

Modification—Default

Use these instructions & forms if:

- You want to change an existing custody, visitation, child support, or medical support order, the existing order is a Texas order, AND you don't think the other parent will participate in the case.

This packet includes:

1. Instructions for a DEFAULT Modification
2. Petition to Modify the Parent-Child Relationship
3. Declaration in Support of Changing Custody within One Year of Order
4. Exhibit: Out-of-State Party Declaration
5. Civil Case Information Sheet
6. Information on Suit Affecting the Family Relationship
7. Statement of Inability to Afford Payment of Court Costs
8. Order Modifying the Parent-Child Relationship
9. Child Support Order
10. Medical and Dental Support Order
11. Conservatorship Order: Parents Appointed Conservators
12. Conservatorship Order: Non-Parent(s) Appointed Managing Conservator
13. Standard Possession Order
14. Certificate of Last Known Address
15. Military Status Affidavit
16. Notice of Current Address

Note: You may not need all of the forms listed or you may need additional forms. Get more information at www.TexasLawHelp.org. Talk to a lawyer if you have questions.

Instructions and Forms for a Default Modification

These instructions explain the steps to change a custody, visitation, child support, medical support, or dental support order when you don't think the other parent (or other respondent) will participate. Each step includes a link to the form or forms needed for that step. Click on the step to expand it with more information.

“Default” means you have the other parent (or other respondent) served with the initial court papers and he or she does not file an answer with the court. If the other parent (or other respondent) is served and **defaults**, you can finish the case without them.

If the other party is likely to participate in the matter and does not agree to change the custody, support, and visitation order, then the default form set is not right for you. See **Is my modification suit contested or uncontested?** (<https://texaslawhelp.org/faq/my-modification-suit-contested-or-uncontested>) [1]

Have you read the Frequently Asked Questions and related articles?

These instructions are part of this TexasLawHelp.org toolkit: **I need to change a custody, visitation or support order.** (<https://texaslawhelp.org/family-divorce-children/child-custody-visitation/toolkit/i-need-change-custody-visitation-or-child-support-order>) [2] Before getting started, it's important to read the **Frequently Asked Questions** and **Articles** included in the Toolkit.

The legal standards for modifying child support changed on September 1, 2018. See **What is the legal standard to change child support or medical support** (<https://texaslawhelp.org/faq/what-legal-standard-change-child-support-or-medical-support>) [3]

WARNING! These instructions provide general information, not legal advice. It's a good idea to talk with a lawyer about your particular situation.

You can print these instructions to use as a checklist.

For the instructions and forms combined, click here (<http://www.harriscountylawlibrary.org/modification-default>) [4].

☐ **Step 1: Fill out the petition and other starting forms.**

Fill out the following form:

- **Petition to Modify the Parent-Child Relationship** (https://texaslawhelp.org/sites/default/files/fm-mod1-100_mod_pet_final_7.pdf), [5]

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This form (called the Petition) asks the judge to change the current order.

Write the cause number and court number on the first page of the Petition just as it is written on the order you want to change. Write these numbers at the top of any document you file in your modification case.)

Print your answers using blue or black ink. Do not leave blanks.

Who is the petitioner? You are the petitioner—the person asking the court to change the current court order. This is true even if you are listed as the respondent in the current order.

Who must be listed as a respondent? Any person listed as a party in the current order must be listed as a respondent. If the Office of the Attorney General Child Support Division is listed as a party in the current order you must also list it as a respondent.

In some cases the only respondent is the other parent. In other cases, there are additional respondents. If anyone else is named as a respondent in your Petition to Modify the Parent-Child Relationship:

1. that respondent must also be served and default (not file an answer with the court), - **or** -
2. that respondent must sign the necessary court forms showing he or she agrees to the changes.

If a respondent **will agree** to sign the necessary court forms, follow these steps for that respondent: **[Instructions & Forms for an Agreed Modification](https://texaslawhelp.org/checklist/instructions-forms-agreed-modification)** (**<https://texaslawhelp.org/checklist/instructions-forms-agreed-modification>**) [6].

Note: The Petition asks for your address. Each respondent will get a copy of your Petition. If you are concerned about a respondent knowing your address, call the Family Violence Legal Line at 800-374-4673 for free advice.

Fill out these additional starting forms and attach them to your Petition if required for your case:

- **[Declaration in Support of Changing Primary Custody within One Year](https://texaslawhelp.org/sites/default/files/fm-mod1-112_mod_dec_in_support_of_changing_custody_within_one_year.pdf)** (**https://texaslawhelp.org/sites/default/files/fm-mod1-112_mod_dec_in_support_of_changing_custody_within_one_year.pdf**) [7] (required **only** if you are asking to change custody within one year of the current order) Read this article to learn more: **[Child Custody Modification](#)**
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within One Year of Current Order (<https://texaslawhelp.org/article/changing-custody-within-one-year-current-order>) [8].

- **Exhibit: Out-of-State Party Declaration (https://texaslawhelp.org/sites/default/files/fp_osp_302_ex_out_of_state_party_dec_final_0.pdf) [9]**
(required **only** if you or a respondent lives outside of Texas)

Fill out these additional starting forms:

- **Civil Case Information Sheet (https://texaslawhelp.org/sites/default/files/pr-gen-116_civil_case_information_sheet.pdf) [10]** (NOTE: the Texas Supreme Court has repealed the rule requiring the civil case information sheet (<https://www.txcourts.gov/media/1442977/189163.pdf>) [11], so you may not need this form. If you are filing paper documents in person at the clerk's office, you should complete it and bring it anyway, however.).
- **Information on Suit Affecting the Family Relationship (https://texaslawhelp.org/sites/default/files/vs_165_rev_07-2017.pdf) [12]**

Fill out this additional form if you cannot afford to pay the filing fee for your case. Call the clerk's office in the county where the current order was made to learn the filing fee for your case.

- **Statement of Inability to Afford Payment of Court Costs (https://texaslawhelp.org/sites/default/files/tx-pr-pay-112_scot_statement_of_inability_to_pay_court_costs.pdf) [13]**

Make copies:

- Make enough copies of your completed Petition to Modify the Parent-Child Relationship to have one copy for you and one copy for each respondent.
- Make one copy of the Statement of Inability to Afford Payment of Court Costs if you are asking the court to waive court costs.
- You do not need copies of the Civil Case Information Sheet or the Information on Suit Affecting the Family Relationship.

Note: Some counties require your documents to be reviewed by an attorney, while others do not. You should speak with the district clerk's office or court coordinator in your county about local requirements. Even if it's not required, it's a good idea to have a family law lawyer review your completed forms. Family law lawyers specialize in cases involving families, such as custody and support modification cases.

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□ **Step 2: File the Petition and other starting forms with the court.**

File (turn in) your completed Petition and other starting forms with the court in the county where the current order was made.

You need to find out if your county has **standing orders** (<https://texaslawhelp.org/article/standing-orders>) [14]. If it does, you will need to attach a copy of the standing orders to your petition.

Note: If the child has lived in **another Texas county** for at least 6 months, you have the option of asking the court to transfer the case to the child's new home county. You must file a Motion to Transfer at the same time you file your Petition. File your Petition and Motion to Transfer with the court in the county where the current order was made. Talk to a lawyer about whether a transfer makes sense for your case.

Note: If the child has lived in **another state** for at least the past 6 months, it is important to talk with a lawyer about where to file your case.

- To file your forms online, go to **E-File Texas** (<https://efile.txcourts.gov/ofswab>) [15] and follow the instructions.
- To file your forms in person, take your Petition and additional starting forms (and copies) to the district clerk's office in the county where the current order was made.

At the clerk's office:

- Turn in your Petition and other starting forms (and copies).
- Tell the clerk you want to have one or more of the respondents named in your Petition served **in person**. This means a sheriff, constable or private process server will deliver the initial court papers to the respondent in person.
- Pay the filing fee and issuance fee (or file your completed Statement of Inability to Afford Payment of Court Costs if you cannot afford the court costs).
- Ask the clerk if there is a local standing order that you need to follow or attach to any of your documents.
- Ask the clerk if there are local rules or you need to know about for your modification case.
- The clerk will "file-stamp" your copies with the date and time. The clerk will

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keep the original and give one copy back to you.

- The clerk will print a form called a “citation.” The citation tells the respondent that you have filed a modification case. The citation also tells the respondent that unless he or she files an answer with the court you will be able to finish your case by default. The clerk will attach the other copy of your Petition to the citation. The citation with a copy of your Petition attached are the **“initial court papers”** that must be served on the respondent by a constable, sheriff or private process server. **Read Step 3 for further instructions.**

□ **Step 3: Arrange for the respondent to be "served" with the initial court papers.**

It is your responsibility to arrange for the respondent to be served with the initial court papers by a constable, sheriff or private process server. You CANNOT serve the initial court papers yourself.

What are the initial court papers? The initial court papers include the citation you got at the clerk’s office with a copy of your Petition attached.

What do I need to do? Send the initial court papers to a constable, sheriff or private process server **in the county where the respondent can be served.** Include the service fee or a file-stamped copy of your Statement of Inability to Afford Payment of Court Costs. (Call first to learn the fee.) Also include a self-addressed and stamped envelope.

The constable, sheriff or private process server will deliver the initial court papers to the respondent in person. The constable, sheriff or private process server will fill out a form called a “Return of Service.” It tells the court when and where the respondent was served. The completed Return of Service is proof the respondent was served. **The respondent will not have to sign anything.**

The Return of Service must be filed with the court. The constable, sheriff or private process server may file it themselves or they may give the completed Return of Service form to you. If they give it to you, make a copy and file the original at the courthouse. It must be on file for at least 10 days before you can finish your case, not counting the day it is filed or the day you go to court to finish your case.

What if I’m having trouble serving the other parent or other respondent? For more information read this article: **[How to Serve Initial Court Papers \(Family Law\)](https://texaslawhelp.org/article/how-serve-initial-court-papers-family-law)** (<https://texaslawhelp.org/article/how-serve-initial-court-papers-family-law>) Click here to chat.

law) [16]. You can also use **Ask a Question** to chat with a law student or lawyer online.

What if I can't find a respondent? If you cannot find a respondent (after looking really hard), you must have the respondent served by publication in a local newspaper. You must also have to hire a lawyer to serve as an "attorney ad litem" for the respondent. For more information read this article: **Service by Publication (when you can't find the other parent) (https://texaslawhelp.org/article/service-publication-when-you-cant-find-other-parent) [17].**

□ **Step 4: Fill out the order forms.**

You will ask the judge to sign a new order to change the current order. The new order must be completely filled out before going to court. The new order will be the Order Modifying the Parent Child Relationship form with specific order forms attached regarding the issues you want changed. You and the other parent may want to fill out the order forms together

Fill out the following order form for all cases:

- **Order Modifying the Parent Child Relationship (https://texaslawhelp.org/form/order-modifying-parent-child-relationship-0) [18]** (for modifications filed **after** September 1, 2018)

Fill out the Order completely (except for the judge's signature). When it's time to finish your case, you will ask a judge to sign this Order Modifying the Parent Child Relationship form with one or more of the specific order forms below attached.

If **child support** will be changed fill out and attach this order form:

- **Child Support Order (https://texaslawhelp.org/sites/default/files/fm_chil_308_ex_child_support_order_final.pdf) [19]**

If medical and dental support will be changed fill out and attach the order form below:

- **Medical and Dental Support Order (https://texaslawhelp.org/form/medical-and-dental-support-order) [20]** (for cases filed *after* September 1, 2018).

If **custody** will be changed fill out and attach **one** of these order forms:

- **Conservatorship Order: Parents Appointed Conservators (https://texaslawhelp.org/sites/default/files**

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[/fm_chil_310_ex_custody_parent_order_final_0.pdf](#) [21]

- **[Conservatorship Order: Non-Parent\(s\) Appointed Conservator](https://texaslawhelp.org/form/conservatorship-order-non-parents-appointed-conservator)**
[\(<https://texaslawhelp.org/form/conservatorship-order-non-parents-appointed-conservator>\)](https://texaslawhelp.org/form/conservatorship-order-non-parents-appointed-conservator) [22]

If **possession (visitation)** will be changed fill out and attach **one** of these order forms or hire a lawyer to help you write a possession order that meets the specific needs of your family.

- **[Standard Possession Order](https://texaslawhelp.org/form/standard-possession-order)** (<https://texaslawhelp.org/form/standard-possession-order>) [23]
- **[Supervised Possession Order](https://texaslawhelp.org/sites/default/files/fm_chil_316_supervised_possession_order.pdf)** (https://texaslawhelp.org/sites/default/files/fm_chil_316_supervised_possession_order.pdf) [24]
- **[Modified Possession Order](https://texaslawhelp.org/sites/default/files/fm_chil_313_mpo_nonparent_managingconservator.pdf)** (https://texaslawhelp.org/sites/default/files/fm_chil_313_mpo_nonparent_managingconservator.pdf) [25]
(Non-Parent is Managing Conservator)

Use this form if a **non-parent** will be the managing conservator of the children. You can find other sample modified possession orders here:

[Child Visitation & Possession Orders](https://texaslawhelp.org/article/visitation-possession-orders) (<https://texaslawhelp.org/article/visitation-possession-orders>) [26]

Fill out the following additional order form if child support will be ordered, changed or stopped.

- **[Income Withholding Order for Support](https://texaslawhelp.org/sites/default/files/fm-iw-200_income_withholding_order_english.pdf)** (https://texaslawhelp.org/sites/default/files/fm-iw-200_income_withholding_order_english.pdf) [27]

TIP: Read these short articles to learn about child support, medical support, dental support, custody and visitation:

- **[Child Support, Medical, and Dental Support](https://texaslawhelp.org/article/child-support-medical-support-and-dental-support)** (<https://texaslawhelp.org/article/child-support-medical-support-and-dental-support>) [28]
- **[Child Custody & Conservatorship](https://texaslawhelp.org/article/custody-conservatorship)** (<https://texaslawhelp.org/article/custody-conservatorship>) [29]
- **[Child Visitation & Possession Orders](https://texaslawhelp.org/article/visitation-possession-orders)** (<https://texaslawhelp.org/article/visitation-possession-orders>) [26] (Sample possession order forms are included with the article.)

TIP: It's a good idea to have a lawyer review your order forms after you fill them out. You can hire a lawyer just to review your forms. This is called "limited scope

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representation.” Use our **Legal Help Finder** (<https://texaslawhelp.org/legal-help/legal-help-finder>) [30] tool to search for legal help in your area. Or, if your income is low, you may be able to have your completed forms reviewed at a free legal clinic. Use our **Legal Clinic Calendar** (<https://texaslawhelp.org/legal-clinic-calendar>) [31] tool to search for a free legal clinic in your area.

☐ **Step 5: Wait the required waiting periods.**

- **20 + day waiting period** – From the day the respondent is served, the respondent must have at least 20 days plus the next Monday at 10 a.m. to file an answer. Find the day the respondent was served on a calendar, count out 20 **more** days, then go to the next Monday. This is the last day of the respondent’s answer period. However, if the respondent files an answer at any time before you finish your modification case it will still count.
- **10 + day waiting period** – The constable, sheriff, private process server should have completed a *Return of Service* form stating when the respondent was served. The *Return of Service* form must be on file with the court for at least 10 days before you can finish your case. **Important:** When counting the 10 day waiting period, do not count the day the *Return of Service* is filed with the court and do not count the day you go to court to finish your case.

☐ **Step 6: Determine if your case can be finished by default.**

Call the clerk’s office to find out if the respondent filed an answer.

- **If the respondent filed an answer**, you **CANNOT** finish your modification case by default.
 - If the respondent filed an answer and will now agree to sign your completed *Order Modifying the Parent-Child Relationship* form you can finish your case by agreement.
 - If the respondent filed an answer and will not agree to sign your completed *Order Modifying the Parent-Child Relationship* form your case is contested. To finish a contested modification case, you must set a contested final hearing. You must give the respondent at least 45 days’ notice of the final hearing. Read this article to learn more: **[How to Set a Contested Final Hearing \(Family Law\)](https://texaslawhelp.org/article/how-set-contested-hearing-family-law-case)** (<https://texaslawhelp.org/article/how-set-contested-hearing-family-law-case>) [32]. **Remember:** It’s always best to have a lawyer if your case is contested.

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- **If the respondent has NOT filed an answer**, you **CAN** finish your modification case by default as long as all of the following are true.
 - The respondent was successfully served by a constable, sheriff or private process server. **and**
 - A *Return of Service* form (stating when and where the respondent was served) has been on file with the clerk's office for at least 10 days (not counting the day it was filed or the day you go to court). **and**
 - The 20 + day waiting period for the respondent to file an answer has passed. **and**
 - If the respondent was served by publication, you hired a lawyer to be the "attorney ad litem" for the respondent and the lawyer has not been able to find the respondent. **and**
 - The respondent has not filed an answer and does not file an answer before you finish your modification case. (Remember, the respondent can file an answer up until the time you finish your modification case, even if the 20 + day waiting period has already passed.)
 - If anyone else was named as a respondent in your *Petition to Modify the Parent-Child Relationship*:
 - that respondent was also served and defaulted (did not file an answer with the court),
 - or**
 - that respondent signed the necessary court forms showing he or she agrees to the changes.

If you **CAN** finish your modification case by default, fill out these additional forms and make 1 copy of each form:

- **Certificate of Last Known Mailing Address** (https://texaslawhelp.org/sites/default/files/pr_dj_110_def_judg_cert_last_known_address_english.pdf) [33]
- **Military Status Declaration** (https://texaslawhelp.org/sites/default/files/pr_dj_112_def_judg_military_status_declaration.pdf) [34] (If your case is filed in Harris County, fill out a **Military Status Affidavit** (https://texaslawhelp.org/sites/default/files/pr_dj_111_military_status_affidavit.pdf) [35] instead. Sign it in front of a notary.)

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- **Statement of the Evidence** (https://texaslawhelp.org/sites/default/files/pr_pub2_130_statement_evidence_other_final.pdf) [36] (only if the respondent was served by Publication)

☐ **Step 7: Get ready for court.**

Call the clerk's office to find out when and where the court hears uncontested modification cases.

Call the clerk's office again the day before you plan to go to court to make sure the respondent has still not filed an Answer. If the respondent has filed an answer, you cannot finish your case by default. Go back to **Step 6**.

Read the article **Tips for the Courtroom** (<https://texaslawhelp.org/article/tips-courtroom>) [37] for more information about going to court.

☐ **Step 8: Go to court to finish your case.**

Bring these papers with you to the courthouse on the day you plan to finish your modification case.

- A copy of the order you are asking the judge to change.
- A file-stamped copy of your Petition to Modify the Parent-Child Relationship. **and**
- A file-stamped copy of the Return of Service form showing when and where the respondent was served. **and**
- A completely filled out Order Modifying the Parent-Child Relationship **signed by you. and**
- A completely filled out Income Withholding Order for Support if child support will be ordered, changed or stopped. **and**
- A completed Certificate of Last Known Mailing Address form and 1 copy. **and**
- A completed Military Status Declaration (or Military Status Affidavit) and 1 copy. **and**
- If the respondent was served by publication, a completed Statement of the Evidence and the lawyer you hired to serve as attorney ad litem for the

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respondent. – **and** –

- If another respondent was served and defaulted, you must also bring the following for that respondent:
 - A file-stamped copy of the Return of Service form showing when and where that respondent was served. **and**
 - A completed Certificate of Last Known Mailing Address form and 1 copy. **and**
 - A completed Military Status Declaration (or Military Status Affidavit) and 1 copy.

When you get to the courthouse, go to the clerk's office.

- Ask the clerk if you need the court file or docket sheet (list of what has been filed in your case).
- Ask the clerk to check one more time to see if the respondent has filed an answer. If the respondent has filed an Answer, you will not be able to finish your case by default. Go back to **Step 6**.
- File the Certificate of Last Known Mailing Address and the Military Status Declaration (or Military Status Affidavit). Ask the clerk to file stamp your copy of each form. Bring a file-stamped copy of each form with you to court.
- When you get to the courtroom, tell the clerk you are there and give the clerk your paperwork. Sit down until the judge calls your case.
- When the judge calls your case, walk to the front of the courtroom and stand in front of the judge's bench. The judge will have you raise your right hand and swear to tell the truth. Be prepared to quickly tell the judge, what orders you are asking the judge to change and why the change or changes you are requesting would be in your child's best interest. It's a good idea to write down everything you want to say ahead of time. You can read it to the judge if you get nervous.
- The judge will listen to what you say and review your papers. If everything is in order the judge will sign your Order Modifying the Parent-Child Relationship.

☐ **Step 9: File the signed order or orders with the clerk.**

After the judge signs your Order Modifying the Parent-Child Relationship, go back to the clerk's office. File (turn in) your Order Modifying the Parent-Child Relationship.

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Relationship and any other orders signed by the judge. **Your modification case is NOT final until you do so.** Get a certified copy of your Order Modifying the Parent-Child Relationship and any other orders signed by the judge from the clerk while you are there. The clerk may charge a fee for the certified copies.

If child support was ordered, ask the clerk what you need to do to set up a child support account. If child support was changed or terminated, ask the clerk to send a copy of the income withholding order for support to the employer of the person who is or was ordered to pay child support.

☐ **Step 10: What to do after your case is finished.**

Send a file-stamped copy of the Order Modifying the Parent-Child Relationship to each respondent.

Follow these additional steps if they apply:

- If you were ordered to pay child support and/or cash medical support or dental support, learn about payment options here: **Texas Attorney General - Child Support Payment Options** (<https://www.texasattorneygeneral.gov/cs/payment-options-and-types#walkandcash>) [38]. If you have any questions, call the Office of the Attorney General Child Support Division at 1-800-252-8014. DO NOT send child support payments directly to the other parent.
- If the respondent was ordered to pay child support and/or medical support and dental support to you and doesn't pay, you can contact the **Texas Attorney General Child Support Division** (<https://texasattorneygeneral.gov/cs/welcome-to-the-child-support-division>) [39] for help enforcing your order.

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Links

[1] <https://texaslawhelp.org/faq/my-modification-suit-contested-or-uncontested>

[2] <https://texaslawhelp.org/family-divorce-children/child-custody-visitation/toolkit/i-need-change-custody-visitation-or-child-support-order>

[3] <https://texaslawhelp.org/faq/what-legal-standard-change-child-support-or-medical-support>

[4] <http://www.harriscountylawlibrary.org/modification-default>

[5] https://texaslawhelp.org/sites/default/files/fm-mod1-100_mod_pet_final_7.pdf [Click here to chat](#)

- [6] <https://texaslawhelp.org/checklist/instructions-forms-agreed-modification>
- [7] https://texaslawhelp.org/sites/default/files/fm-mod1-112_mod_dec_in_support_of_changing_custody_within_one_year.pdf
- [8] <https://texaslawhelp.org/article/changing-custody-within-one-year-current-order>
- [9] https://texaslawhelp.org/sites/default/files/fp_osp_302_ex_out_of_state_party_dec_final_0.pdf
- [10] https://texaslawhelp.org/sites/default/files/pr-gen-116_civil_case_information_sheet.pdf
- [11] <https://www.txcourts.gov/media/1442977/189163.pdf>
- [12] https://texaslawhelp.org/sites/default/files/vs_165_rev_07-2017.pdf
- [13] https://texaslawhelp.org/sites/default/files/tx-pr-pay-112_scot_statement_of_inability_to_pay_court_costs.pdf
- [14] <https://texaslawhelp.org/article/standing-orders>
- [15] <https://efile.txcourts.gov/ofswb>
- [16] <https://texaslawhelp.org/article/how-serve-initial-court-papers-family-law>
- [17] <https://texaslawhelp.org/article/service-publication-when-you-cant-find-other-parent>
- [18] <https://texaslawhelp.org/form/order-modifying-parent-child-relationship-0>
- [19] https://texaslawhelp.org/sites/default/files/fm_chil_308_ex_child_support_order_final.pdf
- [20] <https://texaslawhelp.org/form/medical-and-dental-support-order>
- [21] https://texaslawhelp.org/sites/default/files/fm_chil_310_ex_custody_parent_order_final_0.pdf
- [22] <https://texaslawhelp.org/form/conservatorship-order-non-parents-appointed-conservator>
- [23] <https://texaslawhelp.org/form/standard-possession-order>
- [24] https://texaslawhelp.org/sites/default/files/fm_chil_316_supervised_possession_order.pdf
- [25] https://texaslawhelp.org/sites/default/files/fm_chil_313_mpo_nonparent_managingconservator.pdf
- [26] <https://texaslawhelp.org/article/visitation-possession-orders>
- [27] https://texaslawhelp.org/sites/default/files/fm-iw-200_income_withholding_order_english.pdf
- [28] <https://texaslawhelp.org/article/child-support-medical-support-and-dental-support>
- [29] <https://texaslawhelp.org/article/custody-conservatorship>
- [30] <https://texaslawhelp.org/legal-help/legal-help-finder>
- [31] <https://texaslawhelp.org/legal-clinic-calendar>
- [32] <https://texaslawhelp.org/article/how-set-contested-hearing-family-law-case>
- [33] https://texaslawhelp.org/sites/default/files/pr_dj_110_def_judg_cert_last_known_address_english.pdf

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[34] <https://texaslawhelp.org/sites/default/files>

[/pr_dj_112_def_judg_military_status_declaration.pdf](#)

[35] https://texaslawhelp.org/sites/default/files/pr_dj_111_military_status_affidavit.pdf

[36] <https://texaslawhelp.org/sites/default/files>

[/pr_pub2_130_statement_evidence_other_final.pdf](#)

[37] <https://texaslawhelp.org/article/tips-courtroom>

[38] <https://www.texasattorneygeneral.gov/cs/payment-options-and-types#walkandcash>

[39] <https://texasattorneygeneral.gov/cs/welcome-to-the-child-support-division>

[Click here to chat.](#)

<p>Cause Number: _____</p> <p><i>(Fill in the cause number and court information exactly as it is written on the order you want to change.)</i></p>	
<p>In the Interest of the following Minor Child(ren):</p> <p><i>(Print the <u>initials</u> of each child.)</i></p> <p>1. _____</p> <p>2. _____</p> <p>3. _____</p> <p>4. _____</p> <p>5. _____</p>	<p>In the: <i>(Check one.)</i></p> <p><input type="checkbox"/> _____ District Court</p> <p><input type="checkbox"/> County Court at Law # _____</p> <p>_____ County, Texas</p>

Petition to Modify the Parent-Child Relationship

My full name is: _____.

I am the **Petitioner**, the person asking the Court to change the current court order.

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

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

1. Discovery Level

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

2. Jurisdiction of the Court

The current court order about the child/ren was made by this Court or transferred to this Court. This Court has continuing exclusive jurisdiction over this case.

3. Child/ren

This case is about the following child/ren:

	Child's full name	Date of Birth	County and State where child lives now
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

4. Request to Change Current Order

I ask the Court to change the current order about the child/ren.

The title of the current order is: _____.

(Note: You will usually find the title of the current order on the 1st page of the order under the case information box.)

The date the current order was signed by the Court is: (date) _____.

5. Standing *Read the law about "Standing" here: Texas Family Code 156.002, 102.003, 102.004 & 102.006.*

The law allows me to file this case because I am: (Check all that apply.)

- ☐ the child/ren's Mother.
- ☐ the child/ren's Father.
- ☐ listed as a party in the current order and I am affected by the current order.
- ☐ a person who has had actual care, control and possession of the child/ren for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court. I am not a foster parent.
- ☐ a person who lived with the child/ren and the child/ren's parent, guardian or managing conservator for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court, and the parent, guardian or managing conservator is now dead.
- ☐ the grandparent, great-grandparent, sister, brother, aunt, uncle, niece or nephew of the child/ren and:
(Check the box below that applies to your case.)
 - ☐ both parents are dead.
 - ☐ both parents, the surviving parent or managing conservator agree to me filing this case.
 - ☐ the child/ren's present circumstances will significantly impair (harm) the child/ren's physical health or emotional development.
- ☐ other: _____.

6. Are You Asking to Change Custody within One Year?

Read the law about changing custody within one year here: Texas Family Code 156.102.

(Check one.)

- ☐ I am **not** asking to change primary custody.
- ☐ I **am** asking to change primary custody but it has been **more than** one year since the custody order was made by the Court.
- ☐ I **am** asking to change primary custody and it has been **less than** one year since the custody order was made by the Court. I understand I must fill out and attach a *Declaration in Support of Changing Primary Custody within One Year* form to this Petition. The facts set out in my *Declaration* will show that: (Check one.)
 - ☐ I am the person with the exclusive right to designate the primary residence of the child/ren.
 - ☐ the person with the exclusive right to designate the primary residence of the child/ren has agreed to change primary custody of the child/ren.
 - ☐ the person with the exclusive right to designate the primary residence of the child/ren has voluntarily given up primary care and possession of the child/ren for at least 6 months. This was not due to military deployment.
 - ☐ the child/ren's present environment may endanger (harm) the child/ren's physical health or significantly harm the child/ren's emotional development.

7. Respondent(s) – People Who Must Get Legal Notice of this Case.

(**Note:** There may be one or more Respondents. Read the modification instructions at www.TexasLawHelp.org for information about who must be listed as a Respondent and given legal notice of this case.)

Respondent A

Respondent A's name is: _____
PRINT the Respondent A's full name.

Respondent A is the child/ren's: *(Check one.)*

☐ Mother ☐ Father ☐ Other: _____
PRINT Respondent A's relationship to the child/ren.

I will give legal notice to Respondent A as follows: *(Check one.)*

- ☐ Respondent A will sign a *Waiver of Service* or *Answer*.
- ☐ I will have a sheriff, constable, process server or clerk serve Respondent A with this *Petition* here:

Street Address	City	State	Zip
----------------	------	-------	-----

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

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to Respondent A by Official Service of Process). I understand that I will need to **pay the fee** (or file a *Statement of Inability to Afford Payment of Court Costs* if I am unable to pay the fee) and **arrange for service**.

- ☐ I cannot find this Respondent. I ask that this Respondent be served by publication. I understand I must file an *Affidavit for Citation by Publication* and hire a lawyer to serve as attorney ad litem for this Respondent.

Respondent B (Check one.)

- ☐ There is no Respondent B. No one else is entitled to notice in this case. *(Skip to section 8.)*

☐ Respondent B's name is: _____
PRINT *the Respondent B's full name.*

Respondent B is the child/ren's: *(Check one.)*

☐ Mother ☐ Father ☐ Other: _____
PRINT Respondent B's relationship to the child/ren.

I will give legal notice to Respondent B as follows: (Check one.)

- ☐ Respondent B will sign a *Waiver of Service* or *Answer*.
- ☐ I will have a sheriff, constable, process server or clerk serve Respondent B with this *Petition* here:

Street Address	City	State	Zip
----------------	------	-------	-----

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

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to Respondent B by Official Service of Process). I understand that I will need to **pay the fee** (or file a *Statement of Inability to Afford Payment of Court Costs* if I am unable to pay the fee) and **arrange for service.**

- ☐ I cannot find this Respondent. I ask that this Respondent be served by publication. I understand I must file an *Affidavit for Citation by Publication* and hire a lawyer to serve as attorney ad litem for this Respondent.

Respondent C (Check one.)

- ☐ There is no Respondent C. No one else is entitled to notice in this case. *(Skip to section 8.)*
- ☐ Respondent C's name is: _____.
- PRINT the full name of Respondent C.*

Respondent C is the child/ren's: *(Check one.)*

- ☐ Mother ☐ Father ☐ Other: _____
PRINT Respondent C's relationship to the child/ren.

I will give legal notice to Respondent C as follows: (Check one.)

- ☐ I think Respondent C will sign a *Waiver of Service* or *Answer*.
- ☐ I will have a sheriff, constable, process server or clerk serve Respondent C with this *Petition* here:

Zip

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

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to Respondent C by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a *Statement of Inability to Afford Payment of Court Costs* if I am unable to pay the fee) and **arrange for service**.

- ☐ I cannot find this Respondent. I ask that this Respondent be served by publication. I understand I must file an *Affidavit for Citation by Publication* and hire a lawyer to serve as attorney ad litem for this Respondent.

Respondent D (Check one.)

- ☐ There is no Respondent D. No one else is entitled to notice in this case. *(Skip to section 8.)*
- ☐ Respondent D's name is: _____.
- PRINT the full name of Respondent D.*

Respondent D is the child/ren's: (Check one.)

- ☐ Mother ☐ Father ☐ Other: _____
PRINT Respondent D's relationship to the child/ren.

I will give legal notice to Respondent D as follows: *(Check one.)*

- ☐ Respondent D will sign a *Waiver of Service* or *Answer*.
- ☐ I will have a sheriff, constable, process server or clerk serve Respondent D with this *Petition* here:

Zip

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

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to Respondent D by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a *Statement of Inability to Afford Payment of Court Costs* if I am unable to pay the fee) and **arrange for service**.

- ☐ I cannot find this Respondent. I ask that this Respondent be served by publication. I understand I must file an *Affidavit for Citation by Publication* and hire a lawyer to serve as attorney ad litem for this Respondent.

8. Information Required if a Party Lives Out-of-State *(Check one.)*

- ☐ Everyone involved in this case lives in Texas.
- ☐ Someone involved in this case (one of the Respondents or me) does not live in Texas. I have attached a completed *Out-of-State Party Affidavit* to this Petition as an exhibit.

9. Legal Reason for Changing the Current Order

(Read the law about when the Court can change an order here: *Texas Family Code, Chapter 156.*)

The law allows the Court to change the current order because the changes will be in the child/ren's best interest and: (Check all that apply.)

- ☐ the Respondent(s) agree to the changes.
- ☐ the circumstances of the child/ren, a conservator, or other party affected by the current order have materially and substantially changed since the Court made the current order.
- ☐ the child is at least 12 years of age and will tell to the Court in chambers that she or he prefers that I have the exclusive right to determine his or her residence.
- ☐ the conservator who has the exclusive right to designate the primary residence of the child/ren has voluntarily given up primary care and possession of the child/ren for at least 6 months. This was not because the conservator is in the military and has been deployed.
- ☐ it has been at least 3 years since the current child support order was made by the Court and the current monthly child support amount differs by at least 20% or \$100 from the monthly child support amount that would be ordered using the Texas Family Code Child Support Guidelines.

10. Conservatorship (Custody) (Check one.)

- ☐ I do **not** want to change conservatorship (custody). (*Skip to section 11.*)
- ☐ I ask the Court to change conservatorship (custody) as follows: (Check **a, b, c, d, e or f.**)
 - a. ☐ Mother and Father should be **Joint Managing Conservators** of the child/ren and:
(If you checked **a**, check **a-1, a-2, or a-3.**)
 - a-1. ☐ Father should have the exclusive right to designate the primary residence of the child/ren within the following geographic area: (Check one.)
 - ☐ anywhere. ☐ this county. ☐ this county or county adjacent to this county.
 - ☐ Texas. ☐ other: _____.
 - a-2. ☐ Mother should have the exclusive right to designate the primary residence of the child/ren within the following geographic area: (Check one.)
 - ☐ anywhere. ☐ this county. ☐ this county or county adjacent to this county.
 - ☐ Texas. ☐ other: _____.
 - a-3. ☐ Neither parent should have the exclusive right to designate the primary residence of the children but both parents should be ordered not to remove the children's primary residence from the following specific geographic area: (Check one.)
 - ☐ this school district: _____ ☐ this county.
 - ☐ this county or county adjacent to this county. ☐ other: _____.
 - b. ☐ Mother should be **Sole Managing Conservator** of the child/ren.
 - c. ☐ Father should be **Sole Managing Conservator** of the child/ren.
 - d. ☐ _____ should be the **Nonparent Sole Managing Conservator** of the child/ren.
 - e. ☐ _____ and _____ should be the **Nonparent Joint Managing Conservators** of the child/ren.
 - f. ☐ Other: (Describe.) _____

11. Geographic Restriction *(Check one only if applicable.)*

- ☐ I ask the Court to restrict where the child/ren's primary residence can be located. The child/ren should not be moved out of: _____.
- ☐ I ask the Court to change the geographic restriction on where the child/ren's primary residence can be located. The new geographic restriction should be: _____.
- ☐ I ask the Court to lift the geographic restriction on where the child/ren's primary residence can be located. There should be no geographic restriction.

12. Child/ren's Passports *(Check only if applicable.)*

- ☐ I ask the Court to order that I have the exclusive right to apply for and renew passports for the child/ren.

13. Possession and Access (Visitation) *(Check one.)*

- ☐ I do **not** want to change possession and access (visitation). ***(Skip to section 14.)***
- ☐ I ask the Court to change possession and access (visitation) as follows: *(Check a, b, c or d.)*
- a. ☐ Father should have standard visitation. *(See Texas Family Code Chapter 153, Subchapter F.)*
- b. ☐ Mother should have standard visitation. *(See Texas Family Code Chapter 153, Subchapter F.)*
- c. ☐ Standard visitation would be unworkable. Possession and access to the children should be as follows:
- _____
- _____
- _____
- _____
- d. ☐ I am concerned about the safety of the children with: ☐ Father ☐ Mother
- Therefore, I ask that: *(If you checked d, check all that apply below.)*
- d-1. ☐ exchanges of the children be supervised, or in the alternative, be in a public place
- d-2. ☐ that parent's possession of the children be limited to day visits
- d-3. ☐ that parent's possession of the children be supervised
- d-4. ☐ that parent have no right to possession or access to the children
- d-5. ☐ that parent be ordered not to use alcohol or illegal drugs 24 hours prior to or during possession of the children.
- d-6. ☐ that parent's possession and access to the children be restricted as follows:
- _____
- _____
- _____
- _____

(Check only if applicable.)

- ☐ I am concerned that the other parent may take the child/ren to another country and refuse to return them. I ask the Court to determine if there is a risk of international kidnapping by the other parent and to take such measures as are necessary to protect the child/ren.

14. Child Support *(Check one.)*

- ☐ I do **not** want to change current child support. ***(Skip to section 15.)***
- ☐ I ask the Court to change current child support as follows: *(Check all that apply.)*
- ☐ **Father** should be ordered to pay: *(Check one.)* ☐ more child support. ☐ less child support.
- ☐ **Mother** should be ordered to pay: *(Check one.)* ☐ more child support. ☐ less child support.
- ☐ **Other:** *(Describe.)* _____
- _____
- _____
- _____

15. Medical Support *(Check one.)*

- ☐ I do **not** want to change medical support. ***(Skip to section 16.)***
- ☐ I ask the Court to change the current medical support order as follows: *(Check all that apply.)*
- ☐ **Father** should be ordered to: *(Check one.)*
- ☐ provide health insurance for the child/ren through his employment or another source.
- ☐ pay cash medical support to reimburse the cost of the child/ren's health insurance.
- ☐ **Mother** should be ordered to: *(Check one.)*
- ☐ provide health insurance for the child/ren through her employment or another source.
- ☐ pay cash medical support to reimburse the cost of the child/ren's health insurance.
- ☐ **Other:** *(Describe)* _____
- _____
- _____
- _____

16. Dental Support *(Check one.)*

- ☐ I do **not** want to change dental support. ***(Skip to section 17.)***
- ☐ I ask the Court to change the current order as follows: *(Check all that apply.)*
- ☐ **Father** should be ordered to: *(Check one.)*
- ☐ provide dental insurance for the child/ren through his employment or another source.
- ☐ reimburse Mother for the cost of the child/ren's dental insurance.
- ☐ **Mother** should be ordered to: *(Check one.)*
- ☐ provide dental insurance for the child/ren through her employment or another source.
- ☐ reimburse Mother for the cost of the child/ren's dental insurance.
- ☐ **Other:** *(Describe)* _____
- _____
- _____
- _____

17. Health Insurance Availability for Children

The child/ren: (Check all that apply.)

- ☐ do not have health insurance.
☐ 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.

- ☐ have health insurance through **Medicaid**.
☐ have health insurance through **C.H.I.P.** Cost of premium (if any): \$ _____

If the children do not have private health insurance also complete the following:

Private health insurance ☐ is ☐ is not available to Father at a reasonable cost.

Private health insurance ☐ is ☐ is not available to Mother at a reasonable cost.

18. Dental Insurance Availability for Children

The child/ren: (Check all that apply.)

- ☐ do not have dental insurance.
☐ have **private dental 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.

If the children do not have private dental insurance also complete the following:

Private dental insurance ☐ is ☐ is not available to Father at a reasonable cost.

Private dental insurance ☐ is ☐ is not available to Mother at a reasonable cost.

19. Public Benefits

The child/ren: (Check all that apply.)

- ☐ have Medicaid now **or** had in the past.
☐ get TANF (Temporary Assistance for Needy Families) now **or** got it in the past.

Note: If the child/ren have ever received Medicaid or TANF, you **MUST** send a copy of this Petition to the Office of the Attorney General Child Support Division. You **MUST** also sign the "Certificate of Service to the Office of the Attorney General" on the last page.

20. Children's Property

(Check one. If the children have never had any property of significant value, check the first box.)

- ☐ There has been no significant change to the child/ren's property.
☐ The following changes have occurred to the child/ren's property since the Court signed the current orders: _____

21. Protective Order Statement

Note: You **must** provide information about any protective order or pending application for protective order involving a party in this case or a child of a party. This includes information about any: 1) family violence protective order, (2) sexual assault, sexual abuse, trafficking or stalking protective order and/or (3) emergency protective order issued after an arrest.

A "party" includes you (the Petitioner) and anyone listed as a Respondent in this Petition.

You **must also** attach to this Petition a copy of any protective order (even if it's expired) in which one party or a child of a party was the applicant or victim and another party was the respondent or defendant.

(Check the appropriate boxes. Fill in the requested information, if applicable.)

21A. No Protective Order

- ☐ I do not have a protective order and I have not asked for one.
- ☐ No one has a protective order against me or asked for one.

21B. Pending Protective Order

- ☐ I filed paperwork at the courthouse asking for a protective order, but a judge has not decided if I should get it. I asked for a protective order against _____.
- I asked for a protective order on _____ in _____ County, _____.
- Date Filed County State
- The cause number of the protective order case is _____.
- If I get a protective order, I will file a copy of it before any hearings in this case.
- ☐ The Respondent filed paperwork asking for a protective order, but a judge has not decided if the Respondent will get it. The Respondent asked for a protective order on _____ in _____.
- County State
- The Respondent asked for a protective order against _____.
- The cause number of the protective order case is _____.
- If the Respondent gets a protective order, I will file a copy of it before any hearings in this case.

21C. Protective Order in Place

- ☐ I have a protective order. The protective order is against _____.
- I got the protective order on _____ in _____ County, _____.
- Date of Order County State
- The cause number for the protective order is _____.
- Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this case.
- ☐ A Respondent in this case has a protective order.
- The protective order is against _____.
- The protective order was made on _____ in _____ County, _____.
- Date of Order County State
- The cause number for the protective order is _____.
- Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this case.

22. Family Information *(Check only if applicable.)*

- ☐ I believe the child/ren or I will be harassed, abused, seriously harmed, or injured if I am required to give the Respondent(s) 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 the Respondents. I also ask the Court to keep this information confidential.

23. Request for Judgment

I ask that citation and notice be issued as required by law. I ask the Court to make the orders I have asked for in this Petition and any other orders to which I am entitled. I ask for general relief.

Respectfully submitted,

_____ <i>Petitioner's Signature</i>	() _____ <i>Phone number</i>
→ _____ <i>Petitioner's Printed Name</i>	_____ <i>Date</i>
<i>Petitioner's Mailing Address:</i>	_____
	_____ <i>city state zip</i>
<i>Petitioner's Email Address:</i>	_____
<i>Petitioner's Fax # (if available):</i>	_____

Warning: Each respondent will get a copy of this form. If you are concerned about a respondent learning your address, call the Hope Line at 1-800-374-4673(HOPE) for free advice before filing this form with the court.

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

Cause Number: _____

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

(Print the full name of each child.)

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

In the _____
Court Number

- ☐ District Court
☐ County Court at Law of:

_____ County, Texas

Declaration in Support of Changing Primary Custody Within One Year

(Check only one)

- ☐ I am signing this affidavit in front of a notary public.
DO NOT SIGN THIS DOCUMENT UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC.
- ☐ I am signing this document **under penalty of perjury** under Texas Penal Code 37.02 and 37.03—that is, I am signing it knowing that it is a crime if, with intent to deceive and with knowledge of the statement's meaning, I make a false unsworn declaration.

I am filing this Declaration in Support of Changing Primary Custody within One Year in place of an affidavit as allowed by Section 132.001 of the Texas Civil Practices and Remedies Code.

1. My name is: _____
First Middle Last

My date of birth is: _____
Month Day Year

My address is: _____
Street Address City State Zip Country

My email address is: _____

2. I am 18 years of age or older and I am fully competent to make this declaration. I have personal knowledge of the facts in this declaration. The facts stated in this declaration are true and correct.

3. I am the Petitioner in this case. I am asking the Court to:

(Check all that apply)

- ☐ change the person who has the right to designate the primary residence of the child(ren).
☐ remove the geographic restriction on the location of this child(ren)'s primary residence.
☐ change the geographic restriction on the location of this child(ren)'s primary residence.

-
- This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

[illegible]

Signature

If you **DO NOT** have access to notary public services, sign below.

My name is _____. My date of birth is _____.

My address is _____
street city state ZIP country

I declare **under penalty of perjury** that all information in this Declaration is true and correct.

Signed in _____ County, _____ (state),

on this date: ____/____/____
Month/ Day/ Year/



Your Signature

WARNING: Under Texas Civil Practice and Remedies Code 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, or an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above. Perjury is a crime in Texas. See Texas Penal Code 37.02 and 37.03.

If you **DO** have access to notary public services, sign below—but not until you are in front of a notary public.

Petitioner's signature

Notary fills out below

Check if applicable: ☐ This notarization was completed online.

State of Texas,

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

Sworn to and subscribed before me, the undersigned Notary, on _____ (date)

by _____
(Print the first and last names of the person signing this affidavit.)

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

(Notary's seal here)



Notary's signature

24. Certificate of Service to the Office of the Attorney General (OAG)

Sign **only** if the child/ren receive (or have received) Medicaid or TANF. This tells the judge that you will deliver a copy of this Petition to the Office of the Attorney General Child Support Division as required by law. Get contact information for the Office of the Attorney General Child Support Office in the county where this case will be filed at https://www.texasattorneygeneral.gov/apps/cs_locations/. Bring proof of delivery with you to court.

I certify that a true copy of this *Petition* was served on the Office of the Attorney General Child Support Division* in person, by certified and first class mail, by commercial delivery service, by fax, by email, or through the electronic file manager on this date.

→

Petitioner's Signature

Date

NOTE: If the Office of the Attorney General (OAG) is listed as a party on your current order, you must:

(1) list the OAG as a respondent in this Petition to Modify the Parent-Child Relationship and

(2) arrange for the OAG to be served by a constable, sheriff or private process server.

Get contact information for the Office of the Attorney General Child Support Division on your current order.

Note: For information about how to file an answer go to www.TexasLawHelp.org.

For a referral to a lawyer call your local lawyer referral service
or the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.

For information about free and low-cost legal help in your county go to
www.TexasLawHelp.org or call the Legal Aid office serving your area:

Legal Aid of Northwest Texas 1-888-529-5277 (serves Dallas / Ft. Worth area & Northwest Texas)

Lone Star Legal Aid 1-800-733-8394 (serves Houston area & East Texas)

Texas Rio Grande Legal Aid 1-888-988-9996 (serves Austin / San Antonio area, El Paso area & South Texas)

If you have been the victim of family violence, or if at any time you feel unsafe, get help by calling the:

National Domestic Violence Hotline at 1-800-799-SAFE (7233) or

Texas Advocacy Project Hope Line at 1-800-374-HOPE (4673) or

Advocates for Victims of Crime (AVOICE) at 1-888-343-4414.

Exhibit: Out-of-State Party Declaration

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 and sign it (*under penalty of perjury*.)
- File it in the Clerk's Office.
- Keep a copy for your records.

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

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 declaration? ☐ Yes ☐ No

If yes, ask the Clerk's Office to seal this declaration 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
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

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:

Declaration in lieu of Notarized Statement – Texas Civil Practice and Remedies Code, Section 132.001.

My name is:

First Middle Last

My date of birth is:

Month Day Year

My address is:

Street Address City State Zip Code Country

I declare under penalty of perjury that all information in this Out-of-State Party Declaration is true and correct.

Formally signed in

 County,

 State,

on this date:

Month Day Year

Your Signature

INFORMATION ON SUIT AFFECTING THE FAMILY RELATIONSHIP (EXCLUDING ADOPTIONS)

SECTION I GENERAL INFORMATION (REQUIRED)

STATE FILE NUMBER _____

1a. COUNTY _____ 1b. COURT NO. _____
1c. CAUSE NO. _____ 1d. DATE OF ORDER (mm/dd/yyyy) _____

2. TYPE OF ORDER (CHECK ALL THAT APPLY):

☐ DIVORCE/ANNULMENT WITH CHILDREN (Sec. 1,2 AND 3) ☐ DIVORCE/ANNULMENT WITHOUT CHILDREN (Sec 1 AND 2)

☐ ESTABLISHMENT OF COURT OF CONTINUING JURISDICTION (SEC 1 AND 3)
(Court Order Establishing Paternity, Conservatorship, Child Support or Termination of Parental Rights)

☐ CHANGE IN THE NAME OF THE CHILD (SEC 1 AND 3)
(PROVIDE PRIOR AND NEW NAME OF CHILD IN SECTION 3)

☐ TRANSFER OF COURT OR CONTINUING JURISDICTION (SEC1,3 AND INFORMATION BELOW)

TRANSFER TO: COUNTY _____ COURT NO. _____ STATE COURT ID# _____

3a. NAME OF ATTORNEY FOR PETITIONER	3b. TELEPHONE NUMBER (including area code)
3c. CURRENT MAILING ADDRESS (STREET AND NUMBER OR P.O BOX, CITY, STATE, ZIP)	

SECTION 2 (IF APPLICABLE) REPORT OF DIVORCE OR ANNULMENT OF MARRIAGE

PETITIONER	4. NAME (FIRST MIDDLE LAST SUFFIX)		5. MAIDEN LAST NAME (NAME BEFORE 1 ST MARRIAGE)	
	6. PLACE OF BIRTH (CITY AND STATE OR FOREIGN COUNTRY)		7. RACE	8. DATE OF BIRTH (mm/dd/yyyy)
	9. USUAL RESIDENCE STREET NAME & NUMBER CITY STATE ZIP			
RESPONDENT	10. NAME (FIRST MIDDLE LAST SUFFIX)		11. MAIDEN LAST NAME (NAME BEFORE 1 ST MARRIAGE)	
	12. PLACE OF BIRTH (CITY AND STATE OR FOREIGN COUNTRY)		13. RACE	14. DATE OF BIRTH (mm/dd/yyyy)
	15. USUAL RESIDENCE (STREET AND NUMBER CITY, STATE, ZIP)			
16. NUMBER OF MINOR CHILDREN		17. DATE OF MARRIAGE (mm/dd/yyyy)	18. PLACE OF MARRIAGE (CITY AND STATE OR FOREIGN COUNTRY)	

SECTION 3 (IF APPLICABLE) CHILDREN AFFECTED BY THIS SUIT

CHILD 1	19a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)			
	19b. DATE OF BIRTH (mm/dd/yyyy)	19c. SEX	19d. BIRTHPLACE (CITY, COUNTY AND STATE)	
	19e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE			
CHILD 2	20a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)			
	20b. DATE OF BIRTH (mm/dd/yyyy)	20c. SEX	20d. BIRTHPLACE (CITY, COUNTY AND STATE)	
	20e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE			
CHILD 3	21a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)			
	21b. DATE OF BIRTH (mm/dd/yyyy)	21c. SEX	21d. BIRTHPLACE (CITY, COUNTY AND STATE)	
	21e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE			

☐ ADDITIONAL CHILDREN LISTED ON BACK OF THE FORM.

I CERTIFY THAT THE ABOVE ORDER WAS GRANTED ON THE DATE AND PLACE AS STATED.

SIGNATURE OF THE CLERK OF THE COURT

WARNING: This is a governmental document. Texas Penal Code, Section 37.10, specifies penalties for making false entries or providing false information in this document. VS-165 REV 07/2017

ADDITIONAL CHILDREN AFFECTED BY THIS SUIT FROM SECTION 3 (IF APPLICABLE)

CHILD 4	23a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	23b. DATE OF BIRTH (mm/dd/yyyy)	23c. SEX	23d. BIRTHPLACE (CITY, COUNTY AND STATE)
	23e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		
CHILD 5	24a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	24b. DATE OF BIRTH (mm/dd/yyyy)	24c. SEX	24d. BIRTHPLACE (CITY, COUNTY AND STATE)
	24e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		
CHILD 6	25a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	25b. DATE OF BIRTH (mm/dd/yyyy)	25c. SEX	25d. BIRTHPLACE (CITY, COUNTY AND STATE)
	25e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		

Instructions for Completing the Suit Affecting Parent Child Relationship Form**GENERAL REQUIREMENT:**

All divorces/annulments (with or without children) and all suits affecting the parent-child relationship must be reported through the clerk of the court to the State Vital Statistics Unit (VSU).

Consolidated reporting by petitioners, attorneys, and the courts is designed to make mandatory reporting more efficient, timely, and improve the quality of reporting. However, this reporting system is only as good or timely as you make it; therefore, your attention in completing and filing this report is critical.

Legal basis for this reporting is contained in Health and Safety Code §194.002 and Texas Family Code §§108.001-.002 and 108.004.

For information concerning reporting or questions about this form, contact field services at fieldservices@dshs.texas.gov or by phone at 512-776-3010.

The VSU-165 form must be printed double-sided (one sheet not two).

For information on the court of continuing jurisdiction of a child, contact VSU at (888) 963-7111 ext. 2529. Inquiries should be addressed to VSU, 1100 West 49th Street, Austin, Texas, 78756-3191; inquiries may also be faxed to (512) 776-7164 .

SECTION 1 GENERAL INFORMATION (REQUIRED)

This section must be completed for each report filed.

- 1a – d. Enter the required information to identify the court proceeding.
- 2. Check the type of suit being reported. This determines also which sections of the form must be completed. If more than one type of order applies, check all that apply. Transfers from one jurisdiction to another must be reported in this section (if court number is unknown, specify "unknown").
- 3a – c. Complete the attorney information to assist in questions or follow up. If case was pro se, please enter the information of the person completing this form.

SECTION 2 (IF APPLICABLE) REPORT OF DIVORCE OR ANNULMENT OF MARRIAGE

All divorces/annulments must be reported, even if there were no minor children. All information is required.

- 4-9. Report the Petitioner's information including maiden name (if applicable).
- 10-15. Report the Respondent's information, including maiden name (if applicable).
- 16. Report the number of minor children affected by this divorce; if none, record "0." This number must correspond to the listing of children in Section 3.
- 17-18. Enter the date and place of the marriage being dissolved.

SECTION 3 (IF APPLICABLE) CHILDREN AFFECTED BY THIS SUIT

Every child affected by the suit being reported must be listed, and all items concerning that child must be completed. If more than three children are affected, check the "additional children listed on back of form" box, and continue to list the additional children. If more than 6 children complete section 3 on another form, label it "continuation" and attached the continuation form to the original form.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA



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

Plaintiff: _____
(Print first and last name of the person filing the lawsuit.)

And

Defendant: _____
(Print first and last name of the person being sued.)

In the (check one):

Court District Court
Number County Court / County Court at Law
Justice Court

County Texas

**Statement of Inability to Afford Payment of
Court Costs or an Appeal Bond**

1. Your Information

My full legal name is: _____ My date of birth is: ____ / ____ / ____
First Middle Last Month/Day/Year

My address is: (Home) _____
(Mailing) _____

My phone number: _____ My email: _____

About my **dependents**: "The people who depend on me financially are listed below.

	Name	Age	Relationship to Me
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____

2. Are you represented by Legal Aid?

☐ I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.

-or-

☐ I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

☐ I am not represented by legal aid. I did not apply for representation by legal aid.

3. Do you receive public benefits?

☐ I do not receive needs-based public benefits. - or -

☐ I receive these **public benefits/government entitlements** that are based on indigency:

(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

- ☐ Food stamps/SNAP ☐ TANF ☐ Medicaid ☐ CHIP ☐ SSI ☐ WIC ☐ AABD
☐ Public Housing or Section 8 Housing ☐ Low-Income Energy Assistance ☐ Emergency Assistance
☐ Telephone Lifeline ☐ Community Care via DADS ☐ LIS in Medicare ("Extra Help")
☐ Needs-based VA Pension ☐ Child Care Assistance under Child Care and Development Block Grant
☐ County Assistance, County Health Care, or General Assistance (GA)
☐ Other: _____

4. What is your monthly income and income sources?

"I get this monthly income:

\$ _____ in monthly wages. I work as a _____ for _____.
Your job title Your employer

\$ _____ in monthly unemployment. I have been unemployed since (date) _____.

\$ _____ in public benefits per month.

\$ _____ from other people in my household each month: (List only if other members contribute to your household income.)

\$ _____ from ☐ Retirement/Pension ☐ Tips, bonuses ☐ Disability ☐ Worker's Comp
☐ Social Security ☐ Military Housing ☐ Dividends, interest, royalties
☐ Child/spousal support
☐ My spouse's income or income from another member of my household (If available)

\$ _____ from other jobs/sources of income. (Describe) _____

\$ _____ is my **total monthly** income.

5. What is the value of your property?

"My **property** includes:

Value*

Cash \$ _____

Bank accounts, other financial assets _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

Vehicles (cars, boats) (make and year)

_____ \$ _____

_____ \$ _____

_____ \$ _____

Other property (like jewelry, stocks, land,
another house, etc.)

_____ \$ _____

_____ \$ _____

_____ \$ _____

Total value of property → \$ _____

6. What are your monthly expenses?

"My **monthly expenses** are:

Amount

Rent/house payments/maintenance \$ _____

Food and household supplies \$ _____

Utilities and telephone \$ _____

Clothing and laundry \$ _____

Medical and dental expenses \$ _____

Insurance (life, health, auto, etc.) \$ _____

School and child care \$ _____

Transportation, auto repair, gas \$ _____

Child / spousal support \$ _____

Wages withheld by court order \$ _____

_____ \$ _____

Debt payments paid to: (List) \$ _____

_____ \$ _____

_____ \$ _____

Total Monthly Expenses → \$ _____

*The value is the amount the item would sell for less the amount you still owe on it, if anything.

7. Are there debts or other facts explaining your financial situation?

"My **debts** include: (List debt and amount owed) _____

(If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts.") Check here if you attach another page. ☐

8. Declaration

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

☐ I cannot afford to pay court costs.

☐ I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.

My name is _____. My date of birth is : ____ / ____ / _____.

My address is _____
Street City State Zip Code Country

▶ _____ signed on ____ / ____ / ____ in _____ County, _____
Signature Month/Day/Year county name State

<p>Cause Number: _____</p> <p><i>(Write the cause number and other case information exactly as it appears on the Petition.)</i></p>	
<p>In the Interest of the following Minor Child(ren):</p> <p><i>(Print the <u>initials</u> of each child.)</i></p> <p>1. _____</p> <p>2. _____</p> <p>3. _____</p> <p>4. _____</p> <p>5. _____</p>	<p>In the: <i>(Check one.)</i></p> <p><input type="checkbox"/> _____ District Court</p> <p><input type="checkbox"/> County Court at Law # _____</p> <p>_____ County, Texas</p>

Order Modifying the Parent-Child Relationship

A hearing took place on *(date)*: _____. A jury was waived as no one requested as jury.

1. Appearances

Petitioner

Petitioner's full name is: _____.

(Check one.)

- ☐ Petitioner **was present**, representing him/herself, and announced ready for trial.
- ☐ Petitioner **was present**, representing him/herself, and agreed to the terms of this Order
- ☐ Petitioner **was not present** but has signed on page 6 agreeing to the terms of this Order.

Respondent A

Respondent A's full name is: _____.

(Check one.)

- ☐ Respondent A **was present**, representing him/herself, and announced ready for trial.
- ☐ Respondent A **was present**, representing him/herself, and agreed to the terms of this Order.
- ☐ Respondent A **was not present**, but filed an Answer or Waiver of Service and has signed on page 6 agreeing to the terms of this Order.
- ☐ Respondent A **was not present**, but filed a Global Waiver that waived his or her right to notice of this hearing and did not otherwise appear.
- ☐ Respondent A **was not present**, but was served and has defaulted. The Petitioner filed a Certificate of Last Known Address and a Military Status Declaration.

Respondent B ☐ *Check this box if there is no Respondent B, and skip to section 2.*

Respondent B's full name is: _____.

(Check one.)

- ☐ Respondent B **was present**, representing him/herself, and announced ready for trial.
- ☐ Respondent B **was present**, representing him/herself, and agreed to the terms of this Order.
- ☐ Respondent B **was not present**, but filed an Answer or Waiver of Service and has signed on page 6 agreeing to the terms of this Order.
- ☐ Respondent B **was not present**, but filed a Global Waiver that waived his or her right to notice of this hearing and did not otherwise appear.
- ☐ Respondent B **was not present**, but was served and has defaulted. The Petitioner filed a Certificate of Last Known Address and a Military Status Declaration.

Respondent C ☐ Check this box if there is no Respondent C, and skip to section 2.

Respondent C's full name is: _____.

(Check one.)

- ☐ Respondent C **was present**, representing him/herself, and announced ready for trial.
- ☐ Respondent C **was present**, representing him/herself, and agreed to the terms of this Order.
- ☐ Respondent C was **not present**, but filed an Answer or Waiver of Service and has signed on page 6 agreeing to the terms of this Order.
- ☐ Respondent C was **not present**, but filed a Global Waiver that waived his or her right to notice of this hearing and did not otherwise appear.
- ☐ Respondent C was **not present**, but was served and has defaulted. The Petitioner filed a Certificate of Last Known Address and a Military Status Declaration.

Respondent D ☐ Check this box if there is no Respondent D, and skip to section 2.

Respondent D's full name is: _____.

(Check one.)

- ☐ Respondent D **was present**, representing him/herself, and announced ready for trial.
- ☐ Respondent D **was present**, representing him/herself, and agreed to the terms of this Order.
- ☐ Respondent D was **not present**, but filed an Answer or Waiver of Service and has signed on page 6 agreeing to the terms of this Order.
- ☐ Respondent D was **not present**, but filed a Global Waiver that waived his or her right to notice of this hearing and did not otherwise appear.
- ☐ Respondent D was **not present**, but was served and has defaulted. The Petitioner filed a Certificate of Last Known Address and a Military Status Declaration.

2. Jurisdiction

The Court finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case.

All persons entitled to citation were properly cited.

3. Record *(The Court fills out this section.)*

- ☐ A Court reporter recorded today's hearing.
- ☐ A Court reporter did not record today's hearing because the parties agreed not to make a record.

4. Children

This case is about the following child/ren:

	Child's name	Sex	Date of Birth	Home State	Social Security #
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____
3.	_____	_____	_____	_____	_____
4.	_____	_____	_____	_____	_____
5.	_____	_____	_____	_____	_____

5. Findings

The Court finds that the material allegations in the *Petition to Modify the Parent-Child Relationship* are true and that the modifications made by this *Order* are in the best interest of the children.

6. Orders

The Court ORDERS that the order or orders listed below (called the “prior orders” throughout this document) are modified (changed) as set out below.

	Title of Order or Orders Modified	Date Order Signed by Court
1.	_____	____/____/____
2.	_____	____/____/____

6A. Conservatorship (Custody) *(Check one.)*

- ☐ Conservatorship (custody) **is not** modified.
- ☐ Conservatorship (custody) **is** modified as ORDERED in the attached:
(Check one box and attach the appropriate Conservatorship Order.)
- ☐ “Conservatorship Order: Parents Appointed Conservators” which is fully incorporated into this Order for all purposes.
- ☐ “Conservatorship Order: Non-Parent(s) Appointed Conservator” which is fully incorporated into this Order for all purposes.

6B. Possession and Access (Visitation) *(Check one.)*

- ☐ Possession and access to the child/ren (visitation) **is not** modified.
- ☐ Possession and access to the child/ren (visitation) **is** modified as ORDERED in the attached:
(Check one and attach the appropriate Possession Order.)
- ☐ “Standard Possession Order” which is fully incorporated into this Order for all purposes.
- ☐ “Modified Possession Order” which is fully incorporated into this Order for all purposes.
- ☐ “Supervised Possession Order” which is fully incorporated into this Order for all purposes.

6C. Child Support *(Check one. Attach the Child Support Order if applicable.)*

- ☐ Child support **is not** modified.
- ☐ Child support **is** modified as ORDERED in the attached “Child Support Order” which is fully incorporated into this Order for all purposes.

6D. Medical & Dental Support *(Check one. Attach the Medical & Dental Support Order if applicable.)*

- ☐ Medical support and dental support **are not** modified.
- ☐ Medical support and/or dental support **is** modified as ORDERED in the attached “Medical and Dental Support Order” which is fully incorporated into this Order for all purposes.

6E. Other Orders *(Check and complete only if applicable.)*

- ☐ The Court also ORDERS that: _____
- _____
- _____
- _____.

7. Information Regarding Parties See Texas Family Code Sections 105.006 & 105.007

7A. Disclosure of Mother's Information (Check one.)

- ☐ The Court ORDERS Mother to disclose the following information and changes in that information to the other conservators, the Court and the State Case Registry. (Fill in Mother's information.)

Name: _____

Home Address: _____

Mailing Address: _____

Home phone #: _____ Work phone #: _____

FULL Social Security #: _____

Driver's License #: _____ Issuing state: _____

Employer: _____

Work address: _____

- ☐ The Court finds that disclosure of Mother's information to the other conservators is likely to cause Mother or the children harassment, abuse, serious harm or injury or subject Mother or the children to family violence. 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 the other conservators or notify the other conservators 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.

7B. Disclosure of Father's Information (Check one.)

- ☐ The Court ORDERS Father to disclose the following information and changes in that information to the other conservators, the Court and the State Case Registry. (Fill in Father's information.)

Name: _____

Home Address: _____

Mailing Address: _____

Home phone #: _____ Work phone #: _____

FULL Social Security #: _____

Driver's License #: _____ Issuing state: _____

Employer: _____

Work address: _____

- ☐ The Court finds that disclosure of Father's information to the other conservators is likely to cause Father or the children harassment, abuse, serious harm or injury or subject Father or the children to family violence. 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 the other conservators or notify the other conservators 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.

7C. Disclosure of Nonparent Conservator's Information (Check one.)

- ☐ There is no Nonparent Managing Conservator.
- ☐ Information regarding the Nonparent Managing Conservator(s) is included in the attached "Conservatorship Order (Non-Parent Appointed Conservator).

8. Required Notice

This section is not applicable if and to the extent it conflicts with the Court's Order regarding disclosure of information in section 7 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.

9. 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.

10. 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.

11. Notice Regarding Modifying (Changing) a Child Support Order

THE COURT MAY MODIFY AN ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

- (1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY OR SUBSTANTIALLY CHANGED; OR
- (2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

12. Court Costs

All court costs shall be paid by the person who incurred the costs to the extent the party is required to pay such costs. A party who filed a statement of inability to afford payment of court costs or affidavit of indigency that was not successfully contested is not required to pay court costs.

13. Other Orders

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

14. Final Order

Any orders requested that do not appear above are denied. Any part of the prior orders regarding the child/ren not specifically modified by this order shall remain in full force and effect.

THIS IS A FINAL ORDER.

SIGNED ON: _____.

JUDGE PRESIDING

BY SIGNING BELOW, I AGREE TO THE FORM AND SUBSTANCE OF THIS ORDER:

Petitioner's Signature

Date Signed

Respondent A's Signature

Date Signed

Respondent B's Signature

Date Signed

Respondent C's Signature

Date Signed

Respondent D's Signature

Date Signed

The orders marked on page 3 are a part of this modification order and should be attached.

Child Support Order

The Court **ORDERS** that this *Child Support Order* is fully incorporated into the Order to which it is attached.

1. 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) for the
(Print the name of the parent who will **receive** child support.)
child/ren, _____,
(Print the name of **each child** for whom child support will be paid.)
in the amount and manner described below until one of the following **events that terminate child support** occurs for each child.

2. 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 (ends) 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.

3. 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.

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.

4. Termination of Obligee's Obligation to pay current child support (if applicable)

If the Obligee was the parent ordered to pay child support in the prior order, the Court **ORDERS** that the Obligee's obligation to pay current child support terminates (ends) on the date the Court signs this Order.

This Order does not change Obligee's obligation to pay any past due child support or arrearage judgment.

5. Child Support Amount(s) Ordered

If only one child will receive support, check box **5A** and fill in the child support amount and start date.

If more than one child will receive support, check box **5B** and fill in the child support amounts and start date.

5A. ☐ For a Single Child

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
Month / Day / Year
after that **until** child support terminates for the child.

5B. ☐ For Multiple 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
Month / Day / Year
that **until** child support terminates for one child.

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 fifth 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!

6. 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.

7. 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.

8. 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.

9. 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:

10. 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.

11. 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, **or**
- 2) the past due amount is the same or more than the monthly child support amount, **or**
- 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.

12. 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.

13. 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.

14. Life Insurance Policy *Check box below 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.

NOTICE REGARDING MODIFYING (CHANGING) THIS CHILD SUPPORT ORDER

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

- (1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY OR SUBSTANTIALLY CHANGED; OR
- (2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR \$100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Medical and Dental Support Order

The Court **ORDERS** that this *Medical and Dental Support Order* is fully incorporated into the Order to which it is attached.

1. Duty to Provide Medical and Dental Support

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

2. Events that Terminate Medical and Dental Support

The obligation to provide medical and dental 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.

3. Definitions

“Child/ren” means all children, whether one or more, who are the subject of this case.

“Obligor” means the parent ordered to pay child support.

“Obligee” means the parent ordered to receive child support.

“Health insurance” means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

“Dental insurance” means insurance coverage that provides preventive dental care and other dental services, including usual dentist services, office visits, examinations, X-rays, and emergency services, that may be provided through a single service health maintenance organization or other private or public organization.

“Health-care expenses” include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

“Health-care expenses that are not reimbursed by insurance” (also called “unreimbursed expenses”) include related copayments and deductibles.

“Furnish” means—

- to hand deliver the document by a person eighteen years of age or older either to the recipient or to a person who is eighteen years of age or older and permanently resides with the recipient; **or**
- to deliver the document to the recipient by first-class mail or by certified mail, return receipt requested, to the recipient's last known mailing or residence address; **or**
- to deliver the document to the recipient at the recipient's last known mailing or residence address using any person or entity whose principal business is that of a courier or deliverer of papers or documents either within or outside the United States; **or**
- to deliver the document to the recipient at the recipient's email address if an email address for the recipient is provided below: *(Check and print email address(s) if delivery by email is okay.)*

☐ Obligee's email address: _____

☐ Obligor's email address: _____

In the event of any change in either recipient's email address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change.

4. Court Findings about Health Insurance

Note: Texas law says that health insurance is available at a **“reasonable cost”** if the total cost of health insurance coverage for all children for which the Obligor is responsible under a medical support order is not more than **9 percent** of the Obligor's annual resources. See Texas Family Code Section 154.181(e).

The Court finds that private health insurance for the child/ren: *(Check one.)*

☐ **is not** available at a reasonable cost to either parent. The Court finds that the children are:

(Check one.)

☐ currently covered by **Medicaid**.

☐ currently covered by **C.H.I.P.** at this cost: \$ _____.

☐ not currently covered by **Medicaid** or **C.H.I.P.**

☐ **is** available at a reasonable cost to the person ordered to pay child support through:

(Check one.)

☐ **Father's** work, membership in a union, trade association, or other organization, or other source available to Father.

☐ **Mother's** work, membership in a union, trade association, or other organization, or other source available to Mother.

5. Orders about Health Insurance / Medical Support

The Court makes the following orders about health insurance / medical support for the child/ren:

Check box **5A** if the **Obligor** will provide and pay for health insurance for the children.

Check box **5B** 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.

Check box **5C** 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.

Note: The **Obligor** is the parent ordered to pay child support. The **Obligee** is the parent who will receive child support.

5A. ☐ 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 obtain health insurance for the child/ren within 15 days of the date of this order.

Obligor is ORDERED to then maintain health insurance for each child until one of the above “events that terminate medical and dental support” occurs for the child.

If health insurance for the child/ren terminates or lapses, Obligor is ORDERED to enroll the child/ren in a health insurance plan at the next available enrollment period.

5B. ☐ Obligee to Provide Health Insurance / Obligor to Pay Cash Medical Support

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

to obtain health insurance for the child/ren within 15 days of the date of this order.

Obligee is ORDERED to then maintain health insurance for each child until one of the above “events that terminate medical and dental support” occurs for the child.

If health insurance for the child/ren terminates or lapses, Obligee is ORDERED to enroll the child/ren in a health insurance plan at the next available enrollment period.

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 medical and dental 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.

The Income Withholding Order for Support authorized in this order shall include the cash medical support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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

- Obligor's name
- Obligee's name
- Cause Number and County of Decree or Order
- Attorney General Case Number (if applicable)

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

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.

5C. ☐ 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 parent 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.

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 _____. A like payment is due on the 1st day of each month after that until
Month / Day / Year

one of the above "events that terminate medical and dental 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.

The Income Withholding Order for Support authorized in this order shall include the cash medical support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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

- Obligor's name
- Obligee's name
- Cause Number and County of Decree or Order
- Attorney General Case Number (if applicable)

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

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 Obligor is allowed to **stop paying 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*
 - (4i) 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**
 - (4ii) 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 5C. It does not apply to any other section.

6. Court Findings about Dental Insurance

Note: Texas Law says that dental insurance is available at a “**reasonable cost**” if the total cost of dental insurance coverage for all children for which the Obligor is responsible under a dental support order is not more than **1.5 percent** of the Obligor’s annual resources. See Texas Family Code Section 154.1815.

The Court finds that dental insurance for the children: *(Check one.)*

- ☐ **is not** available at a reasonable cost to either parent.
- ☐ **is** available at a reasonable cost to the person ordered to pay child support (**Obligor**) through:
(Check one.)
- ☐ **Father’s** work, membership in a union, trade association, or other organization, or other source available to Father.
- ☐ **Mother’s** work, membership in a union, trade association, or other organization, or other source available to Mother.

7. Orders about Dental Insurance / Dental Support

(Check one.)

- ☐ No orders about dental insurance/dental support are made at this time because neither parent has access to dental insurance at a reasonable cost.
- ☐ The Court makes the following orders about dental insurance / dental support for the child/ren:

Check box 7A if the Obligor will provide and pay for dental insurance for the children.

Check box 7B if the Obligee will provide dental insurance for the children and the Obligor will pay cash dental support to reimburse the Obligee for the cost of the insurance.

Note: The **Obligor** is the parent ordered in this decree to pay child support. The **Obligee** is the parent who will receive child support.

7A. ☐ Obligor to Provide and Pay for Dental Insurance

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

to get dental insurance for the child/ren within 15 days of the date of this order.

Obligor is ORDERED to then maintain dental insurance for each child until one of the above “events that terminate medical and dental support” occurs for the child.

If dental insurance for the child/ren terminates or lapses, Obligor is ORDERED to enroll the child/ren in a dental insurance plan at the next available enrollment period.

7B. ☐ Obligee to Provide Dental Insurance / Obligor to Reimburse Cost

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

to get dental insurance for the child/ren within 15 days of the date of this order.

Obligee is ORDERED to then maintain dental insurance for each child until one of the above “events that terminate medical and dental support” occurs for the child.

If dental insurance for the child/ren terminates or lapses, Obligee is ORDERED to enroll the child/ren in a dental insurance plan at the next available enrollment period.

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

to pay Obligee **cash dental support** of \$ _____ per month for **reimbursement** of dental

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 medical and dental support” occurs for each child.

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

The Income Withholding Order for Support authorized in this order shall include the cash dental support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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

- Obligor's name
- Obligee's name
- Cause Number and County of Decree or Order
- Attorney General Case Number (if applicable)

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

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

8. Parent to Furnish Information about Health Insurance

The parent providing health insurance for the child/ren (called the “Insuring Parent” throughout this section) is also ORDERED to furnish to each conservator the following information **within 30 days** of the date the Insuring Parent receives notice of this order:

- Insuring Parent's social security number;
- the name and address of Insuring Parent's employer;
- proof that health insurance has been provided for each child;
- whether Insuring Parent's employer is self-insured or has health insurance available;
- if Insuring Parent's employer has health insurance available:
 - the name of the insurance carrier and the policy number;
 - a copy of the policy and a schedule of benefits;
 - a health insurance membership card;
 - claim forms and any other information necessary to submit a claim; and
- if Insuring Parent's 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.

Insuring Parent is ORDERED to furnish to each conservator a copy of any renewals or changes to the health insurance policy covering the child/ren and any additional information regarding health insurance coverage of the child/ren **within 15 days** of receipt.

An Obligor ordered to provide health insurance coverage, is ORDERED to notify each conservator and any child support agency enforcing a support obligation against the Obligor of the:

- termination or lapse of the health insurance coverage of the child/ren **within 15 days** of the date of termination or lapse.
- availability of additional health insurance for the child/ren **within 15 days** of the date the additional health insurance becomes available.

If health insurance coverage terminates due to a change of employer, then the Obligor, Obligee or the child support agency may send the new employer a copy of the order requiring the employee to provide health insurance.

9. Parent to Furnish Information about Dental Insurance

The parent providing dental insurance for the child/ren (called the “Insuring Parent” throughout this section) is ORDERED to furnish to each conservator the following information **within 30 days** of the date the Insuring Parent receives notice of this order:

- Insuring Parent’s social security number;
- the name and address of Insuring Parent’s employer;
- proof that dental insurance has been provided for each child;
- whether Insuring Parent’s employer is self-insured or has dental insurance available;
- if Insuring Parent’s employer has dental insurance available:
 - the name of the insurance carrier;
 - the policy number;
 - a copy of the policy and a schedule of benefits;
 - a dental insurance membership card;
 - claim forms; and
 - any other information necessary to submit a claim; and
- if Insuring Parent’s 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.

Insuring Parent is ORDERED to furnish to each conservator a copy of any renewals or changes to the dental insurance policy covering the child/ren and any additional information regarding dental insurance coverage of the child/ren **within 15 days** of receipt.

An Obligor ordered to provide dental insurance coverage, is ORDERED to notify each conservator and any child support agency enforcing a support obligation against the Obligor of the:

- termination or lapse of the dental insurance coverage of the child/ren **within 15 days** of the date of termination or lapse.
- availability of additional dental insurance for the child/ren **within 15 days** of the date the additional dental insurance becomes available.

If dental insurance coverage terminates due to a change of employer, the Obligor, Obligee or the child support agency may send the new employer a copy of the order requiring the employee to provide dental insurance.

10. Order for Insurer to Enroll Child/ren

If the parent ordered to provide health insurance for the child/ren 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 the other parent or others as authorized by law. *See Texas Insurance Code, Section 1504.051*

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

11. 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:

- the parent ordered to provide health insurance is not providing health insurance as ordered, then that parent is liable for **100 percent** of all necessary medical expenses of the child/ren and for the costs of health insurance premiums or contributions, if any, paid on behalf of the child/ren.
- the parent ordered to provide dental insurance is not providing dental insurance as ordered, then that parent is liable for **100 percent** of all necessary dental expenses of the child/ren and for the costs of dental insurance premiums or contributions, if any, paid on behalf of the child/ren.

If **5C** 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.

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 has already been paid.

12. 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**.

13. 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, 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, 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.

WARNING – A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OR DENTAL EXPENSES OF THE CHILD/REN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILD/REN.

Conservatorship Order: Parents Appointed Conservators

The Court **ORDERS** that this *Conservatorship Order: Parents Appointed Conservators* is fully incorporated into the Order to which it is attached.

1. Rights and Duties of Both Parents

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

Texas Family Code 153.073

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 each parent has the following rights and duties when the parent is in possession of the children:

Texas Family Code 153.074

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.

The Court **ORDERS** that each parent *always* has the following duties:

Texas Family Code 153.076

1. The Court **ORDERS** that each parent has the duty to inform the other parent in a timely manner of significant information concerning the health, education, and welfare of the child/ren.
2. The Court **ORDERS** that each parent has 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 PARENT/CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PARENT/CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

3. The Court ORDERS that each parent has the duty to inform the other parent if the parent establishes a residence with a person who the parent knows is the subject of a final protective order sought by an individual other than the parent that is in effect on the date the residence with the person is established.

The parent is ORDERED to give this notice as soon as practicable but not later than the 30th day after the date the parent establishes residence with the person who is the subject of the final protective order.

WARNING: A PARENT/CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PARENT/CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

4. The Court ORDERS that each parent has the duty to inform the other parent if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the parent after the expiration of the 60-day period following the date the final protective order is issued.

The parent is ORDERED to give this notice as soon as practicable but not later than the 90th day after the date the protective order was issued.

WARNING: A PARENT/CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PARENT/CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

5. The Court ORDERS that each parent of a child has the duty to inform the other parent of the child if the parent is the subject of a final protective order issued after the date of the order establishing conservatorship.

The parent is ORDERED to give this notice as soon as practicable but not later than the 30th day after the date the final protective order was issued.

WARNING: A PARENT/CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PARENT/CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

Note: A person who is the subject of a final protective order is the person who the protective order is <u>against</u> .

2. Parents Appointed Conservators

If the parents will be joint managing conservators, check box **2A** below and fill in the requested information.

If one parent will be the sole managing conservator and the other will be the possessory conservator, skip **2A**. Go to the next page and check box **2B**. Fill in the information requested in box **2B**.

2A. ☐ Joint Managing Conservators

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

(Check **2A(1)** or **2A(2)**.)

2A(1) ☐ **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 she or he: (Check one.)

☐ may designate the child/ren's residence anywhere.

☐ must designate the child/ren's residence within the following geographic area:

(Check one box.)

☐ the school attendance zone of: _____.

☐ this county.

☐ this county or county adjacent to this county.

☐ Texas.

☐ other: _____.

2A(2) ☐ **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 box.)

☐ the school attendance zone of: _____.

☐ this county.

☐ other: _____.

The Court **ORDERS** that the parents, as **Joint Managing Conservators**, have the rights as marked below.

The mother exclusively	The father exclusively	The parents jointly	The parents independently	has/have the RIGHT to ...
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	consent to invasive medical, dental, and surgical treatment
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	consent to psychiatric or psychological treatment
<input type="checkbox"/>	<input type="checkbox"/>	No	No	receive child support and save or spend these funds for the child/ren's benefit
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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"/>	consent to a child's marriage and to a child enlisting in the U.S. Armed Forces
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	make decisions concerning the child/ren's education
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	to the services and earnings of the child/ren
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	make decisions for a child about the child's estate if required by law (unless the child has a guardian or attorney ad litem or guardian of the estate)

The Court also **ORDERS** that the parents, as **Joint Managing Conservators**, have the duty as marked below.

The mother exclusively The father exclusively The parents jointly The parents independently

☐ ☐ ☐ ☐

has/have the **DUTY** to ...

manage the child's estate to the extent the estate has been created by the parents' community or joint property.

2B. ☐ **Sole Managing Conservator and Possessory Conservator**

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

appointed **Sole Managing Conservator** of the child/ren and that s/he 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.

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

appointed **Possessory Conservator** of the child/ren.

3. **Order Regarding Passports for the Children**

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

- ☐ Mother has the exclusive right to apply for and renew passports for the child/ren.
- ☐ Father has the exclusive right to apply for and renew passports for the child/ren.
- ☐ Neither parent has the exclusive right to apply for or renew passports for the child/ren. A parent who applies for or renews a passport for the child/ren must obtain the written consent of the other parent.

Conservatorship Order: Non-Parent(s) Appointed Conservator

The Court **ORDERS** that this *Conservatorship Order: Non-Parent(s) Appointed Conservator* is fully incorporated into the Order to which it is attached.

1. Appointment of Conservators (Check only the boxes that apply to this case.)

☐ **Nonparent Appointed Sole Managing Conservator**

The Court ORDERS that _____ is
Print Full Name of Nonparent Appointed Sole Managing Conservator
appointed Nonparent Sole Managing Conservator of the child/ren.

☐ **Nonparents Appointed Joint Managing Conservators**

The Court ORDERS that _____ and
Print Full Name of 1st Nonparent Appointed Joint Managing Conservator
_____ are appointed
Print Full Name of 2nd Nonparent Appointed Joint Managing Conservator
Nonparent Joint Managing Conservators of the child/ren.

☐ **Mother Appointed Possessory Conservator**

The Court ORDERS that _____ is
Print Mother's Full Name.
appointed Possessory Conservator of the child/ren.

☐ **Father Appointed Possessory Conservator**

The Court ORDERS that _____ is
Print Father's Full Name.
appointed Possessory Conservator of the child/ren.

2. Rights and Duties of Nonparent Managing Conservator(s)

The Court ORDERS that the Nonparent Sole Managing Conservator or Nonparent Joint Managing Conservators named above shall have the following rights and duties:

1. the right to have physical possession and to direct the moral and religious training of the child/ren;
2. the duty of care, control, protection, and reasonable discipline of the child/ren;
3. the duty to provide the child/ren with clothing, food, shelter, education, and medical, psychological, and dental care;
4. the right to consent for the child/ren to medical, psychiatric, psychological, dental, and surgical treatment and to have access to the child/ren's medical records;
5. the right to receive and give receipt for payments for the support of the child/ren and to hold or disburse funds for the benefit of the children;
6. except as provided by section 264.0111 of the Texas Family Code, the right to the services and earnings of the child/ren;
7. the right to consent to marriage and to enlistment in the armed forces of the United States;

8. the right to represent the child/ren in legal action and to make other decisions of substantial legal significance concerning 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 right to designate the primary residence of the child/ren and to make decisions regarding the child/ren's education;
11. if the parent - child relationship has been terminated with respect to the parents, or only living parent, or if there is no living parent, the right to consent to the adoption of the child/ren and to make any other decision concerning the child/ren that a parent could make;
12. the duty to inform the other conservators of the child/ren in a timely manner of significant information concerning the health, education, and welfare of the child/ren; and
13. the duty to inform the other conservators of the child/ren if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be given in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the conservator of the child/ren begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.
14. the duty to inform the other conservators if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. The conservator is ORDERED to give this notice as soon as practicable but not later than the 30th day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.
15. the duty to inform the other conservators if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the 60-day period following the date the final protective order is issued. The conservator is ORDERED to give this notice as soon as practicable but not later than the 90th day after the date the protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.
16. the duty to inform the other conservators if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. The conservator is ORDERED to give this notice as soon as practicable but not later than the 30th day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

Note: A person who is the subject of a final protective order is the person who the protective order is against.

3. Annual Report by Nonparent Managing Conservator(s)

The Court ORDERS the Nonparent Managing Conservator or Conservators to file with the Court a report of facts concerning the children's welfare, including where the children are living and their physical condition. The report is due each 12 months after the Nonparent is appointed Managing Conservator.

4. Order Regarding Passports for the Children

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

- ☐ The Non-Parent Managing Conservator or Conservators named in this Order shall have the exclusive right to apply for and renew passports for the child/ren.
- ☐ A conservator who applies for or renews a passport for the child/ren must obtain the written consent of the other conservators.

5. Rights and Duties of Possessory Conservators

The Court **ORDERS** that, **at all times**, the Possessory Conservators named above shall have the following rights and duties:

1. the right to receive information from any other conservator of the child concerning the health, education, and welfare of the child;
2. the right to confer with the other conservators to the extent possible before making a decision concerning the health, education, and welfare of the child;
3. the right of access to medical, dental, psychological, and educational records of the child;
4. the right to consult with a physician, dentist, or psychologist of the child;
5. the right to consult with school officials concerning the child's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the child's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child;
9. the right to manage the estates of the child to the extent the estates have been created by the parent.
10. the duty to inform the other conservators of the child in a timely manner of significant information concerning the health, education, and welfare of the child;
11. the duty to inform the other conservator[s] of the child if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the conservator of the child begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.
12. the duty to inform the other conservators if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established.

The conservator is ORDERED to give this notice as soon as practicable but not later than the 30th day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

13. the duty to inform the other conservators if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the 60-day period following the date the final protective order is issued. The conservator is ORDERED to give this notice as soon as practicable but not later than the 90th day after the date the protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.
14. the duty to inform the other conservators if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. The conservator is ORDERED to give this notice as soon as practicable but not later than the 30th day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

<p>Note: A person who is the subject of a final protective order is the person who the protective order is <u>against</u>.</p>

The Court ORDERS that, **during periods of possession**, the Possessory Conservators named above shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the child;
2. the duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the child to medical and dental care not involving an invasive procedure;
and
4. the right to direct the moral and religious training of the child.

6. Non-Parent Conservator Information

6A. Disclosure of Nonparent Managing Conservator's Information *(Check one.)*

- ☐ The Court ORDERS the nonparent managing conservator named below to disclose the following information and changes in that information to the other conservators, the Court and the State Case Registry. *(Fill in the following information for the nonparent managing conservator.)*

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

- ☐ The Court FINDS that disclosure of the information of the nonparent managing conservator named above to the other conservators is likely to cause him/her or the children harassment, abuse, serious harm or injury.

The Court ORDERS that the nonparent managing conservator's address and other identifying information not be disclosed. The Court further ORDERS that the nonparent managing conservator is **not** required to give his or her address or other identifying information to the other conservators or notify the other conservators or the Court of changes in that information.

The Court ORDERS the nonparent managing conservator to provide his or 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.

6B. Disclosure of Other Nonparent Managing Conservator's Information *(Check one.)*

- ☐ There is no other Nonparent Managing Conservator.
- ☐ The Court ORDERS the nonparent managing conservator named below to disclose the following information and changes in that information to the other conservators, the Court and the State Case Registry. *(Fill in the following information for a second nonparent conservator.)*

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

- ☐ The Court FINDS that disclosure of the nonparent managing conservator's information to the other conservators is likely to cause him/her or the children harassment, abuse, serious harm or injury.

The Court ORDERS that the nonparent managing conservator's address and other identifying information not be disclosed. The Court further ORDERS that the nonparent managing conservator is **not** required to give his or her address or other identifying information to the other conservators or notify the other conservators or the Court of changes in that information.

The Court ORDERS the nonparent managing conservator to provide his or 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.

Standard Possession Order

The Court ORDERS that this Standard Possession Order is fully incorporated into the Decree or Order to which it is attached.

The Court ORDERS each conservator to obey this Standard Possession Order. The Court ORDERS that this Standard Possession Order starts immediately and applies to all periods of possession occurring on and after the date the Court signs the Order to which the Standard Possession Order is attached.

1. Designation of Conservators

The Court ORDERS that in this Standard Possession Order the conservators are designated as Parent A and Parent B.

"Parent A" is: (name) _____.
Print the name of the parent with the right to designate the child/ren's primary residence.

"Parent B" is: (name) _____.
Print the name of the other parent.

2. Mutual Agreement

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

In the absence of mutual agreement, the Court ORDERS that Parent A and Parent B shall have possession of the child/ren according to the schedules set out in this Standard Possession Order.

3. Definitions

"**School**" means the elementary or secondary school in which the child is enrolled. If the child is not enrolled in an elementary or secondary school, "school" means the public school district in which the child primarily resides.

"**Child**" or "**Child/ren**" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

4. Undesignated Times

The Court ORDERS that Parent A shall have the right to possession of the child/ren at all times not specifically designated in this Standard Possession Order for Parent B.

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 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.

5. Parent B's Local Schedule

Except as otherwise expressly provided in this Standard Possession Order, when Parent B lives 100 miles or less from the primary residence of the child/ren, Parent B shall have the right to possession of the child/ren as follows:

- (a) **Weekends** – Parent B shall have the right to possession of the child/ren on the 1st, 3rd and 5th weekends of each month.

If the weekend occurs during the regular school term, it shall:

begin on the 1st, 3rd and 5th Friday of each month at:

(Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is regularly dismissed

and *end* at: (Check one box.)

- ☐ 6 p.m. the following Sunday.
☐ the time the child's school resumes after the weekend.

If the weekend does not occur during the regular school term, it shall begin on the 1st, 3rd and 5th Friday of each month at 6 p.m. and end at 6 p.m. the following Sunday.

- (b) **Weekends Extended by a Holiday**

If Parent B's weekend begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term or begins on a federal, state, or local holiday that falls on a Friday during the summer break, that weekend period of possession shall *begin* on the Thursday before the holiday or in-service day at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is regularly dismissed.

If Parent B's weekend ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term or ends on a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall *end* at 6 p.m. on that Monday.

- (c) **Thursdays** – Parent B shall have the right to possession of the child/ren each Thursday during the regular school term:

beginning at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is regularly dismissed.

and *ending* at: (Check one box.)

- ☐ 8 p.m.
☐ the time the child's school resumes on Friday.

- (d) **Spring Vacation** – Parent B shall have the right to possession of the child/ren during Spring vacation in even-numbered years:

beginning on the day the child is dismissed from school for Spring Vacation at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child/ren's school is regularly dismissed.

and *ending* at 6 p.m. the day before school resumes after that vacation.

- (e) **Extended Summer Possession With Written Notice by April 1** – If Parent B gives Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child/ren for 30 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year. The extended summer possession must be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. The extended summer possession must not interfere with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.

- (f) **Extended Summer Possession Without Written Notice by April 1** – If Parent B does not give Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child for 30 consecutive days in that year beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31.

6. Parent B's Long-Distance Schedule

Except as otherwise expressly stated in this Standard Possession Order, when Parent B lives over 100 miles from the primary residence of the child/ren, Parent B shall have the right to possession of the child/ren as follows:

- (a) **Weekends** – Unless Parent B elects the “Alternative Weekend Possession” below, Parent B shall have the right to possession of the child/ren on the 1st, 3rd and 5th weekends of each month.

If the weekend occurs during the regular school term, it shall:

begin on the 1st, 3rd and 5th Friday of each month at:

(Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is regularly dismissed

and *end* at: (Check one box.)

- ☐ 6 p.m. the following Sunday.
☐ the time the child's school resumes after the weekend.

If the weekend does not occur during the regular school term, it shall begin on the 1st, 3rd and 5th Friday of each month at 6 p.m. and end at 6 p.m. the following Sunday.

(Check box below if Parent B is choosing the Alternative Weekend Possession now.)

- ☐ **Alternative Weekend Possession** – Instead of the weekend possession described in the previous paragraph, Parent B shall have the right to possession of the child/ren one weekend per month of Parent B's choice. The weekend shall begin at 6 p.m. on the day school recesses for the weekend and end at 6 p.m. on the day before school resumes after the weekend. Parent B shall give Parent A 14 days' notice in writing or by telephone before the chosen weekend. The weekend chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Father's or Mother's Day possession below.

Parent B must choose this option now or by giving written notice to Parent A within 90 days after the parents begin to reside more than 100 miles apart.

- (b) **Weekends Extended by a Holiday**

If Parent B's weekend begins on a student holiday or a teacher in-service day that falls on a Friday during the regular school term or begins on a federal, state, or local holiday that falls on a Friday during the summer break, that weekend period of possession shall *begin* on the Thursday before the holiday or in-service day at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is regularly dismissed.

If Parent B's weekend ends on or is immediately followed by a student holiday or a teacher in-service day that falls on a Monday during the regular school term or ends on a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall *end* at 6 pm on that Monday.

- (c) **Spring Vacation** – Parent B shall have the right to possession of the child/ren during Spring vacation every year beginning at 6 p.m. on the day the child is dismissed from school for Spring Vacation and ending at 6 p.m. on the day before school resumes after that vacation.
- (d) **Extended Summer Possession with Written Notice by April 1** – If Parent B gives Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child/ren for 42 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year. The extended summer possession must be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. The extended summer possession must not interfere with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.
- (e) **Extended Summer Possession without Written Notice by April 1** – If Parent B does not give Parent A written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Parent B shall have possession of the child/ren for 42 consecutive days in that year beginning at 6 p.m. on June 15 and ending at 6 p.m. on July 27.

7. Parent A's Local Schedule

This schedule applies when Parent B lives 100 miles or less from the primary residence of the child/ren.

Notwithstanding Parent B's weekend and Thursday periods of possession, it is expressly ORDERED that Parent A shall have a superior right to possession of the child/ren as follows:*

- (a) **Spring Vacation** – Parent A shall have the right to possession of the child/ren during Spring vacation in odd-numbered years:

beginning on the day the child is dismissed from school for Spring vacation at: (Check one box.)

- ☐ 6 p.m.
☐ the time the child/ren's school is regularly dismissed.

and *ending* at 6 p.m. the day before school resumes after that vacation.

- (b) **One Weekend During Parent B's Extended Summer Possession** – If Parent A gives Parent B written notice by April 15 of a year, Parent A shall have possession of the child/ren on any 1 weekend beginning at 6 p.m. on Friday and ending at 6 p.m. on the following Sunday during any one period of the extended summer possession by Parent B. Parent A must pick up the child/ren from Parent B and returns the child/ren to that same place. This weekend must not interfere with Father's Day possession.
- (c) **Extended Summer Possession** – If Parent A gives Parent B written notice by April 15 of a year or gives Parent B 14 days' written notice on or after April 16 of a year, Parent A may designate one weekend during which an otherwise scheduled weekend period of possession by Parent B shall not take place in that year. The weekend chosen must begin no earlier than the day after the child's school is dismissed for the summer vacation and end no later than 7 days before school resumes at the end of the summer vacation. The weekend chosen must not interfere with Parent B's periods of extended summer possession or with Father's Day possession.

** Parent A has the right to possession of the child/ren at these times even if it conflicts with one or more of Parent B's weekend or Thursday periods of possession.*

8. Parent A's Long-Distance Schedule

This schedule applies when Parent B lives over 100 miles from the primary residence of the child/ren.

Notwithstanding Parent B's weekend periods of possession, it is expressly ORDERED that Parent A shall have a superior right to possession of the child/ren as follows:**

- (a) **One Weekend During Parent B's Extended Summer Possession** – If Parent A gives Parent B written notice by April 15 of a year, Parent A shall have possession of the child/ren on any 1 weekend beginning at 6 p.m. on Friday and ending at 6 p.m. on the following Sunday during any 1 period of the extended summer possession by Parent B. Unless a period of possession by Parent B in that year is more than 30 days, then Parent A may have possession of the child under the terms of this provision on any 2 nonconsecutive weekends during that period. Parent A must pick up the child from Parent B and returns the child to that same place. The weekend or weekends must not interfere with Father's Day possession.
- (b) **Extended Summer Possession** – If Parent A gives Parent B written notice by April 15 of a year, Parent A may designate 21 days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than 7 days before school resumes at the end of the summer vacation in that year during which Parent B shall not have possession of the child. This extended summer possession must be exercised in no more than 2 separate periods of at least 7 consecutive days each. The period or periods chosen must not interfere with Parent B's periods of extended summer possession or with Father's Day possession. These periods of possession shall begin and end at 6 p.m. on each applicable day.

*** Parent A has the right to possession of the child/ren at these times even if it conflicts with one or more of Parent B's weekend periods of possession.*

9. Holidays Unaffected by Distance

Notwithstanding the weekend and Thursday periods of possession of Parent B, Parent A and Parent B shall have the right to possession of the child/ren as follows:

- (a) **Christmas Holidays in Even-Numbered Years** - In even-numbered years, Parent B shall have the right to possession of the child:

beginning the day the child is dismissed from school for Christmas school vacation at: *(Check one box.)*

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 12 noon on December 28.

In even-numbered years, Parent A shall have the right to possession of the child beginning at noon on December 28 and ending at 6 p.m. on the day before school resumes after that Christmas school vacation.

- (b) **Christmas Holidays in Odd-Numbered Years** - In odd-numbered years, Parent A shall have the right to possession of the child:

beginning the day the child is dismissed from school for Christmas school vacation at: *(Check one box.)*

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 12 noon on December 28.

In odd-numbered years, Parent B shall have the right to possession of the child beginning at noon on December 28 and ending at 6:00 P.M. on the day before school resumes after that Christmas school vacation.

- (c) **Thanksgiving in Odd-Numbered Years** - Parent B shall have the right to possession of the child for the Thanksgiving Holiday in odd-numbered years:

beginning the day the child is dismissed from school for the Thanksgiving holiday at: *(Check one box.)*

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 6 p.m. the Sunday following Thanksgiving.

- (d) **Thanksgiving in Even-Numbered Years** - Parent A shall have the right to possession of the child for the Thanksgiving Holiday in even-numbered years:

beginning the day the child is dismissed from school for the Thanksgiving holiday at: *(Check one box.)*

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at 6 p.m. the Sunday following Thanksgiving.

- (e) **Child's Birthday** - If a parent is not otherwise entitled under this Standard Possession Order to possession of a child on the child's birthday, that parent shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.

- (f) **Father's Day** - Father shall have the right to possession of the child each year, beginning at 6 p.m. on the Friday before Father's Day and ending at: *(Check one box.)*

- ☐ 6 p.m. on Father's Day
☐ 8 a.m. on the Monday after Father's Day

If Father is not already entitled to present possession of the child, he must pick up the child from Mother's residence and return the child to that same place.

- (g) **Mother's Day** - Mother shall have the right to possession of the child each year:

beginning on the Friday before Mother's day at:
(Check one box.)

- ☐ 6 p.m.
☐ the time the child's school is dismissed.

and *ending* at: *(Check one box.)*

- ☐ 6 p.m. on Mother's Day
☐ 8 a.m. on the Monday after Mother's Day

If Mother is not already entitled to present possession of the child, she must pick up the child from Father's residence and return the child to that same place.

10. 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:

(a) Exchange of Children at Start of Parent B's Possession

If a period of Parent B's possession begins at the time the child's school is regularly dismissed, then Parent A is ORDERED to surrender the child to Parent B at the school in which the child is enrolled. If the child is not in school, Parent B shall pick up the child at the location designated below at 6 p.m. and Parent A is ORDERED to surrender the child to Parent B at the location designated below at 6 p.m.

If a period of Parent B's possession begins at another time, the Court ORDERS Parent A to surrender the child/ren to Parent B at the beginning of each such period of Parent B's possession at: *(Check one.)*

☐ Parent A's residence.

☐ the following location: _____

(b) Exchange of Children at End of Parent B's Possession

If a period of Parent B's possession ends at the time the child's school resumes, then Parent B is ORDERED to surrender the child to Parent A at the school in which the child is enrolled or, if the child is not in school, at the location designated below at 8:00 a.m.

If a period of Parent B's possession ends at another time, the Court ORDERS Parent B to surrender the child/ren to Parent A at the end of each such period Parent B's possession at: *(Check one.)*

☐ Parent B's residence.

☐ Parent A's residence.

☐ The following location: _____

However, if Parent A and Parent B live in the same county when the order is signed and Parent B remains in the county, but the Parent A moves out of the county, then beginning on the date Parent A moves, Parent B shall surrender the child to Parent A at: *(Check one.)*

☐ Parent B's residence.

☐ the location designated above.

(c) Personal Effects - Each parent is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

(d) Designation of Competent Adult - Each parent may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a parent or a designated competent adult be present when the child is picked up or returned.

(e) Inability to Exercise Possession - Each parent is ORDERED to give notice to the person in possession of the child on each occasion the parent will be unable to exercise that parent's right of possession for any specified period.

(f) Written Notice - Written notice, including notice by email or fax is timely made if it is received or, if applicable, postmarked before or at the time that notice is due. Each parent is ORDERED to notify the other parent of any change to his or her email address or fax number within 24 hours after the change.

(g) Notice to School and Parent A - If Parent B's time of possession of the child ends at the time school resumes and for any reason the child is not or will not be returned to school, Parent B shall immediately notify the school and Parent A that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.

Case No: _____
(Print court information exactly as it appears on your Petition)

_____ In the (check one):
☐ District ☐ County ☐ Justice Court of:
_____ County, Texas

Certificate of Last Known Mailing Address

1. My name is: _____
First Middle Last
2. I am the Petitioner in this case.
3. The Respondent's name is: _____
First Middle Last
4. I certify that the last known mailing address I have for the Respondent is:

Address City State Zip Country

Respectfully submitted,

Your Signature Date



Your Printed Name Phone

Your Mailing Address City State Zip

Email Address: _____ Fax # (if available) _____

Case No: _____
(Print court information exactly as it appears on your Petition)

_____ In the (check one):
☐ District ☐ County ☐ Justice Court of:

_____ County, Texas

Military Status Affidavit

THE STATE OF TEXAS

COUNTY OF _____

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

"My name is: _____
First Middle Last

"I am above the age of 18 years.

"I am fully competent to make this affidavit.

"The facts stated in this affidavit are within my personal knowledge and are true and correct.

"I am the Petitioner in this case.

"The Respondent is: _____
First Middle Last

☐ "I submitted a record request using the Department of Defense personnel locator website, <https://scra.dmdc.osd.mil/scra/>, also known as the Defense Manpower Data Center (DMDC) database.

"The search results showed that the Respondent is not on active duty in any of the armed forces. I have attached a true and correct copy of the DMDC verification to this affidavit.

(If you check this box, you must attach a copy of the DMDC verification.

You can print a copy of the DMDC verification from this web address:
<https://scra.dmdc.osd.mil/scra/>.)

- ☐ "I believe the Respondent may be in the military. Therefore, I contacted the following military locator services:

Military Locator Service Contacted	Results
<u>Air Force: 210-565-2660</u>	<u></u>
<u>Navy: 866-827-5672</u>	<u></u>
<u>Marines: 800-268-3710</u>	<u></u>

- ☐ I know that the Respondent is not now in the military because:

- ☐ I do not know if the Respondent is in the military now.

Your Signature (Do not sign until you are in front of a notary.)

State of Texas

County of _____

SIGNED under oath before me on _____, 20_____, by

PRINT the first and last names of the person who signed this affidavit.

Notary Public, State of Texas

(Notary's seal must be included.)

Cause Number: _____
(Print court information as it appears on the Petition filed in your case.)

_____ In the _____
Court Number _____
☐ Justice of the Peace Court of:
☐ County Court of:
☐ District Court of:
_____ County, Texas

Notice of Current Address

I, _____, am a party in this case.
Print your full name

My address has changed. I ask that the Court's records be updated accordingly.

My current address is:

Print new address. City State

Respectfully submitted,

→ _____
Your Signature Date

Printed Name Phone Number

Mailing Address City State Zip

Email Address Fax # (if available)

Certificate of Service

I will give a copy of this document to each party, or if a party is represented by an attorney to the party's attorney, on the same day this document is filed with (turned in to) the Court as follows:

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

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

→ _____
Your Signature Date