

(https://texaslawhelp.org)



(/)



[ENGLISH \(/ARTICLE](#)
[/FAQS-RESPONDING-](#)
[CUSTODY-CASE\) |](#)
[ESPAÑOL \(/ES/NODE](#)
[/1137\)](#)

Search for information, help, forms, or anything

Related Legal Issues | Family, Divorce & Children (/family-divorce-children)

FAQs: Responding to a Custody Case

Printer-friendly version (<https://texaslawhelp.org/print/1137>)

Contents

What is a SAPCR case? (/article/faqs-responding-custody-case#toc-1)

What does it mean to be “served” with custody papers? (/article/faqs-responding-custody-case#toc-2)

What should I do if I’m served with custody papers? (/article/faqs-responding-custody-case#toc-3)

What if I don’t want to be served with custody papers? (/article/faqs-responding-custody-case#toc-4)

Do I need a lawyer to help me with my SAPCR/custody case? (/article/faqs-responding-custody-case#toc-5)

Can I hire a lawyer just to give me advice? (/article/faqs-responding-custody-case#toc-6)

[Click here to chat.](#)

- HIDE MY VISIT
- What if I'm concerned about my safety or my child's safety? (</article/faqs-responding-custody-case#toc-7>)
- What is an answer? (</article/faqs-responding-custody-case#toc-8>)
- How much does it cost to file an answer? (</article/faqs-responding-custody-case#toc-9>)
- Can I file an answer if I haven't been served? (</article/faqs-responding-custody-case#toc-10>)
- What orders will the judge make in a SAPCR case? (</article/faqs-responding-custody-case#toc-11>)
- What is custody? (</article/faqs-responding-custody-case#toc-12>)
- What is a visitation or possession order? (</article/faqs-responding-custody-case#toc-13>)
- What is child support and medical support? (</article/faqs-responding-custody-case#toc-14>)
- Can the other parent and I make our own custody, visitation and child support agreement? (</article/faqs-responding-custody-case#toc-15>)

This article answers frequently asked questions about responding to a custody case.

What is a SAPCR case?

A custody case that is not part of a divorce is called a Suit Affecting the Parent-Child Relationship (SAPCR case for short). A SAPCR case asks a judge to make a custody, visitation, child support, and medical support order for a child.

[Back to top](#)

What does it mean to be “served” with custody papers?

Unless a custody case is agreed, the parent who starts the case (the petitioner) must have the other parent (the respondent) served with the initial custody papers by the constable, sheriff, private process server or court clerk. [Click here to chat](#).

THE INITIAL custody papers include:

- a **Citation** (a form issued by the court to officially notify the respondent of the custody) and
- a copy of the **Petition in Suit Affecting the Parent-Child Relationship** (the form filed by the petitioner to start the case).



The initial court papers will also include the following (if applicable in your case):

- any other forms filed by the petitioner at the beginning of the case and/or
- any orders signed by the judge at the beginning of the case.

If you are the respondent, there are several ways you can be served with the Citation and Petition in Suit Affecting the Parent-Child Relationship

- You can be **served in person** by a constable, sheriff, or private process server. (If you are served in person, you will **not** need to sign anything.)
- You can be **served by certified or registered mail** (return receipt requested) by the court clerk, constable, sheriff, or private process server. (Service by certified mail is valid only if you sign the return receipt showing that you received the letter.)
- You can be **served by posting or publication** if the petitioner can't find you. This means the citation will be posted at the courthouse, published in a newspaper, or published on the state's citation by publication web site (<https://www.txcourts.gov/judicial-data/citation-by-publication/>).
- You can be **served any other way approved by the judge**. For example, if the constable, sheriff or private process server is unable to serve you in person or by certified mail but can confirm your home address or work address; the judge could order that the Citation and Petition be:
 - posted to your door, or
 - left with anyone over 16 at your home or work, or
 - mailed to you at your home or work by regular mail.

Note: Papers filed by the petitioner **later** in the case will usually be mailed (regular mail) or emailed to you.

Talk to a lawyer if you have questions about being served.

Back to top

[Click here to chat.](#)

HIDE MY VISIT

What should I do if I'm served with custody papers?

Read the custody papers right away. Is there a standing order? Has the judge signed a temporary restraining order? Are there any hearing dates? If so, read these articles to learn more: **Standing Orders** (<https://texaslawhelp.org/article/standing-orders>), **Temporary Orders & Temporary Restraining Orders (TROs)** (<https://texaslawhelp.org/article/temporary-orders-temporary-restraining-orders-tros>)



Calculate the deadline to file an answer. Find the day you were served on a calendar, count out 20 more days (including weekends and holidays), then go to the next Monday. You must file an answer with the court on or before this date at 10:00 a.m. If you don't, the petitioner may finish the custody without you. **Note:** If the 20th day is a Monday go to the next Monday. If the courts are closed on the day your answer is due, then your answer is due the next day the courts are open.

Try to talk to a lawyer. A family law lawyer can explain your options and give you advice about your particular situation. You can hire a family law lawyer **just** to give you advice. Or, you may be able to talk with a lawyer for free at a legal clinic.

If you need help finding a lawyer, you can:

- Use our **Legal Help Finder** (<https://texaslawhelp.org/legal-help/legal-help-finder>) to search for a lawyer referral service, legal aid office or self-help center in your area.
- Check our **Legal Clinic Calendar** (<https://texaslawhelp.org/legal-clinic-calendar>) for free legal clinics in your area.
- Use **Ask a Question** (<https://texaslawhelp.org/ask-question>) to chat online with a lawyer or law student.

Decide how you want to respond.

- **Option 1: File an answer.** If you have been served with the initial custody papers (citation and petition) and want to have a say in the case, you **must** file a Respondent's Original Answer form with the court. If you don't, the petitioner may finish the custody without you. Get answer forms here: **Instructions & Forms for Filing an Answer in a SAPCR (Custody) Case** (<https://texaslawhelp.org/checklist/instructions-forms-filing-answer-sapcr-custody-case>).

Warning! It's important to talk with a lawyer **before** filing an answer (or any other form) with the court, if you don't live in Texas or think the custody should be transferred to another court in Texas.

[Click here to chat.](#)

Option 2: File an answer AND a counter-petition. A counter-petition tells the judge what orders **you** want the judge to make in the custody case. Counter-petition forms are not currently available on TexasLawHelp.org.

- **Option 3: Do nothing.** If you have been served with custody papers and do nothing, the petitioner can finish the custody without you. This is called a “default judgment.” You will not have a say in any of the issues involved in the custody case.



If you have questions about your options, it's important to talk with a lawyer.

[Back to top](#)

What if I don't want to be served with custody papers?

If you don't want to be served with the custody papers, you can voluntarily file an answer (or waiver of service only form). Filing an answer (or waiver of service only form) tells the judge that you know about the case and have received a file-stamped copy of the *Petition in Suit Affecting the Parent-Child Relationship*. The petitioner will not need to have you served if you voluntarily file an answer (or waiver of service only form).

[Back to top](#)

Do I need a lawyer to help me with my SAPCR/custody case?

You do not *have* to have a lawyer to file or respond to a SAPCR case. However, SAPCR cases can be complicated and your rights as a parent may be at risk. It's a good idea to talk with a family law lawyer about your particular situation. A family law lawyer can explain your rights and options.

It's **really** important to talk with a family law lawyer if any of the following are true.

- You are afraid for your or your child's safety.
- Your case is contested.
- The other parent has a lawyer.
- Your child has a disability.

If you need help finding a family law lawyer, you can:

- Use our **Legal Help Finder** (<https://texaslawhelp.org/legal-help/legal-help-finder>) to search for a lawyer referral service, legal aid office or self-help center in your area.

[Click here to chat.](#)

HIDE MY VISIT our **Legal Clinic Calendar** (<https://texaslawhelp.org/legal-clinic-calendar>) for free legal clinics in your area.

- Use **Ask a Question** (<https://texaslawhelp.org/ask-question>) to chat online with a lawyer or law student.

Back to top



Can I hire a lawyer just to give me advice?

Yes! You can hire a family law lawyer just to give you advice, review your forms, draft a document or help you prepare for a hearing. You may then be able to handle the other parts of your case yourself. Hiring a lawyer for a limited purpose is called “limited scope representation.”

Back to top

What if I’m concerned about my safety or my child’s safety?

If you are concerned about your safety or the safety of your children, get help right away by calling one of the organizations listed below. You may qualify for free legal help.

- **Crime** (<https://www.tlsc.org/crimevictims>) **Victims** (<https://www.tlsc.org/crimevictims>), (888) 343-4414 (<http://www.thehotline.org/>)
- **National Domestic Violence 24 Hour Hotline** (<http://www.thehotline.org/>), (800) 799-SAFE (7233)
- **Family Violence Legal Line** (<https://www.texasadvocacyproject.org/free-legal-services/legal-phone-lines>), (800) 374-HOPE (4673)

For situations involving sexual assault, you can also call:

- **Legal Aid for Survivors of Sexual Assault** (<http://www.legalaidforsurvivors.org/>), (800) 991-5153

If you are an immigrant, you can also call:

- **Refugee and Immigrant Center for Education and Legal Services** (<http://www.raicestexas.org/>) (RAICES) (512) 994-2199

In an emergency, please call 911.

Find out more in the **Protection from Violence or Abuse** (<https://texaslawhelp.org>) [Click here to chat](#)

HIDE/UNHIDE (from violence or abuse) section of this website.

Back to top

What is an answer?

An answer is a legal form filed by the respondent in a court case.

Filing an answer with the court protects your right to have a say in the issues involved in your custody case.

If you file an answer, the petitioner cannot finish the custody case unless:

- you and the petitioner agree to and both sign a completed Order in Suit Affecting the Parent Child Relationship, or
- the petitioner gives you written notice of a contested hearing date.

Get instructions and answer form here: **Instructions & Forms for Filing an Answer in a SAPCR (Custody) Case** (<https://texaslawhelp.org/checklist/instructions-forms-filing-answer-sapcr-custody-case>).

Back to top

How much does it cost to file an answer?

Filing an answer is **free**.

Back to top

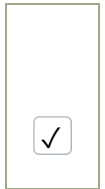
Can I file an answer if I haven't been served?

Yes. When a custody case is agreed, the respondent will often voluntarily file a **Respondent's Original Answer** (https://texaslawhelp.org/sites/default/files/sapcr_answer_final.pdf) form or **Waiver of Service Only (Specific Waiver)** (https://texaslawhelp.org/sites/default/files/sapcr_waiver_final.pdf) form.

Back to top

What orders will the judge make in a SAPCR case?

[Click here to chat.](#)



HIDE MY VISIT will make custody, visitation, child support and medical support orders. The judge can make other orders if the orders are in the child's best interest.

[Back to top](#)

What is custody?

In Texas, the legal word for custody is "conservatorship." Custody/conservatorship describes your relationship with a child when there is a court order. Read this article to learn more: **Child Custody & Conservatorship** (<https://texaslawhelp.org/article/child-custody-conservatorship>)

[Back to top](#)

What is a visitation or possession order?

A visitation or possession order says when each parent (or sometimes a nonparent) has the right to time with a child. Read this article to learn more: **Child Visitation & Possession Orders** (<https://texaslawhelp.org/article/child-visitation-possession-orders>)

[Back to top](#)

What is child support and medical support?

Child support is money a parent pays to help with the cost of raising a child, such as the cost of food, housing, clothing, school supplies, daycare and activities. A parent can be ordered to pay child support by a judge. Even if there is no court order, both parents are expected to financially support their child. A parent who does not live with a child and does not help support the child may be ordered to pay "back" or "retroactive" child support to the person who cared for the child.

Medical support is additional child support a parent is ordered to pay to cover the cost of health insurance and uninsured medical expenses for a child.

Read this article to learn more: **Child Support & Medical Support** (<https://texaslawhelp.org/article/child-support-medical-support>)

[Back to top](#)

Can the other parent and I make our own custody, visitation and

[Click Here to chat.](#)

HIDE CHILD VISIT **child support agreement?**

Maybe. If the judge decides your agreement is in the child's best interest, the judge will sign an order based on your agreement. The agreement must be in writing and included in the order.

[Back to top](#)



About Us

(<https://texaslawhelp.org/about-us>)

Disclaimer

(<https://texaslawhelp.org/disclaimer>)

Privacy

(<https://texaslawhelp.org/privacy>)

Library Printing Policy

(<https://texaslawhelp.org/library-printing-policy-0>)

Accessibility

(<https://texaslawhelp.org/accessibility>)

Live Chat

(<https://texaslawhelp.org/node/192>)

Find Legal Help

(<https://texaslawhelp.org/legal-help/legal-help-finder>)

Court Information

(<https://texaslawhelp.org/court-information>)

Forms

(<https://texaslawhelp.org/node/758>)

Donation

(<https://tlsc.kindful.com/>)

Tell Us What You Think

(<https://texaslawhelp.org/tell-us-what-you-think>)

Events

(<https://texaslawhelp.org/events>)

Order Outreach Materials

(<https://texaslawhelp.org/texaslawhelp-outreach-materials-order-form>)

[Click here to chat.](#)

HIDE MY VISIT

FREE, Not for Sale: The information and forms available on this website are free. They are not for sale. By using this website, you agree not to sell or make a profit in any way from any information or forms that you obtained through this website.

Funding: This website is supported by the Texas Access to Justice Foundation. The Texas Bar Foundation provided funding for website design.

For more useful information go to **TexasCourtHelp** (<http://www.texascourthelp.org/>), a website of the Texas Office of Court Administration's website.

© 2001–2020. TexasLawHelp.org All Rights Reserved.

[Click here to chat.](#)