

How to File an Answer in a Family Law Case

This article tells you how to file an answer in a family law case (such as a divorce, custody, paternity, or modification case).

ANSWER FORMS ARE INCLUDED.



Texas Family Law Answer Forms

For divorce:

Respondent's Original Answer (Divorce Set A or Set D)

(https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer.pdf) [1]

Respondent's Original Answer (Divorce Set B) (https://texaslawhelp.org/sites/default/files/fm_divb_102_div_w_kids_answer_english_respondent.pdf) [2]

Respondent's Original Answer (Divorce Set C) (<https://texaslawhelp.org/form/respondents-original-answer-divorce-set-c>) [3]

For some other types of family law cases:

Respondent's Original Answer (SAPCR) (<https://texaslawhelp.org/form/respondents-original-answer-sapcr>) [4]

Respondent's Answer (Paternity) (https://texaslawhelp.org/sites/default/files/fm_pat1_102_paternity_establish_answer_english_0.pdf) [5]

Respondent's Answer (Modification) (<https://texaslawhelp.org/form/respondents-original-answer-modification>) [6]

Respondent's Answer (Child Name Change) (<https://texaslawhelp.org/form/respondents-answer-child-name-change>) [7]

Click the links below for guided forms.

[GUIDED FORM - DIVORCE ANSWER / WAIVER \(HTTPS://TEXASLAWHELP.ORG/](https://texaslawhelp.org/form/respondents-original-answer-divorce-set-c)

[8]

[GUIDED FORM - SAPCR ANSWER / WAIVER \(HTTPS://TEXASLAWHELP.ORG/C](https://texaslawhelp.org/form/respondents-original-answer-sapcr)

[9]

[GUIDED FORM - MODIFICATION ANSWER / WAIVER \(HTTPS://TEXASLAWHEL](https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer.pdf)

[10]

[GUIDED FORM - ESTABLISHING PATERNITY ANSWER / WAIVER \(HTTPS://TE](https://texaslawhelp.org/sites/default/files/fm_divb_102_div_w_kids_answer_english_respondent.pdf)

[11]



What is an answer?

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

In a family law case, the “petitioner” is the person who starts the case by filing a “petition” with the court. The other side is the “respondent.”

Filing an answer with the court protects the respondent’s right to have a say in the case.

If the respondent files an answer, the petitioner cannot finish the case unless:

1. the respondent agrees to, and signs, a final order, or
2. the petitioner gives the respondent legal notice of a contested hearing date.

Where can I get an answer form?

TexasLawHelp.org has the following **family law** answer forms.

- If you are the respondent in a divorce:
 - Use this form for a divorce without minor children: **Respondent’s Original Answer (Divorce Set A or Set D) (https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer.pdf) [1]**
 - Use this form for a divorce with minor children: **Respondent’s Original Answer (Divorce Set B) (https://texaslawhelp.org/sites/default/files/fm_divb_102_div_w_kids_answer_english_respondent.pdf) [2]**
 - Use this form for a divorce with minor children if there is already a final court order for custody and support of your children in place and you do not want to change the order: **Respondent’s Original Answer (Divorce Set C) (https://texaslawhelp.org/form/respondents-original-answer-divorce-set-c) [3]**

- Get more information here: **My spouse filed for divorce.**
(https://texaslawhelp.org/family-divorce-children/divorce/toolkit/divorce-my-spouse-filed-divorce) [12]
- If you are the respondent in a SAPCR/custody case, use this form:
Respondent's Original Answer (SAPCR) (<https://texaslawhelp.org/form/respondents-original-answer-sapcr>) [4]
 - Get more information here: **I need to respond to a SAPCR (custody) case.**
(https://texaslawhelp.org/family-divorce-children/toolkit/i-need-respond-sapcr-custody-case) [13]
- If you are the respondent in a paternity case, use this form: **Respondent's Answer (Paternity)** (<https://texaslawhelp.org/form/respondents-answer-paternity>) [14]
- If you are the respondent in a modification case, use this form:
Respondent's Answer (Modification) (<https://texaslawhelp.org/form/respondents-original-answer-modification>) [6]
 - Get more information here: **I need to respond to a modification case.**
(https://texaslawhelp.org/family-divorce-children/toolkit/i-need-respond-modification-case) [15]
- If you are the respondent in a child name change case, use this form:
Respondent's Answer (Child Name Change) (<https://texaslawhelp.org/form/respondents-answer-child-name-change>) [7]
 - Get more information here: **I want to change my child's name.**
(https://texaslawhelp.org/name-change/name-change-child/toolkit/i-want-change-my-chlds-name) [16]



How much does it cost to file an answer?

Filing an answer is **free**.

How do I file an answer?

Filing an answer is easy. Follow these steps.

Step 1: Fill out your answer form.

Print an answer form and fill it out.

- Print your answers in blue or black ink.
- **Case Information** - Find the cause number, court number, county and court type on the petition (the form filed by the petitioner to start the case). Write the same case information on your answer form.
- Do not leave blanks. If something doesn't apply write "not applicable" or "none."
- You must include a mailing address on your answer. The petitioner will get a copy of this form. If you are concerned about the petitioner knowing your mailing address, call the Family Violence Legal Line at (800) 374-4673 for free advice.
- Sign and date your answer.
- Fill out and sign the **Certificate of Service** to show how you will give the petitioner's lawyer (or the petitioner if the petitioner does not have a lawyer) a file-stamped copy of your answer.
- Talk to a lawyer if you have questions or need help.



Step 2: Make copies.

Make a copy of your completed answer form for yourself and for the petitioner (and for anyone else listed as a respondent in the petition).

Step 3: File (turn in) your answer form.

File (turn in) your completed answer form with the court.

- To file online, go to **E-File Texas (<https://efile.txcourts.gov/ofswab>) [17]** and follow the instructions.
- To file in person, take your answer (and copies) to the district clerk's office in the county where the petitioner filed the case.

At the clerk's office:

- Turn in your answer form (and copies).
- Ask the clerk if there are local rules or procedures you need to know about for your case.
- The clerk will "file stamp" your forms with the date and time. The clerk will

keep the original and return your copies. One copy is for you and the other copy is for the petitioner.

Step 4: Send a copy to the petitioner.

Send a file-stamped copy of your answer to the petitioner. If the petitioner has a lawyer, send it to the lawyer instead of directly to the petitioner. You can send it by:



- Hand delivery
- Email
- Mail
- Commercial delivery service (for example FedEx)
- Fax
- Electronic service through the electronic filing manager. (**Note:** This method is required if you electronically file (E-File) this document and the email address of the party or the party's lawyer is on file with the electronic file manager.)

WARNING! If a judge has signed a protective order ordering you not to contact the petitioner, do **not** violate that order. Talk with a lawyer about your options. A lawyer can tell you what you can and cannot do if there is a protective order in place.

What is the deadline to file an answer in a family law case?

If you have been served with a citation and petition, there is a deadline to file your answer.

- To determine the deadline, 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 your answer with the court on or before this date at 10:00 a.m. If the 20th day falls on 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.
- If you are served and do not file an answer on or before the deadline, the petitioner can finish the case without any further notice to you. This is called a "default judgment."

If you have NOT been served with a citation and petition, there is no deadline to file your answer. You can file your answer at any time after the petitioner files a petition (the form that starts the lawsuit) with the court. If you file your answer, the petitioner will not need to have you served.

NOTE: The deadline to file an answer may be different if you have a civil case (such as an eviction or other type of case filed in justice court). See **I want to file an answer in a non-family law case. (https://texaslawhelp.org/toolkit/i-want-file-answer-non-family-law-case) [18]**

Can I file my answer late?

Maybe. If the petitioner **has not** finished the case, you can file your answer after the deadline.

To learn if the petitioner has finished the case, call the district clerk's office (where the case was filed). Ask the clerk if the judge has signed a final order in the case. If the judge has not signed a final order the case is still pending and you can file your answer late. If the judge has signed a final order the case is finished and it is too late to file your answer.

Note: If the petitioner **has** finished the case, you may be able to ask the judge to set aside (cancel) the default judgment. Read this article to learn more: **How to Set Aside (Cancel) a Default Judgment (https://texaslawhelp.org/article/how-set-aside-cancel-default-judgment) [19]**.

What does it mean to be “served” with a citation and petition?

Unless the case is agreed, the petitioner (the person who starts the case) must have the respondent (the other person) served with:

- the “citation” (the form that officially notifies the respondent of the case), and
- a copy of the “petition” (the form that starts the case).

If you are the respondent, there are several ways you can be served with the citation and petition.

- You can be served **in person** by a constable, sheriff or private process

server.

- You can be served **by certified or registered mail** (return receipt requested) by the clerk, constable, sheriff or private process server.
- You can be served by **posting** or **publication** if the petitioner can't find you.
- You can be served **any other way approved by the judge**. For example, if the constable, sheriff or private process server can confirm your home address or work address the judge could order that the citation and petition be posted to your door, left with anyone over 16 at your home or work or mailed to you at your home or work address by regular mail.



What happens if I'm served and don't file an answer?

If you are served and do not file an answer on or before the deadline, the petitioner can finish the case without any further notice to you (as long as all other waiting periods have passed). This is called a "default judgment."

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

Yes. If the other side (your spouse, your child's other parent, the Office of the Attorney General or someone else) has filed a petition with the court, you can file an answer. The answer form tells the judge that you know about the case and have received a copy of the petition.

If you voluntarily file an answer (or waiver of service only form), the other side will not need to have you formally served by a constable, sheriff, or private process server.

What if I don't live in Texas?

Talk with a lawyer **before** filing an answer, if you 1) do not live in Texas and 2) do not want a Texas Court to have the power to make orders that would impose a personal obligation on you. Such orders could include orders:

- dividing your property and debts or ordering you to pay spousal maintenance (in a divorce),
- ordering you to pay child support (if children are involved), or

- ordering you to pay court costs and lawyer's fees (if requested).

If you file an answer (or any other pleading) before filing a “special appearance” you will give up your right to argue that Texas can't make such orders because you live out of state.

Ask a Texas lawyer to help you determine if Texas has “personal jurisdiction” over you.



What if I think the case was filed in the wrong county?

Talk with a lawyer before filing an answer if you think the case was filed in the wrong county. If you file an answer before filing a **motion to transfer venue**, you may give up your right to argue that the case should be filed in a different county.

Does filing an answer mean my case is over?

No. Filing an answer does not mean your case is over. Your case is not over until the judge signs a final order.

Do I need a lawyer?

It's a good idea to talk with a lawyer about your situation (even if you decide not to hire one). A lawyer can explain your rights and options.

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

- You are afraid for your or your children's safety.
- Your case is contested (not agreed).
- The petitioner has a lawyer.
- You and the petitioner have a child with a disability.
- The petitioner filed a paternity case and you are not sure about the identity of the child's father.
- The petitioner filed for divorce and:
 - you or your spouse have a house, retirement, business, other valuable property or a lot of debt;

- you need spousal maintenance (alimony);
- you or your spouse have an ongoing bankruptcy or are planning to file for bankruptcy; or
- you are in a same-sex marriage and you and your spouse have a child but there is no adoption or other court order stating that you are both legal parents.



If you need help finding a lawyer, you can:

- Use our **Legal Help Finder** (<https://texaslawhelp.org/legal-help/legal-help-finder>) [20] 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>) [21] to learn if there is an upcoming free legal clinic near you.
- Use **Ask a Question** (<https://texaslawhelp.org/ask-question>) [22] to chat online with a lawyer or law student.

If you are concerned about your or your children's safety, call the **National Domestic Violence 24 Hour Hotline at 1-800-799-SAFE (7233)**. They can refer you to help in your community.

Can I hire a lawyer just to give me advice?

Yes! You can hire a family law lawyer just to give you legal 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** (<https://texaslawhelp.org/article/limited-scope-representation>) [23].

Where can I get more information?

The following toolkits include additional information about being the respondent in a family law case.

- **My spouse filed for divorce.** (<https://texaslawhelp.org/family-divorce-children/divorce/toolkit/divorce-my-spouse-filed-divorce>) [12]
- **I need to respond to a SAPCR (custody) case.** (<https://texaslawhelp.org>)

/family-divorce-children/toolkit/i-need-respond-sapcr-custody-case)**[13]**

- **I need to respond to a modification case. (https://texaslawhelp.org/family-divorce-children/toolkit/i-need-respond-modification-case) [15]**

Talk with a lawyer if you have questions or need advice.



© TexasLawHelp.org - **Source URL:** <https://texaslawhelp.org/article/how-file-answer-family-law-case>

Links

- [1] https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer.pdf
- [2] https://texaslawhelp.org/sites/default/files/fm_divb_102_div_w_kids_answer_english_respondent.pdf
- [3] <https://texaslawhelp.org/form/respondents-original-answer-divorce-set-c>
- [4] <https://texaslawhelp.org/form/respondents-original-answer-sapcr>
- [5] https://texaslawhelp.org/sites/default/files/fm_pat1_102_paternity_establish_answer_english_0.pdf
- [6] <https://texaslawhelp.org/form/respondents-original-answer-modification>
- [7] <https://texaslawhelp.org/form/respondents-answer-child-name-change>
- [8] <https://texaslawhelp.org/guided-form/interactive-respondents-answer-or-waiver-divorce-petition>
- [9] <https://texaslawhelp.org/guided-form/interactive-respondents-answer-or-waiver-sapcr-petition>
- [10] <https://texaslawhelp.org/guided-form/interactive-respondents-answer-or-waiver-modification-petition>
- [11] <https://texaslawhelp.org/guided-form/interactive-respondents-answer-or-waiver-establishing-paternity-petition-adjudicate-parentage>
- [12] <https://texaslawhelp.org/family-divorce-children/divorce/toolkit/divorce-my-spouse-filed-divorce>
- [13] <https://texaslawhelp.org/family-divorce-children/toolkit/i-need-respond-sapcr-custody-case>
- [14] <https://texaslawhelp.org/form/respondents-answer-paternity>
- [15] <https://texaslawhelp.org/family-divorce-children/toolkit/i-need-respond-modification-case>
- [16] <https://texaslawhelp.org/name-change/name-change-child/toolkit/i-want-change>

my-childs-name

[17] <https://efile.txcourts.gov/ofsweb>

[18] <https://texaslawhelp.org/toolkit/i-want-file-answer-non-family-law-case>

[19] <https://texaslawhelp.org/article/how-set-aside-cancel-default-judgment>

[20] <https://texaslawhelp.org/legal-help/legal-help-finder>

[21] <https://texaslawhelp.org/legal-clinic-calendar>

[22] <https://texaslawhelp.org/ask-question>

[23] <https://texaslawhelp.org/article/limited-scope-representation>

