

## Instructions & Forms for Filing an Answer in a SAPCR (Custody) Case

These instructions explain how to file an answer in a custody case. An answer form is included. Click on the step to expand it with more information.

These instructions are part of a TexasLawHelp.org toolkit: **I need to respond to a SAPCR (custody) case. (<https://texaslawhelp.org/family-divorce-children/child-custody-visitation/toolkit/i-need-respond-custody-case>) [1]** It's important to read the Frequently Asked Questions and Articles included in the toolkit before getting started.

### Need Help?

- Use our **Legal Help Finder (<https://texaslawhelp.org/legal-help/legal-help-finder>) [2]** 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>) [3]** for free legal clinics in your area.
- Use **Ask a Question (<https://texaslawhelp.org/ask-question>) [4]** to chat online with a lawyer or law student.

***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.**

### ☐ **Step 1: Calculate the deadline to file your answer (if you were served).**

**If you have been officially served** with a citation and petition (usually called an "Original Petition in Suit Affecting the Parent-Child Relationship" or something similar), 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.

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- If you are served and do not file an answer on or before the deadline, the petitioner can finish the custody case without any further notice to you. This is called a “default judgment.”
- You **may** be able to file your answer late. If the petitioner **has not** finished the custody 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 custody 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.
- If the petitioner **has** finished the case, talk to a lawyer right away. Depending on how much time has passed, you may be able to file a *Motion to Set Aside the Default Judgment*. For more information and forms, read: **How to Set Aside (Cancel) a Default Judgment** (<https://texaslawhelp.org/article/how-set-aside-default-judgment>) [5].

If you have **NOT** been officially served, there is no deadline to file your answer. You can file your answer (or waiver of service only form) at any time after the petitioner files an *Original Petition in Suit Affecting the Parent-Child Relationship* (the form that starts the custody process) with the court. If you file your answer (or waiver of service only form) now, the petitioner will not need to have you served.

## ☐ **Step 2: Fill out an answer form.**

Fill out this answer form.

- **Respondent’s Original Answer** (<https://texaslawhelp.org/form/respondents-original-answer-sapcr>) [6]

When filling out your answer form:

- Print neatly in blue or black ink.
- Find the cause number and court number on the *Original Petition in Suit Affecting the Parent-Child Relationship* filed by the petitioner. Write the same cause number and court number on your answer.
- You are the “respondent.” The other side is the “petitioner.”
- Do not leave blanks. If something doesn’t apply write “not applicable” or [Click here to chat](#).

“none.”

- Talk to a lawyer if you have questions or need help.
- **You must include a mailing address on your answer.** The petitioner (and anyone else listed as a respondent in the *Petition in Suit Affecting the Parent-Child Relationship*) 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 1-800-374-4673 for free advice.
- **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 requiring you to pay child support, medical support, court costs and lawyer’s fees. If you file an *Answer* (or any other pleading) before filing a *Special Appearance*, you will give up your right to argue that Texas 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.
- **Talk with a lawyer BEFORE filing an answer**, if your child does not live in the county where the case was filed or has not lived in Texas for at least the last six months (or since birth for an infant).

Make enough copies of your completed answer form to have a copy for yourself, the petitioner, and each other respondent (if any).

### ☐ **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>) [7]** 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 custody case.

#### **At the clerk’s office:**

- Turn in your answer form (and copies).
- Ask the clerk if there is a local standing order that you need to follow or attach to any of your documents.

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- Ask the clerk if there are local rules or procedures you need to know about for your custody 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 (or copies) are for the petitioner and other respondents (if any).

**Note:** It does not cost anything to file an answer. Filing an answer is FREE.

☐ **Step 4: Send a copy to the petitioner and other respondents (if any).**

Send a file-stamped copy of your answer to the petitioner and each other respondent (if any). If the petitioner or any other respondent has a lawyer, send it to the lawyer instead of directly to the petitioner or other respondent. 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 a party, do **not** violate that order. Talk with a lawyer about your options.

☐ **Step 5: Learn more.**

Filing an answer protects your right to have a say in the issues involved in your custody case. Once you file an answer, the petitioner cannot finish the custody case unless:

1. you agree to and sign an *Order in Suit Affecting the Parent-Child Relationship*, **or**
2. the petitioner gives you notice of a contested hearing date.

[Click here to chat.](#)

Filing an answer does **not** mean your custody case is over.

To learn more, read the **Frequently Asked Questions** and **Articles** included in this TexasLawHelp.org toolkit: **I need to respond to a custody case.**  
**(<https://texaslawhelp.org/family-divorce-children/child-custody-visitation/toolkit/i-need-respond-custody-case>) [1]**

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### Links

- [1] <https://texaslawhelp.org/family-divorce-children/child-custody-visitation/toolkit/i-need-respond-custody-case>
- [2] <https://texaslawhelp.org/legal-help/legal-help-finder>
- [3] <https://texaslawhelp.org/legal-clinic-calendar>
- [4] <https://texaslawhelp.org/ask-question>
- [5] <https://texaslawhelp.org/article/how-set-aside-default-judgment>
- [6] <https://texaslawhelp.org/form/respondents-original-answer-sapcr>
- [7] <https://efile.txcourts.gov/ofswb>

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Fill in Cause number and court information exactly as it is written on the Petition.

Cause Number: \_\_\_\_\_

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

(Write the full name of each child.)

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

In the \_\_\_\_\_  
Court Number

- ☐ District Court  
☐ County Court at Law

of \_\_\_\_\_ County, Texas

## Respondent's Original Answer

**WARNING:** Filing an *Answer* with the Court enters your appearance in this case. Talk to an attorney 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 as an order for child support. 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 attorney to help you determine if Texas has personal jurisdiction over you. For help finding a private attorney, call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. To find the Legal Aid office nearest you, go to [www.TexasLawHelp.org](http://www.TexasLawHelp.org) and click on "Find Legal Assistance." If you are a victim of family violence, get legal help by calling 1-800-374-4673.

Print your answers.

My name is: \_\_\_\_\_  
First Middle Last

I am a Respondent in this Suit Affecting the Parent-Child Relationship.

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

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

The last three numbers of my social security number are: \_\_\_\_ \_\_\_\_ \_\_\_\_.

**Or** ☐ I do not have a social security number.

### 1. General Denial

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

However, if the Petitioner and I reach an agreement and I sign an agreed Order in Suit Affecting the Parent-Child Relationship, I agree that the Judge can finalize this case without my getting notice of the hearing and without my coming to Court.

### 2. Contact Information

My mailing address is: \_\_\_\_\_  
Print Mailing Address City State Zip

My email address is: \_\_\_\_\_.

My phone number is: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_.

I understand I *must* notify the Court and Petitioner's attorney (or Petitioner if Petitioner does not have an attorney), the other Respondents' attorneys (or the Respondent if she or he does not have an attorney), in writing, if my mailing address or email address changes during this case.

I understand that, unless I provide notice of changes in my mailing address and email address, all information about this case, including the date and time of hearings, will be sent to me at the mailing address or email address on this form.

### 3. Request for Relief

I ask the Court for general relief.

→ _____ <i>Respondent's Signature</i>	_____ <i>Date</i>
_____ <i>Respondent's Printed Name</i>	(_____) _____ <i>Phone Number</i>
_____ <i>Mailing Address</i>	_____ <i>City</i> <i>State</i> <i>Zip</i>
_____ <i>Email Address</i>	_____ <i>Fax # (if available)</i>

### 4. Certificate of Service

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

→ _____ <i>Respondent's Signature</i>	_____ <i>Date</i>
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