

## Visitation Enforcement Kit

*If you have a Texas court order that allows you to spend time with your children but the other parent won't follow the order, this kit can help you enforce that order. If you don't have a court order that gives you parenting time with your child, or if you'd like more general information about your visitation, read the **Visitation Handout** to learn more.*

This Kit includes the following documents:

1. **Sample Demand Letter for Visitation** (2 pages)  
*Reminds the other parent about the legal consequences of violating the court order*
2. **What Counts as a Denial of Visitation?** (1 page)  
*Tells you what to do to document your denied visit*
3. **Visitation Journal** (3 pages)  
*A place for you to record your visitation attempts, to prepare your case for court*
4. **Court at a Glance** (1 page)  
*Describes the seven steps to enforcing your order*
5. **Step 1: Do Your Homework** (1 page)  
*Outlines the first step involved in filing your case*
6. **Step 2: File Your Motion, Set Your Hearing** (1 page)  
*Explains the second step in your case*
7. **Motion for Enforcement of Visitation Order** (7 pages)  
*The document that's filed to start your legal action*
8. **Step 3: Ask the Judge to Sign the Order to Appear** (1 page)  
*Explains the third step in your case*
9. **Order to Appear and Show Cause** (1 page)  
*Order signed by a judge that orders the other party to come to court for your hearing*
10. **Step 4: Give Legal Notice** (1 page)  
*Explains the fourth step in your case*
11. **Step 5: Prepare for Hearing** (1 page)  
*Explains the fifth step in your case*
12. **Sample Testimony** (8 pages)  
*Can be used as a sample to help you prepare your testimony*
13. **Step 6: Hearing** (1 page)  
*Describes the sixth step in your case*
14. **Step 7: Decision** (1 page)  
*Describes the seventh step in your case*
15. **Order for Capias and Setting Bond** (3 pages)  
*Order, signed by a judge, requesting the arrest of Respondent, if Respondent was served with legal notice of the hearing, but failed to appear*
16. **Capias** (3 pages)  
*Issued by the District Clerk, if the judge signed the Order for Capias*
17. **Order on Motion for Enforcement of Visitation Order** (8 pages)  
*Signed by the judge, after your hearing*

\_\_\_\_\_  
[Date]

\_\_\_\_\_  
[Custodial Parent]

\_\_\_\_\_  
[Custodial Parent Address]

\_\_\_\_\_  
[Custodial Parent Address]

**Re: Notice to Exercise Court-Ordered Possession and Access (Visitation)**

Dear \_\_\_\_\_,  
[Custodial Parent]

I plan to see our child(ren) according to the court-ordered possession and access (visitation) schedule, as written in the most recent court order which was signed by the judge in our case in Cause No. \_\_\_\_\_ .  
[Cause Number]

I will be at [choose one]

- Your residence at \_\_\_\_\_ .m.  
[Time, including a.m. or p.m.]
- The school where our child(ren) is/are enrolled, when school is dismissed. [Choose this option only if it is already ordered by the Court]
- Other: \_\_\_\_\_

\_\_\_\_\_  
[Time and place where your visitation is ordered to take place]

I will be at this location on \_\_\_\_\_ to  
[Date designated in the court order for you to take possession]  
exercise my rights to see our child(ren).

You should have our child(ren) ready for my visitation as provided for in the court order.

I will return our child(ren) to you as required by the court order.  
I intend to continue exercising my possession and access (visitation) rights according to the court ordered schedule from now on.

Interfering with my court-ordered access and visitation rights could result in a contempt action being filed against you. Failure to pay child support is not a justification or defense to a charge of contempt for interference with court-ordered visitation rights. If a court finds you in contempt for denying my court-ordered access to our child(ren) the court may sentence you to jail time, and order you to pay a fine, attorney's fees and court costs. It would be best for everyone, especially our child(ren), to avoid such litigation.

Sincerely,

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[Your name]

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[Your Address]

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[Your Address]

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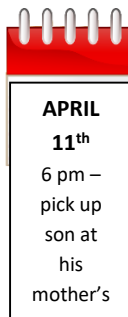
[Your phone number]

# WHAT COUNTS AS A DENIAL OF VISITATION?

If you want to enforce your visitation order and ask the court to hold the other parent in contempt, there are very specific rules you must follow when you try to exercise your visitation.

You are not technically denied visitation unless you actually **appear in person at the pick-up location** listed in your court order, even if the other parent has already told you that he/she will not be there or that he/she will not be giving you your child.

By not producing the child at the pick-up location at a certain date and time, the other parent is violating the court order. **However, that parent cannot be required to testify against himself/herself in court, so you have to be able to testify that you were there and he/she was not.**



**Step 1:** Look at your court order or a calendar prepared for you by your attorney. Find the next exact date and time that you are supposed to pick up your child.

**Step 2:** Arrive at the pick-up location at the exact date and time you are supposed to be there. Give yourself plenty of time to get there. If you are early, wait a few minutes.



**Step 3:** Knock on the door. Wait. Knock on the door again. You must give some indication that you are there and are ready to pick up your child.

**Step 4:** Try to obtain evidence that you were at the right location at the right date and time. You can take a witness with you to observe what happened. You can go to a nearby convenience store or fast food restaurant and buy a drink or a pack of gum, and keep the receipt showing you were in the area at a certain date and time. Some police departments may be willing to file a report for you.



**Step 5:** Immediately write down what happened in your visitation journal. Write down the date, time, and place where you tried to pick up your child. If you have a witness, write down his/her name. If you have a receipt or other evidence, keep it safe.

**EXHIBIT B: VISITATION JOURNAL**

My name is: \_\_\_\_\_.

I am the child's *[check one]*

father.

mother.

other: \_\_\_\_\_

*[please print your relationship to the child]*

My child's name is/ My children's names are:

| <b>Child's Name</b> | <b>Child's Birthday<br/>[month, day, and year]</b> |
|---------------------|--|
|                     |  |
|                     |  |
|                     |  |
|                     |  |

The child/ren live(s) with: *[print name of person child/ren live with]*

\_\_\_\_\_.

I have court orders allowing me to see my child/ren on specific days and at specific times. My court order states a specific location for me to pick up my children. *[If you do not have a court order, or your order does not include specific days and times for your visitation, or if your order does not include a specific location for you to exchange your child/ren with the other parent, you will need to go back to court to get an order that includes these things, before a court can enforce your order.]*

I have tried to see my children, according to my court order, but the child's other parent did not allow me to see the child/ren.

This journal records the times I tried to see my child/ren, according to the court ordered schedule. I tried to see my child/ren on the following dates, but was not allowed to.

*[Complete the charts with information about when you tried to see your child/ren, according to your court schedule, but were not allowed to. You can copy and add additional charts, if you need to.]*

|  |  |
|--|--|
| <b>Date</b><br><i>[month, day, year]</i>   | _____  |
| <b>Day</b><br><i>[check one]</i>   | <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday<br><input type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday |
| <b>Time</b>  | _____ <input type="checkbox"/> am <input type="checkbox"/> pm  |
| <b>Place</b><br><i>[ex. Mother's residence, McDonald's, etc.]</i>                                      |  |
| <b>Address</b><br><i>[street address, city, state, zip code]</i>                                       |  |
| <b>Witnesses</b><br><i>[List names of people who were there when you tried to see your child/ren.]</i> |  |
| <b>What happened?</b><br><i>[no one home, wouldn't let me see child/ren, etc]</i>                      |  |

|  |  |
|--|--|
| <b>Date</b><br><i>[month, day, year]</i>   | _____  |
| <b>Day</b><br><i>[check one]</i>   | <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday<br><input type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday |
| <b>Time</b>  | _____ <input type="checkbox"/> am <input type="checkbox"/> pm  |
| <b>Place</b><br><i>[ex. Mother's residence, McDonald's, etc.]</i>                                      |  |
| <b>Address</b><br><i>[street address, city, state, zip code]</i>                                       |  |
| <b>Witnesses</b><br><i>[List names of people who were there when you tried to see your child/ren.]</i> |  |
| <b>What happened?</b><br><i>[no one home, wouldn't let me see child/ren, etc]</i>                      |  |

|  |  |
|--|--|
| <b>Date</b><br><i>[month, day, year]</i>   | _____  |
| <b>Day</b><br><i>[check one]</i>   | <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday<br><input type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday |
| <b>Time</b>  | _____ <input type="checkbox"/> am <input type="checkbox"/> pm  |
| <b>Place</b><br><i>[ex. Mother's residence, McDonald's, etc.]</i>                                      |  |
| <b>Address</b><br><i>[street address, city, state, zip code]</i>                                       |  |
| <b>Witnesses</b><br><i>[List names of people who were there when you tried to see your child/ren.]</i> |  |
| <b>What happened?</b><br><i>[no one home, wouldn't let me see child/ren, etc]</i>                      |  |

|  |  |
|--|--|
| <b>Date</b><br><i>[month, day, year]</i>   | _____  |
| <b>Day</b><br><i>[check one]</i>   | <input type="checkbox"/> Monday <input type="checkbox"/> Tuesday <input type="checkbox"/> Wednesday <input type="checkbox"/> Thursday<br><input type="checkbox"/> Friday <input type="checkbox"/> Saturday <input type="checkbox"/> Sunday |
| <b>Time</b>  | _____ <input type="checkbox"/> am <input type="checkbox"/> pm  |
| <b>Place</b><br><i>[ex. Mother's residence, McDonald's, etc.]</i>                                      |  |
| <b>Address</b><br><i>[street address, city, state, zip code]</i>                                       |  |
| <b>Witnesses</b><br><i>[List names of people who were there when you tried to see your child/ren.]</i> |  |
| <b>What happened?</b><br><i>[no one home, wouldn't let me see child/ren, etc]</i>                      |  |

# Court at a Glance

## Enforcement of Visitation Kit

There are basically 7 steps in enforcement cases.

### Step 1: Do Your Homework



### Step 2: File Your Motion and Set Your Hearing



### Step 3: Ask the Judge to Sign the Order to Appear



### Step 4: Give Legal Notice

Tell the other party what you want. (Process server or Constable does this for you.)



### Step 5: Prepare for Hearing



More homework.

### Step 6: Hearing



Ask the judge for what you want and explain why you should get it.

### Step 6: Decision



The judge decides whether or not you should get what you asked for. You give the judge an Order to sign. The order needs to say exactly what the judge decided.



# Step 1: Do Your Homework



For Step One, you'll need the following:

- Civil Case Information Sheet
- Motion for Enforcement of Visitation Order

## 1. Civil Case Information Sheet

- Complete it.
- Make a copy for your records. (The District Clerk will keep the original.)

## 2. Motion for Enforcement of Possession or Access (with Exhibits)

- Read through the Motion for Enforcement of Visitation Order and Order to Appear very carefully. Fill in your case information in the blank spaces. Check only those boxes that apply in your case. If you're not sure what to put in the blanks, talk to a lawyer.
- Sign the last page of the Motion for Enforcement of Visitation Order ***in front of a notary.***
- Make a copy for yourself and for every party in your case (The District Clerk will keep the original.)

## 3. Filing Fee

- Be prepared to pay a filing fee to the clerk when you file your papers.
- Call the District Clerk to find out how much you'll have to pay.
- If you can't afford to pay you can file a Statement of Inability to Afford Payment of Court Costs or an Appeal Bond, which asks the court to waive the filing fees.
- You can get this form from this website's ([www.Texaslawhelp.org](http://www.Texaslawhelp.org)) alphabetical list of forms.

## 4. Learn how to set the hearing, and have the judge sign your Order to Appear

- Call the judge's court coordinator.
- Explain that you're filing a Motion to Enforce and that you need to know:
  - a. What the procedure is to get the judge to sign the Order to Appear, and
  - b. What the procedure is to set the motion for a hearing.
- Write the instructions down here: \_\_\_\_\_

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# STEPS 2 - 4 will be completed the same day and at the courthouse



## Step 2: File Your Motion and Set Your Hearing

For Step Two, you'll need the following:

- Civil Case Information Sheet (get this from the District Clerk's Office)
- Motion for Enforcement of Visitation Order
- A check or money order for your filing fee (or the Statement of Inability to Afford Payment of Court Costs or an Appeal Bond)

### 1. **File your papers with the District Clerk's Office in the county where you got the order that you're trying to enforce.**

- Take your documents (and your copies) to the District Clerk's Office.
- Tell the clerk you're there to file a Motion to Enforce and hand the clerk all of your documents. (Place the original on top, and the copies of each document behind the original.)
- The clerk will "file stamp" your papers, noting the date when you filed your Motion.
- The clerk will give you your copies but will keep the original for the court's file.
- Make sure to keep a copy of everything for yourself.

### 2. **Set the Hearing**

- Follow the Court Coordinator's instructions to set a hearing to have your motion heard. (You should have written them in **Step One: Do your Homework.**)
- Be sure to set your case at least 20 days from the date you file your motion. This will give you enough time to give the other parties legal notice. The parties must have at least 10 days' notice for a contempt hearing.

# Step 3: Ask the Judge to Sign the Order to Appear



For Step Three, you'll need the following:

- Order to Appear
- Motion for Enforcement with Exhibits

## 1. Order to Appear

- Follow the court coordinator's instructions to ask the judge sign the Order to Appear. Make sure and give the judge your Motion for Enforcement **and** Order to Appear
- You should have written the instructions down in **Step One: Do your Homework.**
- After the judge signs the Order to Appear, make enough copies for yourself and all of the parties in your case. (The clerk will keep the original.)
- Proceed to Step Four: Give Legal Notice

# Step 4: Give Legal Notice



Tell the other party what you want.

For Step Four, you will need the following:

- Copies of all of the documents you have filed
- Order to Appear, signed by the judge

You must give legal notice to all of the parties in your case. If you don't know who the parties are in your case, you should talk to a lawyer.

## 1. Go back to the District Clerk's Office

- Now that the judge has signed your Order to Appear, you need to file it in the District Clerk's office.
- Tell the clerk you're there to file the Order to Appear, and hand the clerk the original and copies. (Place the original on top and the copies of the document behind the original.)
- The clerk will "file stamp" your papers, noting the date when you filed the Order to Appear.
- The clerk will give you your copies but will keep the original for the court's file.
- Make sure to keep a copy of everything for yourself.
- Tell the clerk you want to have a constable serve the Order to Appear and Motion for Enforcement of Visitation Order on the parties in your case.
- Make sure the clerk will process the citation and give it to the constable to serve the other party. If not, you'll need to give the citation to the constable to serve the other party. Ask the clerk how to do that.
- The constable will file a ***Return of Citation*** to show the court the party was served. ***The Return of Citation has to be in the court file for at least 10 days before you have a hearing.***

# Step 5: Prepare for Hearing

More homework.

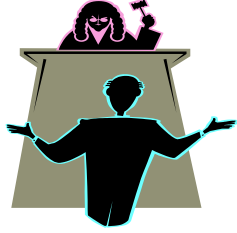


For Step Five, you will need the following:

- Papers for *Step 7: Decision*

## 1. Prepare for the Hearing

- Talk to your witnesses. Prepare questions for them or have them prepare a statement to tell the judge.
- Review the documentation that shows the judge your visitation has been denied.
- Review the local rules for your county. Ask the clerk if your county has any special local rules and where you can find them.
- Review your papers for *Step 7: Decision*. Make sure they are correct.



## Step 6: Hearing

Ask the judge for what you want and explain why you should get it.

For Step Six, you need the following:

- Paperwork for *Step Seven: Decision*
1. **Go to the courthouse**
    - Arrive early.
    - Ask the District Clerk if you need to pull your case file to take to the docket or does the judge already have it for your hearing?
  2. **Go to the courtroom.**
    - Let the clerk (seated next to the judge's bench) know you have arrived for your hearing. Ask the clerk if he/she needs any of your papers, or if the judge prefers for you to give your papers to the judge.
  3. **Sit down and wait for the judge to call your case.**
    - Sometimes the judge calls roll. When he/she calls your case (by your name or your Cause Number), stand up, and tell the judge you are the Petitioner, and how much time you think your case will take. Then, sit down, and wait to be called again.
    - If he/she isn't calling roll, then stand before his/her bench when you are called.
    - The judge will swear you in and may ask you to "proceed" with your testimony or may ask you questions.
    - Answer the judge truthfully, courteously, and respectfully.
    - The judge needs to know how the other party violated the court order. Be sure to stick to the facts. Be respectful of the other party. Be businesslike.
    - If you have witnesses to call or evidence to present, you will do so at this time. (After you call each witness, the other party can ask questions of them.)
    - The other party may call his/her witnesses, and you can ask questions of them.

# Step 7: Decision



The judge decides whether or not you should get what you asked for. You give the judge an Order to sign. The order needs to say exactly what the judge decided.

For Step Seven, you need the following:

- Order on Motion for Enforcement of Visitation Order
  - Capias
1. After the judge has finished hearing your testimony and reviewing your papers, the judge will make a decision in your case.
  2. When the judge makes the decision (ruling) make sure you write down everything the judge says. You will need to fill in the **Order on Motion for Enforcement of Visitation Order** based on what the judge says. The order needs to say exactly what the judge decided. You give the judge the Order to sign.
  3. If the other party was served with your motion and the Order to Appear but did not appear at the hearing, you can ask the judge to sign a **Capias**. The Capias orders law enforcement to arrest the other party for failing to come to court, as ordered. Once the party is arrested, you can reset your hearing on the Motion for Enforcement, Contempt, and law enforcement will bring the party in for the hearing.
  4. If the other party appears at your hearing, you do NOT need the capias. Throw it away and complete the Order on Motion for Enforcement of Visitation Order.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

In the interest of (List names of child(ren)):

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

§  
§  
§  
§  
§  
§  
§

**Cause No:**

In the \_\_\_\_\_  District  County Court  
\_\_\_\_\_ County, Texas

**MOTION FOR ENFORCEMENT OF VISITATION ORDER**

**1. DISCOVERY LEVEL**

Discovery should be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure. *[Discovery is a procedure that can be used by parties in a lawsuit to find out information about the other party.]*

**2. PARTIES**

**Petitioner** [You]

I am the Movant.

My name is \_\_\_\_\_  
[PRINT your full name]

I live at \_\_\_\_\_ [address]

I am the child/ren's [check one]

mother.                       father.                       \_\_\_\_\_

I am the child/ren's [check one]

Joint Managing Conservator.                       Possessory Conservator.

**Respondent**

The child lives with the Respondent. The Respondent in this case is the child's:

mother.                       father.                       \_\_\_\_\_

Respondent is the child/ren's [check one.]

Joint Managing Conservator.                       Possessory Conservator.



The Respondent's name is:

\_\_\_\_\_.  
*[PRINT Respondent's full name]*

Process should be served on respondent at the following address:

\_\_\_\_\_.  
*[PRINT the address where you want Respondent to be served.]*

### 3. CHILDREN

My child's name is/ My children's names are:

| <b>Child's Name</b> | <b>Sex</b><br><i>[male (M) or female (F)]</i> | <b>Child's Birthday</b> <i>[month, day, and year]</i> |
|---------------------|---|---|
|                     |   |   |
|                     |   |   |
|                     |   |   |
|                     |   |   |

### 4. JURISDICTION

This court has continuing, exclusive jurisdiction of this case as a result of prior proceedings.

### 5. CONTEMPT

**CONTEMPT BASED ON DENIAL OF POSSESSION**

*[Check this box and complete the following section, if the Respondent has denied your court ordered visitation.]*

This Court signed an order, \_\_\_\_\_,  
*[Print the name of the order that you are trying to enforce.]*

on \_\_\_\_\_ date.

*[Print the date the judge entered your court order. This is either the date you appeared in court, or the date the judge signed the order. It is usually the earlier date.]*

The Court ordered Respondent to make the children available to me as set forth in the attached order, labeled Exhibit A. *[attach a copy of the order to this motion. At the top of the order, write: Exhibit A.]*

The Respondent has refused to comply with this court's order. The Respondent has disobeyed the court order by failing to surrender the minor child(ren) to me on the dates for court-ordered periods of possession and access listed in the attached Visitation Journal, labeled Exhibit B. [attach a copy of your visitation journal to this motion, which has already been labeled "Exhibit B."]

I ask the Court to hold the Respondent in contempt, and to jail, and fine the Respondent for each violation listed above.

I believe that, based on the Respondent's behavior, the Respondent will continue to disobey the court order. I ask the Court to hold Respondent in contempt, and to jail and fine Respondent for each additional failure to comply with the court order from the date of this filing to the date of the hearing on this motion.

In the event that the Court decides not to jail the Respondent, or the Court orders a partial commitment for the Respondent, I ask the Court to place Respondent on community supervision for five years on release from jail or suspension of commitment.

**CONTEMPT BASED ON THE FAILURE TO DISCLOSE A RESIDENTIAL ADDRESS**

*[Check this box, and complete the following section, if the Respondent was court ordered to notify you of changes in his/her address but has refused to do so.]*

The court orders, attached as Exhibit A, state that "EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE 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 EACH 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 PROVIDE

THE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER, 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 EACH 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 PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OR UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS."

As of today, Respondent has failed and refused to comply with the order and has willfully disobeyed the order of the Court by failing to notify the court and me of the changes in residence address and phone number.

I ask the Court to hold Respondent in contempt, and to jail and fine Respondent for each violation alleged above. Further, I believe, based on the Respondent's behavior, that Respondent will continue to disobey the order.

I ask that the Respondent be confined in the county jail until Respondent complies with the Court order. If the Court decides not to jail the Respondent, I ask the Court to place

Respondent on community supervision for five years on release from jail or suspension of commitment.

**6. SETTLEMENT ATTEMPTS** *[Check all that apply but Settlement Attempts are not required in order to file this motion.]*

I have tried to resolve this matter without court intervention.

I acquired Respondent's present residence address, and sent a letter to Respondent asking Respondent to contact me about this situation, but we were unable to reach an agreement.

I attempted to settle this case in mediation.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. BOND FOR CONFORMANCE**

I ask the Court to order a bond to secure Respondent's compliance with the Court's order granting possession of or access to the child(ren).

**8. MAKE UP VISITS**

I ask the court to order additional time when I can have access or possession of the child(ren) to compensate for those periods denied by Respondent.

**9. CLARIFICATION**

I ask that, if the court finds that any part of the order I am trying to enforce is not specific enough to be enforced by contempt, the Court enter a clarifying order that clearly specifies the duties imposed on Respondent, giving Respondent a reasonable time within which to comply.

**10. PRAYER**

I ask that Respondent be held in contempt and punished; that if the court decides not to jail Respondent, that the Court order Respondent to participate in a program of community supervision, that the Court order Respondent to pay the costs of court to the Clerk of the Court; that the Court order a bond or security for Respondent's future compliance with the Court's orders; that the Court clarify any part of its prior order found

not specific enough to be enforced by contempt; that the Court enter such further orders as it deems just, equitable, and appropriate for the purpose of facilitating compliance with the Court's visitation and possession orders, that the Court enter such further orders as it finds are in the child(ren)'s best interests, that the Court enter such further orders as it deems necessary to transition the parties back to the previously orders possession and access schedule; and for attorney's fees, expenses, costs, and interest and further relief as authorized by law.

Respectfully Submitted,

\_\_\_\_\_  
*[Print your full name.]*

\_\_\_\_\_  
*[Signature. Don't sign until you are in front of a notary.]*

\_\_\_\_\_  
*[Print your full address]*

\_\_\_\_\_  
*[phone number]*

\_\_\_\_\_  
*[email address]*

SUBSCRIBED TO AND SWORN before me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas

### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion for Enforcement of Visitation Order; and Order to Appear and Show Cause were served on Respondent, \_\_\_\_\_,

*[Print Respondent's name]*

in accordance with the Texas Rules of Civil Procedure on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Petitioner

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

In the interest of *(List names of child(ren))*:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

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**Cause No:**

In the \_\_\_\_\_  District  County Court  
\_\_\_\_\_ County, Texas

**ORDER TO APPEAR AND SHOW CAUSE**

Today, the Court heard Movant’s application. IT IS ORDERED that the Clerk shall issue notice to Respondent,

\_\_\_\_\_  
*[Print Respondent’s name.]*

to appear and Respondent is ORDERED to appear, by reporting to:

|                            |  |
|----------------------------|--|
| <i>Courthouse Name:</i>    |  |
| <i>Courthouse Address:</i> |  |
| <i>Court room:</i>         |  |
| <i>Date:</i>               |  |
| <i>Time:</i>               |  |

to show cause why Respondent should not be held in contempt of Court as alleged in the application filed herein.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JUDGE

## SAMPLE TESTIMONY, VISITATION ENFORCEMENT

### GENERAL INFORMATION

*(These issues may or may not apply in your case. Make only those statements that apply to your case.)*

1. My name is \_\_\_\_\_  
*(state your full name.)*
2. I live at: \_\_\_\_\_  
*(state your address: street, city and state.)*
3. I am the father / mother of \_\_\_\_\_  
*(state your child(ren)'s names and ages)*
4. That is the Respondent, \_\_\_\_\_, (name) my child/  
*(state the Respondent's name)*  
children's other parent *(Point to the child's other parent and describe what he/she is wearing).*
5. A court order granted me visitation with my child(ren). It was signed on \_\_\_\_\_ date.
6. In that order, the child(ren)'s mother /father was named the parent who has the right to decide where the child(ren) live(s).
7. I was awarded Possession in my court order.  
*(Explain your understanding of what your visitation should be)*  
*(1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> Friday of each month, beginning at \_\_\_\_\_ time, and ending at \_\_\_\_\_.....)*  
*(Explain weekly visits, too) (Wed/ Thurs 6-8....?)*
8. The Respondent and I have never modified (legally changed) the court ordered visitation schedule with my children.
9. I have tried to exercise my scheduled visitation with my child(ren) on a regular basis since the court order was signed. *(make this statement only if it is true in your case.)*
10. I have not been receiving my visitation according to the court order.

### BACKGROUND

*(These issues may or may not apply in your case. Make only those statements that apply to your case.)*

1. Was there any time when you did not attempt to exercise your visitation? If yes, explain why.... *(During the period of \_\_\_ to \_\_\_, I was unable to attempt to exercise my court ordered visitation because \_\_\_\_\_)*
2. If there were any prior restrictions, did you comply with them? *(The court ordered that I \_\_\_\_\_ before I could visit with my child, and I complied with those requirements....)*

3. If you had a step-up (tiered) schedule, what stage were you able to complete? *(There were \_\_\_ number of steps to my visitation order, and I was on the \_\_\_ step when the other parent denied my visitation.)*
4. Did the Custodial Parent ever voluntarily give you more access (contact) with your child than the court order called for? (If yes, this may have accelerated the tiered (step-up) visitation schedule. *(The first step of the order required the other parent to supervise my visits, but the other parent skipped this step and allowed me to spend time with my child unsupervised...)*)

**HAS CUSTODIAL PARENT FAILED TO NOTIFY YOU OF ADDRESS CHANGES?**

*(These issues may or may not apply in your case. Make only those statements that apply to your case.)*

1. At the time of the original order, the other parent was living at \_\_\_\_\_ address.
2. S/he is/is not living at that address at this time.
3. The other parent has not ever notified me of his/her address changes.
4. I believe the other parent has moved \_\_\_\_\_ (#) times since the original court order.
5. When the other parent fails to notify me of address changes, I find his/her address by \_\_\_\_\_.
6. I do/do not have the other parent's current address at this time.
7. I am asking the court to hold the other parent in contempt for failing to notify me of address changes on \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ dates?

**NOTICE/INTENT LETTER BEFORE ENFORCEMENT**

*(These issues may or may not apply in your case. Make only those statements that apply to your case.)*

Did you notify the other parent, in writing, that you intended to exercise your visitation according to your court order?

***If you sent a letter, introduce the letter into evidence:*** *(You should ask the court reporter to mark the letter as Exhibit 1 before the judge calls your case.)*

1. This a true and correct copy of the notice/letter of intent I sent to the other parent on \_\_\_\_\_ date requesting my visitation. It has been marked as Movant's Exhibit 1.
2. I sent the letter by (standard mail, and by certified mail, return receipt requested.)



3. This is the USPO green card attached to the letter I sent to the other parent by certified mail, return receipt requested.
4. \_\_\_\_\_ signed the green card for the certified letter.

**OR**

5. The letter I sent by certified mail, return receipt requested, was returned to me unclaimed. This is the actual certified letter I sent to Custodial Parent with the green card still attached.
6. The copy of the letter I sent by regular mail did / did not come back to me.

**ATTEMPTS TO EXERCISE VISITATION**

Describe what you do when you arrive to exercise the visitation. (*I arrive on time, knock at the door...*) What kind of conversation, if any, do you have with the other parent when you try to exercise your visitation? Do you argue with the other parent at this time? What does s/he do? What do you do then?

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**PROVE-UP FOR EACH DENIAL**

I'd like to tell the court about some specific dates when the other parent did not allow me to see the child(ren).

| Day of week | Date | Weekly/Weekend, etc. |
|-------------|------|----------------------|
|             |      |                      |

1. \_\_\_\_\_ date was a day of court ordered visitation for me.
2. I tried to pick up my child(ren) on \_\_\_\_\_ date.
3. I went to \_\_\_\_\_ (place) to pick my child(ren) up.
4. That address was/was not the other parent's current address at the time.
5. I arrived at \_\_\_\_\_ time.
6. I was ... alone? Accompanied by \_\_\_\_\_ (person)?

7. The other parent did /did not surrender the child(ren) at \_\_\_\_\_ time on \_\_\_\_\_ date.
8. (Explain what happened. Did anyone answer the door? Did it appear to you that anyone was home? Was there a car in the driveway? Could you hear a television or any other noise inside?)
9. I waited \_\_\_\_\_ (minutes/hours) before leaving.
10. Explain what you did after that. (Did you update your visitation log?)

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| Day of week | Date | Weekly/Weekend, etc. |
|-------------|------|----------------------|
|             |      |                      |

1. \_\_\_\_\_ date was a day of court ordered visitation for me.
2. I tried to pick up my child(ren) on \_\_\_\_\_ date.
3. I went to \_\_\_\_\_ (place) to pick my child(ren) up.
4. That address was/was not the other parent's current address at the time.
5. I arrived at \_\_\_\_\_ time.
6. I was ... alone? Accompanied by \_\_\_\_\_ (person)?
7. The other parent did /did not surrender the child(ren) at \_\_\_\_\_ time on \_\_\_\_\_ date.
8. (Explain what happened. (Did anyone answer the door? Did it appear to you that anyone was home? Was there a car in the driveway? Could you hear a television or any other noise inside?)
9. I waited \_\_\_\_\_ (minutes/hours) before leaving.
10. Explain what you did after that. (Did you update your visitation log?)

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| Day of week | Date | Weekly/Weekend, etc. |
|-------------|------|----------------------|
|             |      |                      |

1. \_\_\_\_\_ date was a day of court ordered visitation for me.
2. I tried to pick up my child(ren) on \_\_\_\_\_ date.
3. I went to \_\_\_\_\_ (place) to pick my child(ren) up.
4. That address was/was not the other parent's current address at the time.
5. I arrived at \_\_\_\_\_ time.
6. I was ... alone? Accompanied by \_\_\_\_\_ (person)?
7. The other parent did /did not surrender the child(ren) at \_\_\_\_\_ time on \_\_\_\_\_ date.
8. (Explain what happened. (Did anyone answer the door? Did it appear to you that anyone was home? Was there a car in the driveway? Could you hear a television or any other noise inside?))
9. I waited \_\_\_\_\_ (minutes/hours) before leaving.
10. Explain what you did after that. (Did you update your visitation log?)

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| Day of week | Date | Weekly/Weekend, etc. |
|-------------|------|----------------------|
|             |      |                      |

1. \_\_\_\_\_ date was a day of court ordered visitation for me.
2. I tried to pick up my child(ren) on \_\_\_\_\_ date.
3. I went to \_\_\_\_\_ (place) to pick my child(ren) up.
4. That address was/was not the other parent's current address at the time.
5. I arrived at \_\_\_\_\_ time.
6. I was ... alone? Accompanied by \_\_\_\_\_ (person)?
7. The other parent did /did not surrender the child(ren) at \_\_\_\_\_ time on \_\_\_\_\_ date.
8. (Explain what happened. (Did anyone answer the door? Did it appear to you that anyone was home? Was there a car in the driveway? Could you hear a television or any other noise inside?))
9. I waited \_\_\_\_\_ (minutes/hours) before leaving.
10. Explain what you did after that. (Did you update your visitation log?)

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| Day of week | Date | Weekly/Weekend, etc. |
|-------------|------|----------------------|
|             |      |                      |

1. \_\_\_\_\_ date was a day of court ordered visitation for me.
2. I tried to pick up my child(ren) on \_\_\_\_\_ date.
3. I went to \_\_\_\_\_ (place) to pick my child(ren) up.
4. That address was/was not the other parent's current address at the time.
5. I arrived at \_\_\_\_\_ time.
6. I was ... alone? Accompanied by \_\_\_\_\_ (person)?
7. The other parent did /did not surrender the child(ren) at \_\_\_\_\_ time on \_\_\_\_\_ date.
8. (Explain what happened. (Did anyone answer the door? Did it appear to you that anyone was home? Was there a car in the driveway? Could you hear a television or any other noise inside?))
9. I waited \_\_\_\_\_ (minutes/hours) before leaving.
10. Explain what you did after that. (Did you update your visitation log?)

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**PATTERN OF BEHAVIOR**

*(These issues may or may not apply in your case. Make only those statements that apply to your case.)*

1. Since the order was entered, granting you visitation with the child/ren, I have noticed a pattern of behavior by the other parent, with regard to your visitation.
2. *Describe the pattern:* (These denials of my court ordered visitation began on or around \_\_\_\_\_ date and continued until \_\_\_\_\_ OR ...my Christmas visitation is denied every year....) \_\_\_\_\_
3. The other parent has shown a pattern of being unreasonable with regard to my visitation:

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**STEPS YOU HAVE TAKEN TO RESOLVE DISPUTE BEFORE FILING ENFORCEMENT**

*(These issues may or may not apply in your case. Make only those statements that apply to your case.)*

1. I tried to resolve these visitation problems with the other parent before I filed this motion to enforce my visitation.
2. I tried to discuss these issues with the other parent. I sent letters to the other parent. I asked the other parent to attend mediation.
3. (Explain what happened when you tried to resolve the problems before coming to court.)
4. Have you taken any parent education classes to help you resolve these issues with the other parent?  
Do you feel like you benefitted from taking these classes?  
Do you believe the other parent would benefit from taking these classes?

**REQUEST FOR MAKE-UP PERIODS**

1. I am asking the court to order additional periods of make-up visitation to compensate me for the times when the other parent denied my child to me.
2. I am asking for \_\_\_\_\_ days of make-up visitation.
3. (Describe the make-up periods you are requesting the court to order.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. I believe these requests are fair and reasonable and in my child(ren)'s best interest.

**REMEDIES REQUESTED TODAY**

*(These issues may or may not apply in your case. Make only those statements that apply to your case.)*

1. I am asking the Court to enforce the \_\_\_\_\_ order (dated \_\_\_\_\_) so I can see my child(ren) according to my court order.
2. I am asking the Court to hold \_\_\_\_\_ (the other parent) in contempt for each denial.
3. ***I am*** asking the court to hold the other parent in contempt for each failure to notify me of her/his change in address.
4. I am asking the court to assess appropriate jail sentences for each criminal contempt violation. I ask that the jail sentences run concurrently, with a maximum sentence not to exceed 18 months in jail.

5. But I am asking the court to suspend the other parent's sentence and order the other parent to:
  - Strictly and fully comply with the visitation order
  - Surrender the child(ren) for court-ordered make-up visits
  - Post a reasonable bond
  - Attend the Cooperative Parenting Program and counseling
  - Be placed on community supervision and monitor her/his compliance with the terms of the court order

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

In the interest of *(List names of child(ren))*:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

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**Cause No:**

In the \_\_\_\_\_  District  County Court  
\_\_\_\_\_ County, Texas

**ORDER FOR CAPIAS**

On this day the Court held a hearing on Movant’s Motion for Enforcement. Movant appeared and requested that a capias be issued for arrest of Respondent for failure to appear.

The Court, after reviewing the pleadings and hearing the argument from Movant, finds that this matter was duly and properly set for hearing on \_\_\_\_\_  
[Date]

at \_\_\_\_\_ at \_\_\_\_\_  
[Time] [Location]  
and Respondent failed to appear.

The Court further finds that Respondent was personally served with timely notice to appear at the above time, place, and date.

The Court further finds that a cash bond of \$250 would be reasonable, conditioned on Respondent’s promise to appear in court for a hearing as required by the Court without further service of notice.

The Court further finds that the request for writ of *capias* should be issued for the arrest of Respondent.

IT IS ORDERED that the clerk of this Court issue a writ of *capias*, directed to the sheriff or any peace officer of any county within the state of Texas, commanding that sheriff or peace officer to take the body of \_\_\_\_\_,  
[Respondent]

Respondent, and bring him/her before this Court to answer allegations of the Motion for Enforcement of the Visitation Order previously served on Respondent.

IT IS ORDERED that the detaining authority shall notify the Court of Respondent's arrest immediately following Respondent's arrest.

IT IS ORDERED that Respondent shall be permitted to post a cash bond of Two-Hundred-Fifty Dollars (\$250.00), such sum to be deposited in the registry of this Court and subject to forfeiture in accordance with law if Respondent fails to appear for hearing on the court date following release from custody.



If Respondent attempts to post bond, IT IS ORDERED that the detaining authority contact the Court before Respondent's release to determine the date and time of the hearing and include such information in the bond conditions.

SIGNED on \_\_\_\_\_

\_\_\_\_\_  
JUDGE PRESIDING

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

In the interest of (List names of child(ren)):  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_

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**Cause No:**

In the \_\_\_\_\_  District  County Court  
\_\_\_\_\_ County, Texas

**CAPIAS**

STATE OF TEXAS

TO ANY PEACE OFFICER OF THE STATE OF TEXAS:

You are COMMANDED to arrest: \_\_\_\_\_  
[Print the Respondent's name.]

who is the Respondent in a Motion for Enforcement of Visitation Order and immediately

bring the above named person before the \_\_\_\_\_ Court of  
[Court Number]

\_\_\_\_\_ County, Texas, at the courthouse of that  
[County]

county, in \_\_\_\_\_, Texas, to answer a pending  
[City]

charge of failure to appear to answer a charge of contempt of court.

**Respondent's Identifying information:**

Driver's License: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Race: \_\_\_\_\_

Sex: \_\_\_\_\_

You shall notify the issuing court of Respondent's arrest immediately following the arrest.

Bail has been set for the release of Respondent as a cash bond only in the reasonable minimum amount of two-hundred-fifty dollars (\$250).

If the Respondent attempts to post bond, you shall contact the issuing court before his or her release to determine the date and time of the hearing and include that information in the bond conditions.

Return this writ immediately, showing how you have executed it.

ISSUED on \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the \_\_\_\_\_ Court of  
\_\_\_\_\_ County, Texas

By \_\_\_\_\_  
Deputy

**Officer's Return**

I received this writ on \_\_\_\_\_ at \_\_\_\_\_ .M.  
and executed it on \_\_\_\_\_ at \_\_\_\_\_ .M. by  
\_\_\_\_\_.

FEES:

Making arrest: \$ \_\_\_\_\_

Mileage: \$ \_\_\_\_\_

Taking bond: \$ \_\_\_\_\_

Commitment: \$ \_\_\_\_\_

Total: \$ \_\_\_\_\_

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

By \_\_\_\_\_  
Deputy

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

In the interest of *(List names of child(ren))*:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

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**Cause No:**

In the \_\_\_\_\_  District  County Court  
\_\_\_\_\_ County, Texas

**ORDER ON MOTION FOR ENFORCEMENT OF VISITATION ORDER**

**1. DATE OF HEARING**

The Court held a hearing on Movant’s Motion for Enforcement of Visitation on this date: \_\_\_\_\_.

**2. APPEARANCES**

The following people were present:

The Movant’s name is \_\_\_\_\_.  
*[Print your name.]*

The Movant was present and represented him/herself.

The Respondent’s name is \_\_\_\_\_.

The Respondent:

- was present and represented him/herself
- was present and was represented by an attorney
- was not present but appeared through his/her attorney.
- did not appear though respondent was duly and properly served, and wholly made default.

**3. RECORD**

A court reporter recorded today’s hearing.

**4. JURISDICTION**

The Court, after examining the record and evidence and finds that it has jurisdiction over this case, the children, and the parties, that all notice requirements have been satisfied, and all legal requirements have been met to hear this case.

**5. JURY**

A jury was waived, and all questions of law and fact were presented to the Court.

**6. CLARIFICATION OF PRIOR ORDER**

The Court finds that the prior order was not specific enough to be enforced by contempt. The prior order should be clarified. Respondent should be ordered to comply with the terms of this clarifying order no later than \_\_\_\_\_ (date) which this court finds is a reasonable time for compliance.

IT IS ORDERED that the prior order of the Court is clarified as follows:

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IT IS FURTHER ORDERED that all terms of the prior order that are not clarified in this order shall remain in full force and effect. IT IS FURTHER ORDERED that Respondent shall comply with the terms of the prior order that are clarified in this order no later than \_\_\_\_\_ (date), after which these clarifying orders may be enforced by contempt.

**7. FINDINGS**

After considering the record, evidence, testimony, and arguments, the Court makes the following FINDINGS:

Respondent, \_\_\_\_\_,  
*[Print respondent's name.]*

was able to comply with the \_\_\_\_\_,  
*[Print the title of the visitation order]*

dated \_\_\_\_\_,  
*[Print the date the visitation order was signed.]*

but knowingly, willfully and without justification failed and refused to obey the order by:

failing to surrender possession of the child(ren) on the following dates: *[List the dates the Respondent denied visitation.]*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AND/OR**

- failing to disclose to Movant: *[Check all that apply.]*
- Respondent's residential address
  - Respondent's home telephone number
  - Respondent's mailing address
  - the name of Respondent's employer
  - Respondent's work address
  - Respondent's work telephone
  - Respondent's driver's license number

The Court specifically finds that Respondent is in contempt for each separate violation listed above. The Court further finds that on the day of this hearing, the Respondent has the ability to comply with the prior order of the Court.

**8. RELIEF GRANTED**

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Respondent,

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*[Print Respondent's name.]*

is in contempt of court for each separate violation listed above.



(The Court will complete this section.)

Sentence:

Respondent, \_\_\_\_\_

*[Print Respondent's name.]*

shall be confined in the county jail of \_\_\_\_\_ County, Texas,  
for a period not to exceed eighteen months or until Respondent has complied with the  
following orders, whichever comes first. IT IS ORDERED that Respondent:

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IT IS FURTHER ORDERED that Respondent not be given good conduct credit for time  
spent in the county jail.

Suspended Sentence/Probation: IT IS ORDERED that this sentence shall be  
suspended and Respondent is placed on community supervision for a period of  
\_\_\_\_\_, on the following terms and conditions:

a. \_\_\_\_\_

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b. IT IS ORDERED that Respondent pay \$ \_\_\_\_\_ dollars, taxed as costs, by cash, cashier's check, or money order to \_\_\_\_\_, the District Clerk of \_\_\_\_\_ County, Texas at \_\_\_\_\_ (address) by \_\_\_\_\_ time on \_\_\_\_\_ date.

c. IT IS ORDERED that Respondent report to the community supervision officer as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. IT IS ORDERED that Respondent obtain counseling on cooperative parenting skills from \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ by \_\_\_\_\_ (date)

e. IT IS ORDERED that Respondent pay a community supervision fee of \$\_\_\_\_\_ dollars by cash, cashier's check, or money order to the Court through \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ during the period of community supervision beginning on the first day of the month following this order, and on the first day of each month thereafter, so long as community supervision is ordered.

Deferred Sentencing: The court defers sentencing of Respondent until the date of the next review hearing.

**9. ADDITIONAL PERIODS OF POSSESSION (VISITATION)**

IT IS FURTHER ORDERED that Movant shall have additional periods of possession to compensate for the periods of possession denied as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**10. REVIEW HEARING**

IT IS ORDERED Respondent shall appear on \_\_\_\_\_  
*[Print month, day and year.]*

at \_\_\_\_\_ o'clock \_\_\_\_\_ .m., in Room \_\_\_\_\_ of the \_\_\_\_\_

County Courthouse, located at \_\_\_\_\_  
*[Print street, city, state and zip code address of courthouse.]*

for further review of this order. Respondent has been given notice to appear and no further notice need issue.

**11. RELIEF NOT GRANTED**

All relief requested and not expressly granted is denied.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DISTRICT JUDGE PRESIDING

APPROVED AS TO FORM AND SUBSTANCE:

\_\_\_\_\_  
Movant

\_\_\_\_\_  
Respondent

**BECOMING A PARENT** Parents usually have some very specific legal rights and legal duties. These are automatic when a child is born to two parents who are married to each other. But if a child's parents are not married when the child is born, the child's father needs to sign an Acknowledgement of Paternity(AOP) or get a court order to declare that he is the child's legal father. Signing the Acknowledgement of Paternity or getting the court order makes a man the child's legal father when he is not married to the child's mother.

**SIGNING AN ACKNOWLEDGEMENT OF PATERNITY** If unmarried parents want the biological father to have the rights and duties of a legal father, they will both need to sign the Acknowledgement of Paternity. It can be signed before the baby is born, when the baby is born, or any time after the baby is born.

When this has been signed, the biological father's name can be put on the child's birth certificate. An Acknowledgement of Paternity can only be obtained from a child support office, public and private birthing hospitals and birthing centers, and all local Vital Statistics Offices (county clerk, city secretary, or local health district). To find the closest Child Support office or Vital Statistics Office that can help you with an Acknowledgment of Paternity, call 1-866-255-2006.

**GETTING VISITATION** If you are a child's legal parent because:

- you are the child's mother,
- you were legally married to the child's mother when the child was born,
- you signed an Acknowledgement of Paternity, or
- you were declared the child's parent in a court order,

you don't have any greater rights to custody or visitation than the child's other parent, until a court makes specific orders about custody and visitation.

In Texas, the legal term for custody is **conservatorship**. The legal term for visitation is **possession and access**. To get legal custody and visitation, parents have to get court orders that name a parent who has the right to custody and a parent who has the right to have possession and access (visitation). This can be done in a court's order granting a divorce, if the parents are married to each other. It can also be done in a court's order that establishes paternity, called a Paternity Decree. And it can be done in a Suit Affecting the Parent-Child Relationship (SAPCR). In Texas, custody and visitation are almost always included when the court makes a child support order.

**OBTAINING A COURT ORDER** If you don't have an order that establishes custody, child support and visitation, and you are separated or not living with the child's other parent, you can seek a child support order by contacting the Attorney General's Office to get help creating that order.

If you are married to the child's other parent, but you or the other parent have filed for divorce, your final divorce orders should include provisions for your child's custody, support and visitation.

**VISITATION JOURNAL** If you have a court order that gives you the right to see your children, but the other parent makes that difficult, try keeping a Visitation Journal. Good records may help when you try to talk to the other parent about the visitation problems. The records can be invaluable if you try to settle the issues in mediation or at court.

The Visitation Journal should include:

- **WHO** was there when you tried to see your children (witnesses)
- **WHAT** happened (no one was home, cars in driveway, music playing inside...)
- **WHERE** -- the location where you tried to pick up your children
- **WHEN** -- the dates and times you tried to see your children
- **WHY** --the reason the other parent gave for not letting you see the children

You should update the journal each time you try to see your children (**during your court ordered times**) and aren't allowed to see them. Write your journal entry as soon as possible, so the event is recorded while it's still fresh. For your visitation attempts to count in an enforcement case, **you must physically go** to the place where you are supposed to meet or pick up your children **at the exact time** ordered by the court, and the other parent won't let

you see your children, or the children aren't there.

It doesn't count if the other parent tells you over the telephone that you can't have the children before the scheduled date and time, and you don't try to pick up the children on your scheduled date and time.

You must **go to the place** where you are supposed to meet and pick up your children **at the exact time stated in the court order** and record that event in your Visitation Journal, if you want to seek legal enforcement of your visitation rights.

Witnesses can be helpful, if you're forced to take your case to court. Bring someone with you who will be available to testify in court if necessary. Keep that person's name, address, and phone number. ***The witness may have more credibility, and you may have less conflict at your attempt, if it is not your boyfriend or girlfriend.***

If your order says to pick up your children at a commercial business, like a fast food restaurant, you might buy something and keep the receipt to show the time and date you were present. Keep this receipt and attach it to your Visitation Journal.

A record of at least three denials within a brief time span is helpful if you try to enforce your rights in court.



**VISITATION EXCHANGES** Living in two homes can be very difficult for children, even under the very best of circumstances. It's even more complicated when parents aren't getting along. Visitation exchanges between the two homes are especially hard for kids. It's really important to children that their parents take steps to reduce conflict when they exchange the children.

Keep these rules in mind when exchanging your kids:

**Don't**

- discuss conflict
- send someone else to pick up the children if you haven't told the other parent ahead of time
- bring your girlfriend or boyfriend (this will likely upset the other parent)
- use the kids as messengers to pass information to the other parent
- yell, scream, or get angry
- pump the kids for information about what happened when they were with the other parent

**Mediation** If things start to get difficult, and the other parent isn't going to let you see the kids, leave. Then, record the denial in your Visitation Journal. Don't show your anger or frustration. Remain calm. If your kids are present, tell them that they haven't done anything wrong. Let them know you and the other parent have some grown up things to work out, and you'll get to see them later. Ask if you can pick up the children at a convenient place that is away from the other parent's home.

If you and the other parent aren't able to resolve the conflict yourselves, you might try to get the other parent to attend mediation with you. In mediation, a neutral person helps you and the other parent discuss the conflict calmly and rationally and helps you brainstorm possible solutions to resolve the conflict.

**Enforcement** If you try mediation, and still aren't able to work through the issues and get your court-ordered time with your children, you may have to go to court to ask the court to enforce its order. In this case, one usually files a Motion to Enforce a Prior Possession and Access (Visitation) Order with the clerk in the county where the court issued your order. You will need to serve this motion on the other parent and any other parties in your case. You'll have to set your case for a hearing; give Notice of the Hearing to the other parent and all of the other parties; and attend the hearing. At the hearing, you would present evidence that the other parent has violated the court order. The evidence would include things like your Visitation Journal and witnesses who were present when you tried to see your kids.

**Neutral Exchanges** If the court finds that you and the other parent have been verbally or physically abusive to each other when you exchange your children, it may order you to exchange the children at a neutral exchange site. A neutral exchange site is a place where children are supervised for a few minutes after one parent drops them off before the other parent picks them up for a court-ordered visit.

Unfortunately, these services can be expensive. The court usually orders one or both parties to pay for them.

**FIND YOUR COURT ORDER** The Court can only enforce visitation (possession and access) times that were given to you in a court order. If you need a copy of your court order, contact the clerk of the District Court that heard your case. *(Phone numbers for the district court can usually be found in the directory of the county where the judge made your order. You can find this information on the internet, in the phonebook, or at the courthouse where the judge signed your order.)*

If you need help understanding your court order, an attorney can explain it to you. Some attorneys may charge a minimal fee for this service. If there is a Domestic Relations Office in your community, contact it for assistance in interpreting the order (if it was issued in that county) and possibly with enforcing visitation. Check your local listings for contact information. The Domestic Relations Office will not have a copy of your court order. The Texas Access and Visitation Hotline might also be able to help you understand your court order. Its services are anonymous and free.

