*

The law says that the monthly cost of health insurance is **reasonable** if it's not more than **9%** of the **Obligor's** monthly resources for all of Obligor's child/ren. *Texas Family Code 154.181(e)*

10B. Availability of Health Insurance

The Court makes the following findings regarding the availability of health insurance:

(Check box **10B(1)** or **10B(2)** and fill in the requested information.)

10B(1) Health insurance for the children is available at **reasonable** cost to **Obligor** through:

Obligor's work or membership in a union, trade association, or other organization or another source available to Obligor. The actual cost of the health insurance is \$ _____ per month.

Obligee's work or membership in a union, trade association, or other organization or another source available to Obligee. The actual cost of the health insurance is \$ _____ per month.

(**Note:** If health insurance for the children is available to Obligee, and Obligee has other children covered by the same health insurance determine the actual cost of insuring the children in this case by doing this: Divide the total cost of insuring all the children covered by the plan by the number of children insured. Then, multiply that number by the number of children in this case.)

10B(2) Private health insurance for the children is not available to either parent at reasonable cost.

The child/ren is/are is not/are not currently covered by **Medicaid**.

The child/ren is/are is not/are not currently covered by **C.H.I.P.**

The cost, if any, is \$ _____ per month per year.

Note about the law:

The law says the Court should make an order regarding medical support using the following priorities, unless the Court finds that a different order would be in the best interest of the child/ren.

The Court's **1st choice** should be health insurance through a parent's work or membership in a union, trade association, or other organization (if it is available at a reasonable cost to the Obligor).

The Court's **2nd choice** should be health insurance available to a parent through another source (if it is available at a reasonable cost to the Obligor).

The Court's **3rd choice** should be health insurance through a government medical assistance program, i.e. Medicaid or C.H.I.P. Texas Family Code 154.182

(Check only if applicable.)

- Good cause exists to make an order that does not follow the priorities set out in Texas Family Code Section 154.182 for the following reasons: (See note about the law above.)
-
-

10C. Orders Regarding Health Insurance and Cash Medical Support

Check box **10C(1)**, **10C(2)**, OR **10C(3)** and write in the appropriate names.

- Check box **10C(1)** if the **Obligor** will provide and pay for health insurance for the children.
- Check box **10C(2)** if the **Obligee** will provide health insurance for the children and the **Obligor** will pay cash medical support to reimburse the **Obligee** for the cost of the insurance. Don't forget to write in the date the **1st** payment of cash medical support is due. Choose a due date that is after the date this decree will be signed by the Court.
- Check box **10C(3)** if neither parent has access to private health insurance at a reasonable cost. **Obligee** will be ordered to apply for coverage under a government medical assistance program and **Obligor** will be ordered to pay cash medical support. Don't forget to write in the date the **1st** payment of cash medical support is due. Choose a due date that is after the date this decree will be signed by the Court.

10C(1) Obligor to Provide and Pay for Health Insurance

As additional child support, the Court ORDERS Obligor, _____,
(Print name of parent ordered to pay child support)

to get health insurance for the child/ren **within 15 days** of the date of this order through: (Check one.)

- Obligor's work or membership in a union, trade association, or other organization.
- another source available to Obligor.

The health insurance must cover basic healthcare services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services.

Obligor is ORDERED to pay, as additional child support, all costs of such health insurance, including but not limited to enrollment fees and premiums.

Obligor is ORDERED to keep such health insurance in full force and effect on each child, who is the subject of this suit, until one of the above **events that terminate child support and medical support** occurs for the child.

Obligor is ORDERED to give Obligee the following **within 30 days** of the date of this order:

- o Obligor's social security number and the name and address of Obligor's employer, **and**
- o the name of the insurance carrier, the policy number, and proof the child/ren are covered, **and**
- o a copy of the insurance policy and list of benefits covered, **and**
- o insurance membership cards for the child/ren, **and**
- o any forms needed to use the health insurance, **and**
- o any forms needed to submit a claim.

Obligor is ORDERED to give Obligee the following **within 3 days** of receipt:

- o any insurance checks or other payments for medical expenses paid by Obligee **and**

- any explanations of benefits relating to medical expenses paid or incurred by Obligee.

If health insurance benefits for the child/ren are changed in any way, Obligor is ORDERED to give Obligee information about the change and any new forms needed to use the insurance **within 15 days** of the change.

If health insurance benefits are cancelled, Obligor is ORDERED to get new health insurance for the children **within 15 days** of the date of cancellation. The new insurance must equal or exceed the prior level of coverage. The new health insurance must cover basic healthcare services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services.

If Obligor is eligible for dependent health coverage but fails to apply to obtain coverage for the child/ren, the insurer is ORDERED to enroll the child/ren on application of Obligee or others as authorized by law. See *Texas Insurance Code, Section 1504.051*

10C(2) Obligee to Provide Health Insurance / Obligor to Reimburse Cost

As additional child support, the Court ORDERS **Obligee**, _____,
(Print name of the person who will receive child support)

to get health insurance for the child/ren **within 15 days** of the date of this order through: *(Check one.)*

- Obligee's work or membership in a union, trade association, or other organization.
- another source available to Obligee.

The health insurance must cover basic healthcare services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services.

Obligee is ORDERED to maintain such health insurance in full force and effect on each child until one of the above **events that terminate child support and medical support** occurs for the child.

Obligee is ORDERED to give Obligor the following **within 30 days** of the date of this order:

- Obligee's social security number and the name and address of Obligee's employer, **and**
- the name of the insurance carrier, the policy number, and proof the child/ren are covered, **and**
- the name of the insurance company and the policy number, **and**
- a copy of the insurance policy and list of benefits covered, **and**
- insurance membership cards for the child/ren, **and**
- any forms needed to use the health insurance, **and**
- any forms needed to submit a claim.

Obligee is ORDERED to give Obligor the following **within 3 days** of receipt:

- any insurance checks or other payments for medical expenses paid by Obligor **and**
- any explanations of benefits relating to medical expenses paid or incurred by Obligor.

If health insurance benefits for the child/ren are changed in any way, Obligee is ORDERED to give Obligor information about the change and any new forms needed to use the insurance **within 15 days** of the change. If the cost of health insurance benefits for the child/ren changes, Obligee is ORDERED to give Obligor information about the change **within 15 days** of the change.

If health insurance benefits are cancelled, Obligee is ORDERED to get new health insurance for the children **within 15 days** of the date of cancellation. The new insurance must equal or exceed the prior level of coverage. The new health insurance must cover basic healthcare services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services.

If Obligee is eligible for dependent health coverage but fails to apply to obtain coverage for the child/ren, the insurer is ORDERED to enroll the child/ren on application of Obligor or others as authorized by law. See *Texas Insurance Code, Section 1504.051*

As additional child support, the Court ORDERS **Obligor**, _____,
(Print name of parent ordered to pay child support)

to pay Obligee **cash medical support** of \$ _____ per month for **reimbursement** of health insurance premiums. The 1st payment is due on _____. A like payment is
Month / Day / Year

due on the 1st day of each month after that until one of the above **events that terminate child support and medical support** occurs for each child.

Obligor is ORDERED to send all cash medical support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, for distribution according to law.

The Court ORDERS that money paid by Obligor directly to Obligee or spent while in possession of the children does **NOT** count as cash medical support.

The Court ORDERS that the cash medical support provisions of this order shall be an obligation of the estate of Obligor and shall not terminate on his/her death.

Warning! Do not pay cash medical support directly to the other parent. Send all payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

10C(3) Obligee to Apply for Coverage under a Government Medical Assistance Program or Health Plan / Obligor to Pay Cash Medical Support

The Court ORDERS Obligee, _____, to apply on behalf of
(Print name of person who will receive child support)

each child for coverage under a governmental medical assistance program or health plan (i.e. Medicaid or C.H.I.P) **within 15** days of the date this decree or order is signed by the Court. If the children are already covered under such a program or plan, the Court ORDERS Obligee to continue such coverage.

When such health coverage is obtained, Obligee is ORDERED to maintain the coverage in full force and effect on each child by paying all applicable fees required for the coverage, including but not limited to enrollment fees and premiums for as long as the children are eligible for such coverage.

Obligee is ORDERED to give the Office of the Attorney General Child Support Division a copy of the insurance policy and list of benefits covered **within 30 days** of the date of this order.

Obligee is ORDERED to give Obligor the following **within 30 days** of the date of this order:

- o the name of the insurance company and the policy number, **and**
- o a copy of the insurance policy and list of benefits covered, **and**
- o insurance membership cards for the child/ren, **and**
- o any forms needed to use the health insurance, **and**
- o any forms needed to submit a claim.

Obligee is ORDERED to give Obligor the following **within 3 days** of receipt:

- o any insurance checks or other payments for medical expenses paid by Obligor **and**
- o any explanations of benefits relating to medical expenses paid or incurred by Obligor.

If Obligee is eligible for dependent health coverage but fails to apply to obtain coverage for the child/ren, the insurer is ORDERED to enroll the child/ren on application of Obligor or others as authorized by law. *Texas Insurance Code, Section 1504.051*

As additional child support, the Court ORDERS Obligor, _____,
(Print name of parent ordered to pay child support)

to pay Obligee **cash medical support** of \$ _____ per month. The 1st payment is due on _____.
Month / Day / Year

one of the above **events that terminate child support and medical support** occurs for each child.

The Court ORDERS Obligor to send all cash medical support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, for distribution according to law.

Warning! Do not pay cash medical support directly to the other parent. Send all payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**.

The Court ORDERS that money paid by Obligor directly to Obligee or spent while in possession of the children does **NOT** count as cash medical support.

IT IS ORDERED that Obligor is allowed to **stop paying of cash medical support**, for the time Obligor is providing health insurance coverage for the children, **if**:

- a. health insurance for the children becomes available to Obligor at a reasonable cost; **and**
- b. Obligor enrolls the child/ren in the insurance plan and pays all costs of the insurance; **and**
- c. Obligor provides Obligee and the Texas Office of the Attorney General, Child Support Division the following information:
 - (1) proof that health insurance has been provided for the child/ren, **and**
 - (2) Obligor's social security number, **and**
 - (3) name and address of the Obligor's employer, **and**
 - (4) whether the employer is self-insured or has health insurance available, **and**
 - (i) if the employer is self-insured, a copy of the schedule of benefits, a membership card, claim forms, and any other information necessary to submit a claim, **or**
 - (ii) if the employer has health insurance available, the name of the health insurance carrier, the policy number, a copy of the policy and schedule of benefits, a health insurance membership card, claim forms, and any other information necessary to submit a claim.

Note: This provision regarding when the Obligor may stop paying cash medical support is part of section **10C3**. It does **not** apply to any other section.

10D. Expenses Not Covered by Insurance

Obligor and Obligee are each ORDERED to pay **50 percent** of all reasonable and necessary health-care expenses for the child/ren that are not covered by health insurance, unless:

10C(1) above is checked and Obligor is not providing health insurance as ordered, then Obligor is liable for **100 percent** of all necessary medical expenses of the child/ren.

10C(2) above is checked and Obligee is not providing health insurance as ordered, then Obligee is liable for **100 percent** of all necessary medical expenses of the child/ren.

If **10C(3)** above is checked, Obligee is ORDERED to pay **50 percent** of all reasonable and necessary health-care expenses for the child/ren that are not reimbursed by health insurance or covered by the cash medical support paid by Obligor and Obligor is ORDERED to pay **50 percent** of the total unreimbursed health-care expenses that exceed the amount of cash medical support paid by Obligor. Obligor is liable for **100 percent** of all necessary medical expenses incurred for the child/ren in any month that Obligor neither pays cash medical support nor provides health insurance for the child/ren.

Reasonable and necessary health care expenses that must be paid by the parents if not covered by insurance include:

- copayments for office visits and prescription drugs, **and**
- the yearly deductible, if any, **and**
- medical, surgical, and prescription drug expenses, **and**
- mental health-care services, **and**
- dental and orthodontic expenses, **and**
- eye care and ophthalmological expenses.

These reasonable and necessary health-care expenses do not include expenses for travel to and from the health-care provider or for nonprescription medication.

The parent who incurs a health-care expense on behalf of a child (called the "*incurring parent*") is ORDERED to give the other parent (called the "*nonincurring parent*") a copy of all forms, receipts, bills,

statements, and explanations of benefits that show the portion of the expense not covered by insurance **within 30 days** of receipt.

The nonincurring parent is ORDERED to pay his or her percentage of any uninsured expense **within 30 days** of receiving documentation of the expense by:

- paying the health-care provider directly, **or**
- reimbursing the incurring parent, if the nonincurring parent's portion of the expense has already been paid.

10E. Claims

Either parent may file claims and receive payments directly from the insurance carrier. Further, for the sole purpose of *Texas Insurance Code Sections 1204.251 and 1204.252*, the party who is not carrying the insurance policy is designated the managing conservator or possessory conservator of the children.

Any reimbursement payments received from the health insurance carrier belongs to the parent who paid the expense. If the insurance carrier sends reimbursement to the parent who did not pay the expense, he or she is ORDERED to endorse the check and deliver it to the parent who paid the expense **with 3 days**.

10F. Health Insurance Policy Requirements

Each parent is ORDERED to follow all requirements of any health insurance policy covering the child/ren to get maximum reimbursement and direct payment from the insurance company. This includes requirements for:

- giving advance notice to the insurance company, **and**
- getting second opinions, **and**
- using "preferred providers."

If a parent incurs health-care expenses for the child/ren using "out-of-network" health-care providers or services, or fails to follow the health insurance company procedures or requirements, that parent shall pay all such health-care expenses incurred unless:

- the expenses are emergency health-care expenses, **or**
- the parents have a written agreement regarding such health-care expenses, **or**
- the Court makes a different order.

Denial of a bill by an insurance carrier does not excuse the obligation of the parents to pay the expense.

11. Parent's Information

11A. Disclosure of Mother's Information

(Check one box.)

- The Court ORDERS Mother to disclose the following information and changes in that information to Father, the Court and the State Case Registry as required by Texas Family Code 105.006 and ORDERED in section 12 of this Decree. (Fill in the following information for the Wife/Mother.)

Name: _____
Home Address: _____
Mailing Address: _____
Home phone # () _____ Work phone #: () _____
FULL Social Security #: _____ -- _____ -- _____
Driver's License #: _____ Issuing state: _____
Employer: _____
Work address: _____

- The Court finds, pursuant to Texas Family Code 105.006(c) and 105.007(c), that disclosure of Mother's information to Father is likely to cause Mother or the children harassment, abuse, serious harm or injury. The Court ORDERS that Mother's address and other identifying information not be disclosed. The Court further ORDERS that Mother is **not** required to give her address or other identifying information to Father or notify Father or the Court of changes in that information. The Court ORDERS Mother to provide her mailing address and changes in her mailing address to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

11B. Disclosure of Father's Information

(Check one box.)

- The Court ORDERS Father to disclose the following information and changes in that information to Mother, the Court and the State Case Registry as required by Texas Family Code 105.006 and ORDERED in section 12 of this Decree. (Fill in the following information for the Husband/Father.)

Name: _____
Home Address: _____
Mailing Address: _____
Home phone # () _____ Work phone #: () _____
FULL Social Security #: _____ -- _____ -- _____
Driver's License #: _____ Issuing state: _____
Employer: _____
Work address: _____

- The Court finds, pursuant to Texas Family Code Section 105.006(c) and 105.007(c), that disclosure of Father's information to Mother is likely to cause Father or the children harassment, abuse, serious harm or injury. The Court ORDERS that Father's address and other identifying information **not** be disclosed. The Court further ORDERS that Father is **not** required to give his address or other identifying information to Mother or notify Mother or the Court of changes in that information. The Court ORDERS Father to provide his mailing address and changes in his mailing address to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

12. Required Notices

This section is not applicable if and to the extent it conflicts with the Court's Order regarding disclosure of information in section 11 above.

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EVERY OTHER PARTY, THE COURT, AND THE STATE CHILD SUPPORT REGISTRY OF ANY CHANGE IN THE PARTY'S:

- CURRENT RESIDENCE ADDRESS,
- MAILING ADDRESS,
- HOME TELEPHONE NUMBER,
- NAME OF EMPLOYER,
- ADDRESS OF EMPLOYMENT,
- DRIVER'S LICENSE NUMBER, AND
- WORK TELEPHONE NUMBER.

THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO THE OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO GIVE NOTICE OF THE CHANGE TO PROVIDE 60-DAYS NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE 5TH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to **every other party** by delivering a copy of the notice to each party by registered or certified mail, return receipt requested.

Notice shall be given to the **Court** by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk.

Notice shall be given to the **State Case Registry** by mailing a copy of the notice to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

13. WARNINGS TO PARTIES

FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THIS ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

14. Property and Debt

WARNING: Additional forms are needed to divide retirement benefits and to transfer title to real estate.

If you plan to divide retirement benefits or you jointly own a house or land with your spouse, do **NOT** use this form without first talking to a lawyer. You can hire a lawyer to review and appropriately modify this decree and write the additional documents you *must* have for a flat fee. Call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 1(800) 252-9690 for help finding a lawyer.

About community property: Texas is a community property state. This means that any new property or debt that either party obtains from the minute they are married until the minute the judge grants the divorce is probably community property, even if the property or debt is only in one spouse's name. There are only a few exceptions to the law of community property. The exceptions are gifts, inheritance or a recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses. All community property and debt should be included in the Final Decree of Divorce.

About separate property: If either party receives a gift, an inheritance, or a recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses, it is separate property. It is a good idea to list separate property obtained during the marriage as that individual's separate property in the Final Decree of Divorce.

Talk to a lawyer if you have questions about property and debt.

The Court makes the following orders regarding the parties' community and separate property:

Husband's Separate Property

(Fill in all lines. If there is no property to declare in any particular category, write "none".)

The Court confirms that the Husband owns the following property as his separate property:

1. **House** located at: _____
 Street Address City State Zip

- Husband owned this house before marriage.
 Husband received this house as a gift or inheritance.

2. **Land** located at: _____
 Street Address City State Zip

- Husband owned this land before marriage.
 Husband received this land as a gift or inheritance.

3. **Cars, trucks, motorcycles or other vehicles**

Husband owned these vehicles *before* marriage or received them as a gift or inheritance during the marriage:

| Year | Make | Model | Vehicle Identification No. [VIN] |
|-------|-------|-------|----------------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

4. **Other Money or Property**

Husband owned the following money or personal property *before* the marriage:

Husband inherited or received as a gift the following money or personal property *during* the marriage:

Husband received the following money recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses:

Husband's Community Property

The Court ORDERS that the Husband is awarded (*gets*) the following property as his sole and separate property, and Wife conveys (*gives*) to Husband her interest in the property, and Wife is divested of (*loses*) all right, title, interest and claim in and to that property.

Wife IS ORDERED to sign any deeds or documents needed to transfer any property listed below to the Husband. Husband is responsible for preparing the documents.

- 1. All property in Husband's care, custody or control, or in Husband's name, that this Final Decree of Divorce does not give to the Wife.

2. House or land located at: _____
Street Address City State Zip

Legal Description: _____

3. Other real property located at: _____
Street Address City State Zip

Legal Description: _____

- 4. All of Husband's employment benefits, including retirement, pension, 401(k), profit-sharing, and stock option plans that are in his name alone, along with all of Husband's military retirement benefits and individual retirement accounts (IRAs) that are in his name alone. (*Note: If you want to divide retirement or employment benefits do NOT use this form. Talk to an attorney.*)

- 5. All cash and money in any bank or other financial institution listed in Husband's name alone.

- 6. Any insurance policy that covers Husband's life.

- 7. Husband's cars, trucks, motorcycles or other vehicles listed below:

| Year | Make | Model | Vehicle Identification No. [VIN] |
|-------|-------|-------|----------------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

- 8. Husband will also keep the following property: _____

Husband's Debts

The Husband shall pay the debts listed below:

- 1. All taxes, bills, liens, and other charges, present and future, that are in Husband's name alone or that this Decree gives to the Husband alone, unless this Decree requires otherwise.

- 2. Any debt Husband incurred after separation. Date of separation: _____
Month Day Year

- 3. The balance due on any loan or mortgage for the real property that this Decree gives to Husband alone.

- 4. The balance due on any loan for any vehicles that this Decree gives to Husband alone.

- 5. All other debts listed below, which are not in Husband's name alone: (*such as credit cards, student loans, medical bills, income taxes*) _____

Wife's Separate Property

(Fill in all lines. If there is no property to declare in any particular category, write "none".)

The Court confirms that Wife owns the following property as her separate property:

1. **House** located at: _____
Street Address City State Zip

- Wife owned this house before marriage.
- Wife received this house as a gift or inheritance.

2. **Land** located at: _____
Street Address City State Zip

- Wife owned this land before marriage.
- Wife received this land as a gift or inheritance.

3. **Cars, trucks, motorcycles or other vehicles**

Wife owned these vehicles before the marriage or received them as a gift or inheritance during the marriage:

| Year | Make | Model | Vehicle Identification No. [VIN] |
|-------|-------|-------|----------------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

4. **Other Money or Property**

Wife owned the following money or property *before* the marriage:

Wife inherited or received as a gift the following money or personal property *during* the marriage:

Wife received the following money recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses:

Wife's Community Property

The Court ORDERS that the Wife is awarded (*gets*) the following property as her sole and separate property, and Husband conveys (*gives*) to Wife his interest in the property, and Husband is divested of (*loses*) all right, title, interest and claim in and to that property.

Husband IS ORDERED to sign any deeds or documents needed to transfer any property listed below to the Wife. Wife is responsible for preparing the documents.

1. All personal property in Wife's care, custody, or control, or in Wife's name, that this Decree does not give to the Husband.

2. House or land located at: _____
Street Address City State Zip

Legal Description: _____

3. Other real property located at: _____
Street Address City State Zip

Legal Description: _____

17. Court Costs

The costs of court shall be paid by the party who incurred them to the extent the party is required to pay such costs. A party who filed an *Affidavit of Indigency* is not required to pay costs, unless a contest to the *Affidavit of Indigency* was sustained by the Court in a separate written order.

18. Other Orders

The court has the right to make other orders, if needed, to clarify or enforce the orders above.

19. Final Orders

Any orders requested that do not appear above are denied. This Decree is a final judgment that disposes of all claims and all parties and is appealable.

Date of Judgment



Judge's Signature

Judge's Printed Name

By signing below, the Petitioner agrees to the form and substance of this Decree.

Petitioner's Name (print)

()

Phone number

→ _____
Petitioner's Signature

Date

Mailing Address: _____

By signing below, the Respondent agrees to the form and substance of this Decree.

Respondent's Name (print)

()

Phone number

→ _____
Respondent's Signature

Date

Mailing Address: _____

Exhibit A: Standard Possession and Access (Visitation) Order

The Court ORDERS that each conservator shall comply with all terms and conditions of this standard possession and access order.

The Court ORDERS that this standard possession (visitation) order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs the order to which this exhibit is attached.

Designation of Conservators

The Court ORDERS that the conservators are designated in this exhibit as Home Parent and Co-parent.

The conservator known as the 'Home Parent' is: (name) _____

The conservator known as the 'Co-Parent' is: (name) _____

Mutual Agreement

The Court ORDERS that Home Parent and Co-Parent shall have possession of the child/ren at any and all times mutually agreed to in advance by Home Parent and Co-Parent.

In the absence of mutual agreement, the Court ORDERS that Home Parent and Co-Parent shall have possession of the child/ren as ordered below.

Undesignated Times

The Home Parent shall have the right to possession of the child/ren at all times not specifically ordered for Co-Parent.

Definitions

“**School**” means the primary or secondary school where a child is enrolled, or if the child is not enrolled in a primary or secondary school, the public school district where the child primarily resides.

“**Child**” includes each child, whether one or more, who is part of this case while that child is under the age of eighteen years and not otherwise emancipated.

A “**weekend**” begins on the 1st, 3rd, and 5th Friday of each month at 6pm, and ends on the following Sunday at 6 pm, except when:

- The box “After school** is checked, then during the regular school year, the weekend begins at the time the child/ren’s school is dismissed before the 1st, 3rd, or 5th weekend of each month.
- The box “Next school day*** is checked, then during the regular school year, the weekend ends at the time the child/ren’s school starts on the next school day after the 1st, 3rd, or 5th weekend of each month (if Co-Parent cannot return the children to school on time, s/he must notify the school and the other parent).
- The 1st, 3rd, or 5th weekend coincides with a student holiday or teacher’s in-service day or federal, state or local holiday that falls on a Monday, then the weekend begins on Friday, and ends on Monday; if the holiday falls on a Friday, then the weekend begins on Thursday, and ends on Sunday.
- If a weekend or midweek visit conflicts with the holiday or summer schedule, you must follow the holiday or summer schedule.

Schedules

| 1A. Co-Parent's Local Schedule When the Co-Parent lives within 100 miles of the primary residence of the child/ren, the Co-Parent shall have the right to possession of the child/ren as follows: | | Co-parent's right to possession shall begin at: | Co-parent's right to possession shall end at: |
|--|---|--|---|
| Weekends* | On the 1 st , 3 rd , and 5 th weekend of each month. See definition above | <input type="checkbox"/> After school** <input type="checkbox"/> 6 pm | <input type="checkbox"/> Next school day*** <input type="checkbox"/> 6 pm |
| Mid-Week Visit | On Thursday of each school week | <input type="checkbox"/> After school** <input type="checkbox"/> 6 pm | <input type="checkbox"/> School starts on Friday <input type="checkbox"/> 8 pm |
| Thanksgiving <i>Odd-Numbered Years</i> | Starts last day of school before Thanksgiving and ends on Sunday. | <input type="checkbox"/> After school** <input type="checkbox"/> 6 pm | 6 pm |
| Christmas Break <i>Even-Numbered Years</i> | Starts the last day of school before Christmas Break and ends December 28 th . | <input type="checkbox"/> After school** <input type="checkbox"/> 6 pm | noon |
| Christmas Break <i>Odd-Numbered Years</i> | Starts on December 28 th and ends the day before school starts after Christmas Break. | noon | 6 pm |
| Spring Break <i>Even-Numbered Years</i> | Starts the last day of school before Spring Break and ends the day before school starts after Spring Break. | <input type="checkbox"/> After school** <input type="checkbox"/> 6 pm | 6 pm |
| Standard Summer | Starts on July 1 st and ends on July 31 st . | 6 pm | 6 pm |
| Different Summer <i>Co-Parent must notify Home Parent of the dates, in writing, by April 1.</i> | If Co-Parent gives Home Parent written notice by April 1 of each year, Co-Parent may choose a different 30-day summer schedule. The schedule must be: after school is dismissed for summer break, only 1 or 2 blocks of time, each at least 1 week long, and not during the last week of the summer break | 6 pm | 6 pm |
| 1B. Home Parent's Local Schedule Notwithstanding the weekend and midweek periods of possession ordered for Co-Parent above, it is expressly ORDERED that Home parent shall have a superior right to possession of the children as follows: | | Home-parent's right to possession shall begin at: | Home-parent's right to possession shall end at: |
| Thanksgiving <i>Even-Numbered Years</i> | Starts the last day of school before Thanksgiving and ends Sunday. | 6 pm | 6 pm |
| Christmas Break <i>Odd-Numbered Years</i> | Starts the last day of school before Christmas Break and ends December 28 th . | 6 pm | noon |
| Christmas Break <i>Even-Numbered Years</i> | Starts on December 28 th and ends the day before school starts after Christmas Break. | noon | 6 pm |
| Spring Break <i>Odd-Numbered Years</i> | Starts the last day of school before Spring Break and ends the day before school starts after Spring Break. | 6 pm | 6pm |
| Extended Summer <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th</i> | If the Home Parent gives the Co-parent written notice by April 15 of each year, the Home-parent may designate 21 days beginning not earlier than the day after the child's school is dismissed for the summer. The dates must be exercised in not more than 2 separate periods of at least 7 consecutive days each. The dates must not be: <ul style="list-style-type: none"> during the last week of the summer break during days when the Co-Parent has a scheduled summer, or Father's/Mother's Day visitation | 6 pm | 6 pm |
| Summer Weekend During Co-Parent's Summer Visitation <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th</i> | If the Home Parent gives the Co-parent written notice by April 15 of each year, the Home-parent shall have possession of the child/ren on 1 weekend during the child/ren's summer break, when the Co-Parent would otherwise be entitled to weekend possession of the child/ren. The weekend: <ul style="list-style-type: none"> Cannot interfere with the Co-Parent's Father's or Mother's Day weekend Cannot be the last weekend of summer | 6 pm | 6 pm |

| 2A. Co-Parent's Long Distance Schedule | | Co-parent's right to possession shall begin at: | Co-parent's right to possession shall end at: |
|---|--|--|--|
| When Co-Parent lives more than 100 miles from the primary residence of the child/ren, the Co-Parent shall have the right to possession of the child/ren as follows: | | | |
| Weekends* | On the 1 st , 3 rd , and 5 th weekend of each month. A weekend starts Friday and ends Sunday. OR Alternate Weekend Possession** If Co-Parent gives Home Parent written notice within 90 days after residing more than 100 miles apart , Co-Parent shall have possession of the child/ren for any one weekend per month that the Co-Parent chooses. The Co-Parent must give the Home Parent at least 14 days notice (by phone or in writing), and the weekend cannot interfere with the holiday schedule. | 6 pm | 6 pm |
| Thanksgiving Odd-Numbered Years | Starts the last day of school before Thanksgiving and ends on Sunday. | 6 pm | 6 pm |
| Christmas Break Even-Numbered Years | Starts the last day of school before Christmas Break and ends December 28 th . | 6 pm | noon |
| Christmas Break Odd-Numbered Years | Starts on December 28 th and ends the day before school starts after Christmas Break. | noon | 6 pm |
| Spring Break (Every year) | Starts the last day of school before Spring Break and ends the day before school starts after Spring Break. | 6 pm | 6 pm |
| Standard Summer | Starts on June 15 th and ends on July 27 th | 6 pm | 6 pm |
| Different Summer <i>Co-Parent must notify Home Parent of the dates, in writing, by April 1.</i> | If Co-Parent gives Home Parent written notice by April 1 of each year, the Co-Parent may choose a different 42-day summer schedule, but it must be: <ul style="list-style-type: none">• Only 1 or 2 blocks of time, each at least 1 week long,• Not during the last week of the summer break | 6 pm | 6 pm |
| 2B. Home Parent's Long Distance Schedule | | Home Parent's Right to Possession shall begin at: | Home parent's right to Possession shall end at: |
| Notwithstanding the weekend periods of possession ORDERED for Co-parent above, it is expressly ORDERED that Home parent shall have a superior right to possession of the children as follows: | | | |
| Thanksgiving <i>Even-numbered years</i> | Starts last day of school before Thanksgiving and ends Sunday. | 6 pm | 6 pm |
| Christmas Break <i>Odd-Numbered Years</i> | Starts the last day of school before Christmas Break and ends December 28 th . | 6 pm | noon |
| Christmas Break <i>Even-Numbered Years</i> | Starts on December 28 th and ends the day before school starts after Christmas Break. | Noon | 6 pm |
| Extended Summer <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th, or give at least 14 days written notice of the dates, after April 15th.</i> | The Home Parent may choose 21 days during the summer when the child/ren will stay with the Home Parent. The Home Parent's schedule must be: <ul style="list-style-type: none">• Not during the last week of the summer break• Not during days when the Co-Parent has a scheduled summer, or Father's/Mother's Day visitation.• Only 1 or 2 blocks of time, each at least 1 week long | 6 pm | 6 pm |
| Summer Weekend During Co-Parent's Summer Visitation <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th</i> | If the Co-Parent's summer visitation is 31 days or more, the Home Parent may choose to have the children for two weekends during the Co-Parent's summer visitation (or one weekend if the Co-Parent's summer visitation is 30 days or less). The weekends: <ul style="list-style-type: none">• Cannot be consecutive weekends during the Co-Parent's summer visitation schedule• Cannot interfere with the Co-Parent's Father's or Mother's Day weekend• Cannot be the last weekend of summer | 6 pm | 6 pm |

3. Child's Birthday, Mother's Day and Father's Day

Home Parent and Co-Parent shall also have the right to possession of the child/ren as follows, notwithstanding the weekend and midweek periods of possession ordered for Co-parent and regardless of the distance between the residence of a parent and the child:

Child's Birthdays

The Parent who does not already have a scheduled visit on the child's birthday shall have the right to possession of the child on the child's birthday, from 6 p.m. to 8 p.m., provided he or she picks up the child from the residence of the parent entitled to possession, and returns the child to the same place.

(Check here only if you want to include the child's minor siblings for this birthday visit.)

This visit shall include the child's minor siblings.

Father's Day

If a conservator, the Father shall have possession of the child/ren on Father's Day weekend, provided he picks up the child/ren from the residence of the parent entitled to possession, and returns the child/ren to the same place.

The weekend starts Friday before Father's Day at 6 p.m. and ends at:

6 p.m. Sunday **or** 8 a.m. on the Monday after Father's Day.

Mother's Day

If a conservator, the Mother shall have possession of the child/ren on Mother's Day weekend, provided she picks up the child/ren from the residence of the parent entitled to possession, and returns the child/ren to the same place.

The weekend starts Friday before Mother's Day at:

6 p.m. **or** at the time the child's school is regularly dismissed

and ends at:

6 p.m. Sunday **or** at the time the child's school resumes after Mother's Day

4. General terms and Conditions

Except as otherwise expressly provided in this standard Possession Order, the following terms and conditions apply regardless of the distance between the residence of a parent and the child:

Exchange of Children at Start of Co-parent's Possession

The Court ORDERS the Home Parent to surrender the child/ren to the Co-Parent at the beginning of each Co-parent's periods of possession at: *(Check one.)*

Home parent's residence.

The following location: _____

Unless a period of possession begins at the time the child/ren's school is regularly dismissed, then the Court ORDERS the Home parent to surrender the child to Co-parent at the beginning of each such period of possession at the school in which the child is enrolled.

If the child is not in school, Co-parent shall pick up the child at the location designated above and the Court ORDERS the Home parent to surrender the child to Co-parent at the location designated above.

If the children will not be in school, the Home-Parent shall immediately notify the Co-Parent.

Exchange of Children at End of Co-Parent's Possession

The Court ORDERS the Co-Parent to surrender the child/ren to the Home Parent at the end of Co-Parent's possession at: *(Check one.)*

Co-Parent's residence.

Home parent's residence.

The following location: _____

However, if the Home Parent and Co-Parent live in the same county when the order is signed and the Co-Parent remains in the county, but the Home Parent moves out of the county, then beginning on the date Home Parent moves, Co-Parent shall return the child/ren to the Home parent at: *(Check one.)*

- Co-Parent's residence.
- the location designated above.

If a period of possession ends at the time the child/ren's school resumes, the Court ORDERS the Co-Parent to surrender the child/ren to Home Parent at the end of each such period of possession at the school in which the child is enrolled or, if the child is not in school, at the residence of Home Parent.

If the child/ren will not be delivered to school on that day, Co-Parent shall immediately notify the school and Home Parent that the child/ren will not or has not been returned to school.

Child/ren's Personal Effects

The Court ORDERS each conservator to return with the child/ren the personal effects that the child brought at the beginning of the period of possession.

Designation of Competent Adult

Each conservator may designate any competent adult to pick up and return the child/ren, as applicable. The Court ORDERS that a conservator or designated competent adult be present when the child/ren is/are picked up or returned.

Notice if Unable to Exercise Possession

The Court ORDERS each conservator to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

Written Notice

Written notice, including notice by email or fax, shall be deemed to have been timely made if received or, if applicable, postmarked before or at the time that notice is due.

Notice to Peace Officer

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER.

A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY.

ANY PERSON WHO KNOWINGLY PRESENTS FOR LAW ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

This concludes the Possession (Visitation) Order.