

# **TexasLawHelp Divorce Forms Set B (children together)**

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Use these Texas divorce forms if:

- you and your spouse have children who are under 18 or still in high school **and**
- there are **no** court orders about the children.

**Note:** *If you have a family violence protective order that includes orders about the children, you should still use Form Set B. Attach a copy of the protective order to your Original Petition for Divorce.*

Be sure to read **How to File an Uncontested Divorce** first! You may not need all of the forms listed **or** you may need additional forms.\*

- 1. How to File an Uncontested Divorce** *Read this first!*
- 2. Unsworn Declaration of Indigency (Request for Fee Waiver)**
- 3. Original Petition for Divorce**
- 4. Waiver of Service Only (Specific Waiver)**
- 5. Respondent's Original Answer**
- 6. Final Decree of Divorce**
- 7. Notice of Current Address**
- 8. Out-of-State Party Declaration**
- 9. Income Withholding Order for Support**
- 10. Sample Testimony – Divorce With Children**

\* Additional forms are available at: <http://texaslawhelp.org/resource/divorce-with-children-in-texas-1>.

# How to File an Uncontested Divorce

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These instructions explain the steps in a simple, uncontested Texas divorce. Use them with the **FREE** do-it-yourself divorce forms at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

These instructions are written for people who are “pro se.” Pro se means you don’t have a lawyer.

These instructions are not a substitute for the advice and help of a lawyer. It’s a good idea to talk to a lawyer about your particular situation *before* filing or responding to a divorce.

## Is Your Divorce Uncontested?

Your divorce is **uncontested** when it is:

- ✓ **agreed** – you and your spouse agree about all the issues in your case **OR**
- ✓ **default** – your spouse is given legal notice of your divorce by Official Service of Process, Publication or Posting and does not file an *Answer* or *Waiver of Service* with the Court or otherwise appear in the case.

If your divorce is **contested**, it is best to talk to a lawyer before filing any forms with the Court.

## Steps for an Uncontested Texas Divorce

A full description of each step follows. Carefully read all the steps before you begin.

- Step 1: **Get help** if there has been family violence or you feel unsafe.
- Step 2: **Talk** to a lawyer about your particular situation.
- Step 3: **Determine** where to file.
- Step 4: **Choose** a divorce form set at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).
- Step 5: **Fill out** the *Original Petition for Divorce*.
- Step 6: **File** (turn in) your *Original Petition for Divorce*.
- Step 7: **Give** “legal notice” to your spouse
- Step 8: **Fill out** the *Final Decree of Divorce*.
- Step 9: **Wait** the required waiting periods.
- Step 10: **Confirm** that your case is uncontested and get ready for court.
- Step 11: **Go** to court to finish your divorce.

## Step 1: Get help if there has been violence or you feel unsafe.

- It's not a good idea to do your own divorce, without a lawyer, when there has been family violence. Family violence includes physical violence and sexual assault. It can also include threats of violence. You do not need to have called the police or sought medical care to be the victim of family violence.
- If you or your children have been the victim of family violence or if at any time you feel unsafe, get help by calling the:
  - **National Domestic Violence Hotline** at 1-800-799-SAFE (7233) *or*
  - **Texas Family Violence Legal Line** at 1-800-374-HOPE (4673)

## Step 2: Talk to a lawyer about your particular situation.

- Divorce cases can be complicated and your property, your money and your rights as a parent may be at risk. Even if you decide to represent yourself, you should see a lawyer for legal advice about your particular situation *before* filing anything,
- It's really important to talk to a lawyer if:
  - you're afraid for your or your children's safety, *or*
  - your case is contested, *or*
  - your spouse has a lawyer, *or*
  - you or your spouse has a house, retirement, business, other valuable property or a lot of debt.Talking to a lawyer now, can save you time and money in the long run.
- **Need help finding a lawyer?** For referral to a lawyer, call your local lawyer referral service or the State Bar Lawyer Referral Information Service at 1-800-252-9690.
- **Can't afford a lawyer?** For information about free and low-cost legal help in your county go to [www.texasbar.com/ReferralDirectory](http://www.texasbar.com/ReferralDirectory) or call the Legal Aid organization serving your area:
  - **Legal Aid of Northwest Texas** 1-888-529-5277 (*Dallas / Ft. Worth area & Northwest Texas*)
  - **Lone Star Legal Aid** 1-800-733-8394 (*Houston area & East Texas*)
  - **Texas Rio Grande Legal Aid** 1-888-988-9996 (*Austin / San Antonio area, El Paso & South Texas*)
- **Just want advice?** You can hire a lawyer *just* to give you advice, review your forms, draft a document or help you prepare for a hearing. This is called **limited scope representation**. You may then be able to handle the other parts of your divorce yourself.

Go to <http://texaslawhelp.org/resource/limited-scope-representation?ref=U6Rdg> for more information about limited scope representation.



### **Do Not Use the TexasLawHelp Divorce Forms if:**

- You or your spouse have an ongoing bankruptcy case.
- You want to file specific grounds for divorce, such as cruelty or adultery.
- You want spousal maintenance, referred to as "alimony" in some states.
- You and your spouse have a disabled child.

## Step 3: Determine where to file.



### Residency Requirements for Divorce

You can file for divorce in Texas as long as you or your spouse has lived:

- in Texas for *at least* the last **6 months**, **and**
- in the county where you want to file for divorce for *at least* the last **90 days**. See *Texas Family Code Section 6.301*.



- **Information for Military Families:** If you are serving in the armed forces outside of Texas or other government service outside of Texas or you have accompanied your spouse who is serving in the armed forces or other government service outside of Texas, you may still file for divorce in Texas if Texas has been the home state of either you or spouse for at least 6 months and the county where you plan to file the divorce has been the home county of either spouse for at least 90 days. Time spent away while serving in the armed forces or other government service counts as time spent in Texas and your home county. See *Texas Family Code Section 6.303*.
- **Information for Immigrants:** You may file for divorce in Texas even if you do not have legal status in the United States, as long as you or your spouse has lived in Texas for at least the last 6 months and in the county where you want to file for divorce for at least the last 90 days.

### Things to consider...

- **if your children don't live in Texas or haven't lived in Texas very long.**

A Texas Court cannot make initial custody and visitation orders about a child unless:

- 1) the child has lived in Texas for at least the last 6 months (or since birth), **or**
- 2) Texas was the child's home state and the child has been gone for fewer than 6 months.

See *Texas Family Code Section 152.201*.

There are a few exceptions to this rule. Talk with a lawyer if this is an issue.

- **if your spouse lives outside of Texas.**

As long as you meet the residency requirements for divorce, you can get divorced in Texas even if your spouse lives in another state. However, the Court must have **personal jurisdiction** over your out-of-state spouse to include orders in your divorce that impose a personal obligation on your spouse — such as ordering your spouse to pay a debt or pay child support.

See *Texas Family Code Sections 6.305, 6.308, 102.011 and 102.012*.

The *Original Petition for Divorce* form includes a list of situations that give the Court personal jurisdiction over an out-of-state spouse. Check any that apply to your case. Talk to a lawyer if none apply or you have questions about personal jurisdiction.

## Step 4: Choose a divorce form set.

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- Choose one of the following divorce form sets at [www.TexasLawHelp.org](http://www.TexasLawHelp.org). Each set includes multiple forms that you or your spouse will need to fill out and file with (*turn in to*) the Court. The forms are described on the following page.

- **Texas Supreme Court Divorce Form SET 1** (*no children, no real property*)

Use these forms if there are:

- no minor children *and*
- no real property (house or land).

These forms are approved for use throughout Texas by the Texas Supreme Court.

**These forms come with different instructions.**

- **TexasLawHelp Divorce Form SET A** (*no children together*)

Use these forms if:

- you and your spouse do not have children who are under 18 or still in high school.

- **TexasLawHelp Divorce Form SET B** (*children together*)

Use these forms if:

- you and your spouse have children who are under 18 or still in high school *and*
- there are no court orders regarding the children.

*Note: If you have a family violence protective order that includes orders regarding the children, you should still use SET B.*

- **TexasLawHelp Divorce Form SET C** (*children together with final court order*)

Use these forms if:

- you and your spouse have children together who are under 18 or still in high school *and*
- there is a final court order for custody and support of your children in place and you do not want to change that order.

*Note: Do not use the TexasLawHelp divorce forms if you have a court order but: 1) it does not include all the children you and your spouse have together, 2) the order is a temporary order, or 3) you are asking the court to make changes to the order. If one of these situations applies, ask a lawyer to draft the appropriate forms for your case.*

### Things to consider...

- **if you and your spouse don't agree on child support.**

If you and your spouse don't agree on child support, the **Office of the Attorney General (OAG)** may be able to help. Although the OAG cannot represent either parent, they can ask the court to make an order for child support, medical support, custody and visitation.

Once there is a final court order for custody and support of your children, you may use the **TexasLawHelp Divorce SET C** for your divorce.

For information about opening a case with the OAG call 1-800-255-8014 or go to their website at [www.oag.state.tx.us/cs](http://www.oag.state.tx.us/cs).

- Each divorce form set includes a version of the following forms. Additional forms are available at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

Name of Form	What It Is and How to Use It
<b>Unsworn Declaration of Indigency</b>	If you cannot afford to pay the fee to file your case and other court fees, you may fill out this form to ask the Court to waive those fees. You must give complete information about your income and expenses on the form. You must also sign the form under penalty of perjury. The Court may ask you to present evidence of your income and expenses at a hearing. The Court may or may not decide to let you file without paying.
<b>Original Petition for Divorce</b>	One spouse (the Petitioner) fills out and files (turns in) this form at the courthouse to start the divorce. It tells the Court and your spouse that you want a divorce and states what you want the Court to order in the Final Decree of Divorce. <b>Note:</b> This form must be turned in first, <u>before</u> the other spouse signs anything.
<b>Waiver of Service Only (Specific Waiver)</b>	The other spouse (the Respondent) may fill out this form if she or he does not want to be served by a constable, sheriff, or private process server with a copy of the <i>Original Petition for Divorce</i> . The <i>Waiver</i> must be signed <u>in front of a notary</u> at least one day <u>after</u> the <i>Original Petition for Divorce</i> is filed at the courthouse. This form allows the judge to finish the divorce as long as both spouses have signed the <i>Final Decree of Divorce</i> . <b>Note:</b> The TexasLawHelp <i>Waiver of Service Only (Specific Waiver)</i> form only waives the right to be formally served with a copy of the <i>Petition</i> . Other <i>Waiver</i> forms may also waive the right to know anything else about the case. If someone asks you to sign a <i>Waiver</i> , read it carefully. You may want to sign an <i>Answer</i> instead.
<b>Respondent's Original Answer</b>	This form may be used <u>two</u> ways: (1) <u>If the divorce is agreed</u> , the other spouse (the Respondent) may fill out and sign this form instead of the <i>Waiver of Service Only</i> form. The <i>Respondent's Original Answer</i> form also allows the judge to finish the divorce as long as both spouses have signed the <i>Final Decree of Divorce</i> . The <i>Respondent's Original Answer</i> form does <u>not</u> need to be signed in front of a notary. (2) <u>If the divorce is not agreed</u> , the other spouse (the Respondent) may fill out and file the <i>Respondent's Original Answer</i> form to contest the divorce.
<b>Final Decree of Divorce</b>	The Judge signs this form to grant your divorce and make orders regarding your property, debts and children (if applicable). Fill it out ahead of time and bring it with you to the final divorce hearing.
<b>Notice of Current of Address</b>	This form <u>must</u> be filed if you or your spouse moves. It tells the Court your new address so that the Court can contact you about hearings, etc.

- Divorce form **Set B** (*with children together*) also includes the following forms.

<b>Out-of-State Party Affidavit</b>	Fill out and file this form if either spouse lives outside of Texas.
<b>Income Withholding for Support Order</b>	The Court signs this form to order an employer to withhold child support from an employee's paycheck. Fill it out and bring it with you to the final divorce hearing if child support will be ordered.

## Step 5: Fill out the Original Petition for Divorce.



- After you choose a divorce form set, fill out the **Original Petition for Divorce** form.
  - You are the “Petitioner.” Your spouse is the “Respondent.”
  - Fill out all the spaces unless instructed otherwise. Print clearly in blue or black ink.

**Note:** The *Petition* asks for your address. Your spouse will get a copy of this form. If you are concerned about your spouse knowing your address, call the Family Violence Legal Line at 1-800-374-4673 for free advice.
- Fill out the **Information on Suit Affecting the Family Relationship** form.
- Fill out these additional beginning forms only if they apply to your case:
  - **Unsworn Declaration of Indigency** – only if you can’t pay the filing fee for your divorce. Call the clerk’s office to learn the fee for your case.

**Note:** Do not sign this form until you are in front of a notary. Or, if you don’t have the necessary picture identification to get this form notarized attach a completed **Unsworn Declaration** form. If you receive public benefits (such as foodstamps) attach proof.
  - **Exhibit: Out-of-State Party Affidavit** – only if 1) you are filing a Divorce SET B and 2) you or your spouse live outside of Texas.
  - **Affidavit for Service by Posting or Publication** – only if you can’t find your spouse after looking really hard. Read Step 7C for more information.
- **Make 2 copies of each form you filled out.**

### Things to consider...

- **if the wife is pregnant.**

If the wife is pregnant, you will not be able to finish your divorce until after the child is born.

If the husband **is not** the biological father, paternity of the child must be established before you can finish your divorce. Get information about establishing paternity at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

If the husband **is** the biological father, orders for custody and support of the child must be included in the *Final Decree of Divorce*.

- **if the wife had a child with another man while married to the husband.**

If the wife had a child with another man while married to the husband, paternity of the child must be established before you can finish your divorce. This is true even if you have been separated for a long time. Get information about establishing paternity at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

- **if you need orders right away.**

If you need orders right away, you may ask the Court to make *temporary orders* after notice to your spouse and a hearing. Temporary orders typically last until the divorce is finished. Talk to a lawyer if you need temporary orders. Your county law library may also have information about temporary orders.

If you need a *protective order* because of family violence call the Texas Family Violence Legal Line at 1-800-374-HOPE or the National Domestic Violence Hotline at 1-800-799-SAFE.

## Step 6: File (turn in) your Original Petition for Divorce.

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- File (turn in) your completed *Original Petition for Divorce* and additional beginning forms to the Court either in person or electronically.
  - To file your forms in person, take the original and 2 copies of your forms to the courthouse and turn them in at the clerk's office. You may use the Texas Civil Courts Guide at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) to find the address and phone number for the clerk's office in the county where you plan to file your divorce.
  - To file your forms electronically go to <http://www.efiletexas.gov>.
- Pay the filing fee (or file your Unsworn Declaration of Indigency form if you cannot afford the fee).
- Ask the clerk if there are local rules or procedures you need to know about for your divorce.
- The clerk will:
  - write your "Cause Number" and "Court Number" at the top of the first page of your *Petition*. (*You should write these numbers at the top of any document you file in your divorce.*)
  - "file-stamp" your papers with the date and time.
  - ask if you want to have your spouse "served." Served is when your spouse is given legal notice of your divorce by **Official Service of Process** or by **Posting** or **Publication**.
    - If your spouse **will agree** to sign a *Waiver of Service* or *Answer*, you do not need to have your spouse served. Follow the instructions set out in Step **7A**.
    - If your spouse **will not agree** to sign a *Waiver of Service* or *Answer*, you must have your spouse served by Official Service of Process. Follow the instructions set out in Step **7B**.
    - If you can't find your spouse, you must have your spouse served by *Posting* or *Publication*. Follow the instructions set out in Step **7C**.

### Things to consider...

- **if your children get Medicaid or TANF or got it in the past.**

You **MUST** send a file-stamped copy of your *Original Petition for Divorce* to the Office of the Attorney General Child Support Division by commercial delivery, fax, email, personal delivery or through the electronic filing manager **if**:

- 1) you and your spouse have children together **and**
- 2) the children get Medicaid or TANF or got it in the past. *See Texas Family Code Section 6.301.*

Get contact information for the Attorney General child support office in your area at [www.oag.state.tx.us/cs/fieldoffices.php](http://www.oag.state.tx.us/cs/fieldoffices.php). Bring proof of delivery when you go to court.

- **if you and your spouse don't agree.**

If you and your spouse don't agree on the terms of your divorce, you may want to consider mediation. In mediation, an independent person (the mediator) will try to help you reach an agreement. The divorce process is usually easier when you have an agreement. Be sure to talk to a lawyer first. A lawyer can help you understand your options and negotiate a fair agreement.



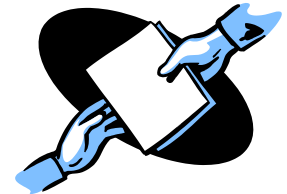
## Step 7: Give “legal notice” to your spouse.

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- Your spouse has the right to know that you have filed for divorce. You cannot simply tell your spouse or send your spouse a letter. You must use a legally acceptable way to give your spouse notice and prove to the Court that you did so.
- Here are 3 ways to give “legal notice” to your spouse:
  - 7A - Waiver of Service or Answer (Use this way if your divorce is **AGREED**.)
  - 7B - Official Service of Process (Use this way if your divorce is **NOT AGREED**.)
  - 7C - Posting or Publication (Use this way if you can't find your spouse.)
- Each way to give legal notice is described below. Choose the way that best fits your situation.

### 7A. Waiver of Service or Answer (Use this way if your divorce is **AGREED**.)

- You may give your spouse legal notice by *Waiver of Service* or *Answer* if your spouse agrees to sign the *Waiver of Service Only (Specific Waiver)* form or the *Respondent's Original Answer* form.
- Follow these steps:
  1. Mail or hand-deliver to your spouse:
    - a) a file-stamped copy of your *Original Petition for Divorce*, and
    - b) a blank *Waiver of Service Only (Specific Waiver)* or *Respondent's Original Answer* form.
  2. If your spouse plans to sign the *Waiver of Service Only (Specific Waiver)* form, tell him or her to sign it in front of a notary at least one day after you filed the *Petition*. Otherwise your spouse will have to redo it.
  3. File the completed *Waiver of Service* form or *Answer* form at the courthouse.



**TIP:** If your divorce is agreed, your spouse must also sign a completed *Final Decree of Divorce (Decree)* form. It may save you time to fill out the *Decree* now and send it to your spouse with the *Waiver of Service Only (Specific Waiver)* or *Respondent's Original Answer* form. You may also wait until later in the process to fill-out the *Decree*.

**Warning:** Do not hand-deliver any papers to your spouse if there has been violence during your relationship, especially if a judge has signed a Protective Order ordering you or your spouse to stay away from the other. Mail or give legal notice by Official Service of Process instead.

## 7B. Official Service of Process *(Use this way if your divorce is NOT AGREED.)*

- Official Service of Process is when your spouse is formally given legal notice of your divorce by a constable, sheriff, private process server or the clerk.
- Give legal notice by Official Service of Process if your spouse will not sign the *Waiver of Service* or *Answer* form or you do not want to have personal contact with your spouse.
- Follow these steps to give legal notice by Official Service of Process:
  1. Tell the clerk where you filed your *Petition* that you want to have your spouse “served.” The clerk will print a form called the “Citation” that tells your spouse you have filed for divorce. The clerk will attach a copy of your *Petition* to the Citation.
  2. Tell the clerk whether you want your spouse served by:
    - a. personal service *(this is the better way)*, or
    - b. certified mail return receipt requested.
  3. If you choose personal service, send the Citation (with a copy of your *Petition* attached) to a constable, sheriff or private process server in the county where your spouse will be served.
  4. The constable, sheriff, private process server or clerk will fill out a *Return of Service* form. Make sure the *Return of Service* form is filed at the courthouse.

Each way is described below.

### What is personal service?

Personal service is when a constable, sheriff or private process server gives your spouse the divorce paperwork in person. The constable, sheriff or private process server then completes a *Return of Service* form stating when your spouse was served. The *Return of Service* form is proof to the Court that you gave your spouse legal notice. Your spouse does not have to sign anything.

*Note:* The *Return of Service* form must be filed at the courthouse at least **12 days** before your final hearing.

### What if my spouse is in jail or prison?

Use personal service if your spouse is in jail or prison. **DO NOT** use service by certified mail because your spouse will not be able to sign for the letter.

### What is service by certified mail?

Service by certified mail is when the clerk (or constable) sends your spouse the divorce paperwork by certified mail return receipt requested. The return receipt (or “green card”) must be signed by your spouse. Only use this way if you know that your spouse is the only person who will sign for the letter when the post office delivers it. If someone else signs or your spouse does not sign his or her name exactly as it is written on your *Petition*, you will have to pay another fee and have your spouse served a different way.

The clerk (or constable) will complete a *Return of Service* form stating when your spouse was served. The *Return of Service* form must be filed at the courthouse at least **12 days** before your final hearing.

## 7C - Posting or Publication *(Use this way if you can't find your spouse.)*

- If you can't find your spouse, you must give your spouse legal notice by posting or publication depending on your case. Find forms and instructions for service by posting and publication at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

## Step 8: Fill out the Final Decree of Divorce.

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- Fill out the **Final Decree of Divorce** form. Get information about property division, conservatorship (*custody*), possession (*visitation*), child support and medical support at:
  - ✓ [www.TexasLawHelp.org](http://www.TexasLawHelp.org),
  - ✓ the *Family Law Handbook* at [www.hba.org](http://www.hba.org), and
  - ✓ the *Pro Se Divorce Handbook* at [www.tyla.org](http://www.tyla.org).
- Fill out the **Income Withholding for Support Order** form if child support will be ordered.
- If possible, have a lawyer review your completed forms. This is really important if you and your spouse have children together, own valuable property, have retirement accounts, a house or land, a business or a lot of debt. Remember, you can hire a lawyer just to review your forms.

### Things to consider...

- **if you and your spouse have debts together.** A creditor's right to collect a debt is not affected by a divorce decree. So, if the Court orders your spouse to pay a debt that is in both your names (such as a car loan) but your spouse doesn't pay it, the creditor can still seek payment from you. Ask a lawyer how to protect yourself in this situation.
- **if you and your spouse own (or are purchasing) a house or land.** Not talking to a lawyer when you and your spouse have a house or land can be *VERY* costly. For example:
  - **You could lose ownership of the property and still be responsible for the mortgage.** A mortgage company's right to payment is not affected by a divorce decree. So, if you and your spouse are on the mortgage and the divorce decree gives the house or land to your spouse and your spouse does not pay the mortgage, the mortgage company can still seek payment from you. This is true even if the Court ordered your spouse to pay the mortgage. A lawyer can help you figure out how to protect yourself in this situation.
  - **You could be unable to enforce an agreement or order that your spouse pay you part of the value of your house or land.** An order for one spouse to pay the other spouse part of the value (equity) in a house or land should usually be secured by a lien on the property. If it's not, you may not be able to get the money awarded to you. A lawyer can help you with this.
  - **You could be unable to sell the property later.** If you are keeping the property, a *Special Warranty Deed* should usually be signed by your spouse and filed with the property records office. If that doesn't happen, you could have trouble selling the property later.
- **if you or your spouse have a retirement account, such as a 401k account, pension plan, deferred compensation account or IRA account.** Retirement earned by either spouse during the marriage is usually considered to be community property that can be divided by the court. This is true even if you or your spouse has not yet retired. If you want the Court to divide retirement benefits (other than an IRA) as part of your divorce, you must ask the Court to sign an additional form, usually called a *Qualified Domestic Relations Order* or QDRO. You should have the QDRO prepared before you go to court, so the judge can sign it when you finish your divorce.

A QDRO form is not included with the TexasLawHelp divorce sets. You may contact the employer or retirement plan administrator to see if they have a sample QDRO form. If not, you should hire a lawyer to draft the QDRO form. If you use the employer or plan administrator's form, you should still have a lawyer review it to make sure you are not giving up important benefits.

## Step 9: Wait the required waiting periods.



- Wait the waiting periods that apply to your case.

**61 day waiting period** In most cases, you must wait at least 61 days from the day you filed your *Original Petition for Divorce* before you can finish your divorce. You can always wait longer than 61 days, but your divorce cannot be finished in fewer than 61 days. When counting the 61 days, find the day you filed your *Original Petition for Divorce* on a calendar, and then count out 61 more days (including weekends). **Note:** Victims of family violence may be able to finish their divorce earlier. Call 1-800-374-4673 to get free advice from a lawyer.

**20 + day answer period** (*default cases only*) If you gave your spouse legal notice by Official Service of Process or Publication, your spouse must have at least 20 days plus the next Monday at 10 a.m. to file an *Answer*. Find the day your spouse was served on a calendar, count out 20 more days, then go to the next Monday. This is the last day of your spouse's answer period. However, if your spouse files an *Answer* any time before you finish your divorce it will still count. The answer period may or may not fall within the 61 day waiting period. **Note:** If your spouse was served by Posting, he or she must have at least 27 days plus the next Monday at 10 a.m. to file an *Answer*.

**10 + day waiting period** (*default cases only*) If you gave your spouse legal notice by Official Service of Process, Posting or Publication, the constable, sheriff, private process server or clerk will complete a *Return of Service* form stating when your spouse was served. The *Return of Service* form on file with the court for at least 10 days before you can finish your case. **Important:** When counting the 10 day waiting period, do not count the day the *Return of Service* is filed with the court and do not count the day you go to court to finish your case.

## Step 10: Confirm your case is uncontested & get ready for court.

- Your divorce is **UNCONTESTED** when it is:
  - ✓ **AGREED** – you and your spouse agree about all the issues in your case or
  - ✓ **DEFAULT** – you gave your spouse legal notice of the divorce by Official Service of Process, Posting or Publication and your spouse did not file an *Answer* or *Waiver of Service* (or any other written response) with the Court or appear at a hearing.
- **If your divorce is AGREED:**
  - Ask your spouse to review and sign the completed *Final Decree of Divorce*.
  - Make sure the *Decree* is completely filled out *before* your spouse signs it.
  - If your spouse will not sign the *Final Decree of Divorce* your divorce is CONTESTED.
- **If your divorce is a DEFAULT:**
  - Your spouse does not need to sign the *Final Decree of Divorce*.
  - Fill out these additional final forms. Get them at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).
    - *Certificate of Last Known Address*
    - *Military Status Declaration*
    - *Statement of Evidence* (only if your spouse was served by Posting or Publication.)
- Your divorce is **CONTESTED** if your spouse filed a *Waiver of Service* or *Answer* and will not sign the *Final Decree of Divorce*. To finish your divorce, you must set your case for a contested final hearing and give your spouse at least 45 days notice of the final hearing. **Remember:** It's always best to have a lawyer if your case is contested.

## Step 11: Go to court to finish your divorce.



- If your case is **uncontested** (agreed or default) and the waiting periods have passed, call the clerk to find out when and where the court hears uncontested divorce cases.
- You will need to give testimony to the judge when you go to court. Find sample scripts – called “prove up” testimony – at [www.TexasLawHelp.org](http://www.TexasLawHelp.org). Read the script ahead of time. Make sure everything in the script is true for you. If not, don't read it in court. Remember, everything you say in court must be true and correct. You can be prosecuted for lying in court.

- Bring the following with you to the courthouse on the day you plan to finish your divorce:

### **If your divorce is *AGREED*:**

- ✓ file-stamped copy of your *Original Petition for Divorce*
- ✓ *Waiver of Service (or Answer)* signed by your spouse
- ✓ completed *Final Decree of Divorce* signed by both you & your spouse
- ✓ completed *Income Withholding Order for Support* if child support will be ordered
- ✓ sample prove-up testimony
- ✓ any additional documents needed for your specific case, such as a *QDRO* if you are dividing a retirement account

### **If your divorce is a *DEFAULT* bring:**

- ✓ file-stamped copy of your *Original Petition for Divorce*
- ✓ file-stamped copy of the *Return of Service*
- ✓ completed *Final Decree of Divorce* signed by you
- ✓ completed *Income Withholding Order for Support* if child support will be ordered
- ✓ completed *Certificate of Last Known Address*
- ✓ completed *Declaration of Military Status*
- ✓ sample prove-up testimony
- ✓ any additional documents needed for your specific case, such as a *QDRO* if you are dividing a retirement account

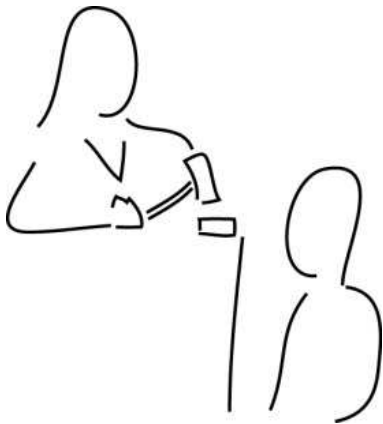
- Go to the clerk's office.
  - Ask if you need the court file or docket sheet (list of what has been filed).
  - If your case is a default, file the *Certificate of Last Known Address* and the *Declaration of Military Status* in the clerk's office before you go to court. Bring a file-stamped copy of each form with you to court.
- Go to the courtroom.
  - Tell the clerk you are present and give your paperwork to him or her.
  - Read “Tips for the Courtroom” on the next page for more information.
- **After the judge signs your *Final Decree of Divorce*, turn it in to the clerk's office.** Your divorce is NOT final until you do so. Get a certified copy of your *Final Decree of Divorce* from the clerk while you are there. The clerk may charge a fee for the certified copy. If child support was ordered, ask the clerk what you need to do to set up a child support account.
- **NOTES:**
  - You cannot get married to someone else for 30 days after your *Final Decree of Divorce* is signed by the judge.
  - After your divorce is final, remember to sign documents to change car titles, revise your will and life insurance policies, file deeds at the property records office in the county where the property is located, and send a certified copy of any *QDROs* signed by the court to the retirement plan administrator.

# Tips for the Courtroom

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## Be prepared:

- Get to the courthouse at least 30 minutes early to find parking and your courtroom.
- Bring change for the parking meter.
- Dress neatly. Do not wear shorts, tank tops or hats.
- Do not bring children. Most courtrooms do not allow children.



## When you are in court:

- When the courtroom opens, go in and tell the clerk or officer you are present. The clerk usually sits next to the judge's bench.
- Be calm and polite to everyone.
- Turn off your cell phone.
- Do not chew gum or bring food or drinks into the courtroom.
- Stand up when the judge enters or exits the courtroom. Stand up when you talk to the judge, unless you're in the witness stand.
- The judge may not call your case right away. Wait patiently. If you have to leave the courtroom, tell the clerk where you are going.
- If friends or relatives come to court with you, ask them to follow these rules, too.

## When the judge calls your case:

- The judge will have you raise your right hand and swear to tell the truth.
- You will need to give testimony to finish your divorce. Some judges will ask you questions. Other judges will want you to read a "script" of testimony. You can find sample scripts – called "prove up testimony" – at [www.TexasLawHelp.org](http://www.TexasLawHelp.org). Read the script ahead of time. Make sure everything in the script is true for you.
- When talking to a judge, call the judge "Your Honor."
- If the judge asks you questions, wait until she or he finishes speaking before you speak.
- Tell the truth and don't exaggerate. Give complete answers.
- Say "yes" or "no" out loud. It's not enough to nod or shake your head.
- If you do not understand a question, say, "I don't understand." If you do not know an answer, say, "I don't know."
- The judge will listen to what you say and review your papers. If everything is in order the judge will sign your *Final Decree of Divorce*.

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

Petitioner/  
 Plaintiff \_\_\_\_\_

In the:

\_\_\_\_\_  
 Court Number

- District Court  
 County Court at Law  
 Justice of the Peace

Respondent/  
 Defendant \_\_\_\_\_

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

## Unsworn Declaration of Indigency

- I am filing this Unsworn Declaration of Indigency in place of an Affidavit of Indigency as allowed by Section 132.001 of the Texas Civil Practices and Remedies Code.
- I am unable to pay court costs. I declare under penalty of perjury that the statements made in this Unsworn Declaration of Indigency are true and correct.

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

My date of birth is: \_\_\_\_\_  
Month Day Year

My address is: \_\_\_\_\_  
Street Address City State Zip Country

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

4. **Government Entitlements** (Check one.)

I do not currently receive any government entitlements based on indigency (*poverty*).

I currently receive the following government entitlements based on indigency (*poverty*):

*Government entitlements based on indigency include but are not limited to: Food Stamps/SNAP, TANF, SSI, Medicaid, WIC Chip, AABD, Needs-based VA Pension, Public Housing, County Assistance, County Health Care, General Assistance, LIS in Medicare ("Extra Help"), Community Care via DADS, Low-Income Energy Assistance, Emergency Assistance, Child Care Assistance under Child Care and Development Block Grant.*

*List all government entitlements based on indigency received by you or your dependents and the dollar amount of the benefit if applicable. Attach proof of the government entitlements received to this form.*

Name of Public Benefit	Person Getting the Benefit	Dollar Amount
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

5. **Income**

a. My net monthly income from employment (*after taxes*) is: \$ \_\_\_\_\_  
 or  I am not currently employed or self-employed.

b. My spouse's net monthly income (*after taxes*) is: \$ \_\_\_\_\_  
 or  I am not married. or  My spouse's income is not available to me.

c. All other income I receive is listed below: *List the source of income (i.e. unemployment, retirement, social security, interest, dividends, child support, spousal support) and the monthly amount you receive.*

_____	\$ _____
_____	\$ _____
_____	\$ _____

6. **Dependents** – The people who depend on me financially are listed below:

Name	Age	Relationship to Me
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. **Property** – I own the following property:

*List the property and its value - the amount the property would sell for less the amount you still owe on it. If there is no property in a particular category, write "none."*

Bank Accounts (list bank, type of account and amount of \$ in account)

_____	\$ _____
_____	\$ _____

Vehicles (list make and year)

_____	\$ _____
_____	\$ _____

Real Estate – House or Land (do not list the house you live in)

_____	\$ _____
_____	\$ _____

Other Property of Value (like boats, jewelry, stocks, etc.)

_____	\$ _____
_____	\$ _____
_____	\$ _____

8. **Monthly Expenses** – I have the following monthly expenses:

Rent / Mortgage	\$ _____	Insurance (auto, life, health, etc.)	\$ _____
Food	\$ _____	Vehicle payments	\$ _____
Utilities (electric/gas)	\$ _____	Gas, bus fare, auto repair	\$ _____
Telephone	\$ _____	Child support / spousal support	\$ _____
Clothing and laundry	\$ _____	Other expenses/debts: (describe)	\$ _____
Medical, dental expenses	\$ _____	_____	\$ _____
Child care, school tuition	\$ _____	_____	\$ _____
Household supplies	\$ _____	_____	\$ _____

**Total monthly expenses:** \$ \_\_\_\_\_

9. **Additional Information**

*List any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc.*

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

10. **Formally signed under penalty of perjury** in \_\_\_\_\_ County, Texas on this date: \_\_\_\_/\_\_\_\_/\_\_\_\_.

\_\_\_\_\_  
**Your Signature**



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

(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

**IN THE MATTER OF THE MARRIAGE OF**

**Petitioner:** \_\_\_\_\_  
*Print first, middle and last name of the spouse filing for divorce.*

And

**Respondent:** \_\_\_\_\_  
*Print first, middle and last name of other spouse.*

In the \_\_\_\_\_  
*(Court Number)*

- District Court
- County Court at Law

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

**AND IN THE INTEREST OF:** *(List all children you and your spouse have together who are under 18 or still in high school.)*

- 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_
- 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_

# Original Petition for Divorce

*Print your answers.*

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

I am the **Petitioner**, the person asking for a divorce.

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.

My spouse's name is: \_\_\_\_\_  
*First Middle Last*

My spouse is the **Respondent**.

## 1. Discovery Level

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

## 2. Legal Notice *(Check one box.)*

I think my spouse will sign a *Waiver of Service* (or *Answer*). Do not send a sheriff, constable, or process server to serve my spouse with a copy of this *Petition for Divorce* at this time.

I will have a sheriff, constable, process server or clerk serve my spouse with this *Petition for Divorce* here:

\_\_\_\_\_ *Street Address City State Zip*

If this is a work address, name of business: \_\_\_\_\_

I ask the clerk to issue a *Citation of Service* (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file an *Affidavit of Indigency* form to show the Court that I am unable to pay the fee) and **arrange for service**.

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

### 3. Jurisdiction

#### 3A. County Residence Requirement

(Check all boxes that apply.)

- I have lived in this county for the last 90 days.
- My spouse has lived in this county for the last 90 days.
- I am serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.
- I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.

**Note:** You cannot file for divorce in Texas until you or your spouse has lived in the county where you are asking for a divorce for at least the last 90 days and in Texas for at least the last six months.

There are special rules for military families and others who are absent from the state due to government service. Read "How to File an Uncontested Divorce" at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) for more information.

#### 3B. Texas Residence Requirement

(Check all boxes that apply.)

- I have lived in Texas for the last six months.
- My spouse has lived in Texas for the last six months.
- I am serving in the armed forces or other government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.
- I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.

**Note:** If you or your spouse do not live in Texas, you must complete and attach the Exhibit: Out-of-State Party Affidavit. Get it at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

#### 3C. Personal Jurisdiction over Spouse

(Check one box.)

- My spouse lives in Texas.
- My spouse does not live in Texas. (Check any boxes that apply below.)
  - My spouse agrees that a Texas court can make orders in this divorce, including orders regarding conservatorship (custody), visitation, and financial support of our children and orders regarding our property and debts. My spouse will file a *Waiver of Service* (or *Answer*).
  - Texas is the last state where we lived together as a married couple. This *Petition for Divorce* is filed less than two years after we separated.
  - The children live in Texas because of my spouse's actions.
  - My spouse has lived in Texas with the children.
  - My spouse has lived in Texas and provided prenatal expenses or support for the children.
  - My spouse had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
  - Our child was born in Texas and my spouse registered with the paternity registry maintained by the bureau of vital statistics or signed an acknowledgment of paternity.
  - My spouse will be personally served with citation (official service of process) in Texas.

#### 4. Dates of Marriage and Separation

My spouse and I got married on or about: \_\_\_\_\_  
Month Day Year

We stopped living together as spouses on or about: \_\_\_\_\_  
Month Day Year

#### 5. Grounds for Divorce

I ask the Court to grant me a divorce. The marriage has become insupportable due to discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation.

#### 6. Children

##### 6A. Children Husband and Wife have Together

My spouse and I are the parents of the following children who are under 18 years old or over 18 years old and still in high school.

(You **MUST** list all children you and your spouse have together (adopted or biological) who are under 18 or over 18 and still in high school.)

	Child's name	Date of Birth	Place of Birth	State where child lives now
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

##### 6B. Jurisdiction over Children

(Check one box.)

- The children live in Texas now and have lived in Texas for at least the past 6 months or since birth.
- The children do not live in Texas now but they have been gone from Texas less than 6 months. The children lived in Texas the 6 months before they moved. A parent or person acting as a parent continues to live in Texas.
- None of the above apply. (**Note:** Talk to a lawyer if none of the above apply.)

(Check box below only if true.)

- There are **no court orders** about any of the children listed above. No other Court has continuing jurisdiction over this case or the children.

**Note:** Do **not** use this form if there is already a court order in place for any of the children (such as a child support order through the Attorney General's Office.)  
Read "How to File an Uncontested Divorce" at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) for information about filing for divorce when there is already a court order in place.

**6C. Children's Property**

(Check one box.)

- The children do not own any property of significant value in their own name.
- The children own the following property of significant value in their own name:

\_\_\_\_\_.

**6D. Children's Health Insurance**

The children: (Check all that apply.)

- have **private health insurance**.

Name of insurance company: \_\_\_\_\_

Policy number: \_\_\_\_\_ Cost of premium: \$ \_\_\_\_\_

Name of person who pays for insurance: \_\_\_\_\_

The insurance policy  is  is not available through the parent's work.

- have health insurance through **Medicaid**.

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

- do not have health insurance.

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

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

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

**6E. Conservatorship (Custody) of the Child/ren**

I ask the court to make conservatorship (custody) orders as follows: (Check **a, b, or c.**)

- a.  Mother and Father should be **Joint Managing Conservators** of the child/ren and:

(If you checked a, check a-1, a-2, or a-3.)

a-1.  Father should have the exclusive right to designate the primary residence of the child/ren within the following geographic area: (Check one box below.)

anywhere.  this county.  this county or county adjacent to this county.

Texas.  other: \_\_\_\_\_.

a-2.  Mother should have the exclusive right to designate the primary residence of the child/ren within the following geographic area: (Check one box below.)

anywhere.  this county.  this county or county adjacent to this county.

Texas.  other: \_\_\_\_\_.

a-3.  Neither parent should have the exclusive right to designate the primary residence of the child/ren but both parents should be ordered not to move the child/ren out of the following geographic area: (Check one box below.)

this school district: \_\_\_\_\_  this county.

this county or county adjacent to this county.  other: \_\_\_\_\_.

- b.  Mother should be the **Sole Managing Conservator** of the child/ren.

- c.  Father should be the **Sole Managing Conservator** of the child/ren.

**6F. Possession of and Access to the Child/ren (Visitation)**

I ask the court to make possession and access (visitation) orders as follows: *(Check a, b, c, or d.)*

- a.  Father should have "standard visitation." *(See Texas Family Code Chapter 153, Subchapter F.)*
- b.  Mother should have "standard visitation." *(See Texas Family Code Chapter 153, Subchapter F.)*
- c.  "Standard visitation" would be unworkable or inappropriate. Possession and access to the child/ren should be as follows:

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- d.  I am concerned about the safety of the children with the other parent: I ask that:  
*(If you checked d, check all that apply below.)*

- d-1.  exchanges of the child/ren be supervised, or in the alternative, be in a public place.
- d-2.  the other parent's possession of the child/ren be limited to day visits.
- d-3.  the other parent's possession of the child/ren be supervised.
- d-4.  the other parent have no right to possession or access to the child/ren.
- d-5.  the other parent be ordered not to use alcohol or illegal drugs 24 hours prior to or during possession of the child/ren.
- d-6.  the other parent's possession and access to the children be restricted as follows:

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*(Check only if you asking that a different possession order be in place while a child is under 3 years old.)*

- One or more of the children is under 3. Until the child turns 3, possession should be as follows:

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After the child turns 3, possession should be as checked above.

*(Check only if applicable.)*

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

**6G. Child Support and Medical Support for the Child/ren**

I ask the court to make appropriate orders for the financial support of the child/ren, including regular child support and medical support and, if supported by the evidence, retroactive child support.

## 7. Is the Wife Pregnant?

(Check one box.)

- The wife in this marriage **is not** pregnant.
- The wife in this marriage **is** pregnant. I understand that I cannot finish the divorce until after the child is born.

(If the wife is pregnant, also check one box below.)

- The husband **is** the father of this child. I ask the court to include orders for custody, visitation, child support and medical support for the child in the *Final Decree of Divorce*.
- The husband **is not** the father of this child. I understand that paternity of the child must be established before I can finish the divorce. (Read "Texas Paternity Law: Frequently Asked Questions" at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) for information about establishing paternity.)

## 8. Did the Wife have a Child with Another Man while Married to the Husband?

(Check one box. Fill in the requested information, if applicable.)

- The wife **did not** have a child with another man while married to the husband.
- The wife **did** have a child with another man while married to the husband. All of the children born during the marriage that are not the Husband's adopted or biological children are named below:

	Child's name	Age	Date of Birth	Sex
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

(If the wife had a child or children with another man during the marriage, check one box below.)

- Paternity of the child/ren named above **has not** been established. I understand that paternity of the child/ren must be established before I can finish my divorce. (Read "Texas Paternity Law: Frequently Asked Questions" at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) for information about establishing paternity.)

- Paternity of the child/ren named above **has** been established:

(Check one box.)

- A court order has established that another man is the biological father and/or the Husband is not the biological father of the child/ren listed above. I understand I must attach a file-stamped copy of the court order to my *Final Decree of Divorce*.
- An *Acknowledgement of Paternity* was signed by the biological father and a *Denial of Paternity* was signed by the Husband for the child/ren listed above. I understand I must attach a copy of these documents to my *Final Decree of Divorce*.

**9. Protective Order Statement** (Check the appropriate boxes.)

**9A. No Protective Order**

- I **do not** have a Protective Order against my spouse and I have not asked for one.
- My spouse **does not** have a Protective Order against me and has not asked for one.

**9B. Pending Protective Order**

- I **have** filed paperwork at the courthouse asking for a Protective Order against my spouse, but a judge has not decided if I should get it. I asked for a Protective Order on \_\_\_\_\_  
*Date Filed*  
in \_\_\_\_\_ County, \_\_\_\_\_. The cause number is \_\_\_\_\_.  
*County* *State* *Cause Number*  
If I get a Protective Order, I will file a copy of it before any hearings in this divorce.
- My spouse **has** filed paperwork asking for a Protective Order against me, but a judge has not decided if my spouse will get it. My spouse asked for a Protective Order on \_\_\_\_\_  
*Date Filed*  
in \_\_\_\_\_ County, \_\_\_\_\_. The cause number is \_\_\_\_\_.  
*County* *State* *Cause Number*  
If my spouse gets a Protective Order, I will file a copy of it before any hearings in this divorce.

**9C. Protective Order in Place**

- I **do have** a Protective Order against my spouse. I got the Protective Order in \_\_\_\_\_  
*County* County, \_\_\_\_\_ on \_\_\_\_\_.  
*State* *Date Ordered*  
The cause number for the Protective Order is \_\_\_\_\_.  
*Cause Number*  
Either I have attached a copy of the Protective Order to this Petition or I will file a copy of it with the court before any hearings in this divorce.
- My spouse **does have** a Protective Order against me. The Protective Order was made in \_\_\_\_\_  
*County* County, \_\_\_\_\_ on \_\_\_\_\_.  
*State* *Date Ordered*  
The cause number for the Protective Order is \_\_\_\_\_.  
*Cause Number*  
Either I have attached a copy of the Protective Order to this Petition or I will file a copy of it with the court before any hearings in this divorce.

**10. Waiver of Waiting Period Based on Family Violence** (Check only if applicable.)

- I ask the Court to waive the 60-day waiting period for divorce because: (Check one box.)
  - My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.
  - I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.

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

- I believe my children or I will be harassed, abused, seriously harmed or injured or otherwise subjected to family violence if I must give my spouse the information checked below for myself and the child/ren:
  - home address,     mailing address,     employer,     work address,
  - home phone #,     work phone #,     social security #,     driver's license #.I ask the Court to Order that I not have to give this information or notice of changes in this information to my spouse. I also ask the Court to keep this information confidential.

## 12. Property and Debt

**Note:** It is very important to talk with lawyer if you or your spouse has a house, land, business, retirement funds, other valuable property or debt. Getting advice from a lawyer now can save you time and money in the long run.

**About community property:** Texas is a community property state. This means that any new property that either spouse gets from the minute they are married until the minute the judge grants the divorce is probably community property, even if the property is only in one spouse's name. **About separate property:** Property owned by a spouse before the marriage is that spouse's separate property. In addition, if either spouse receives a gift, an inheritance, or a recovery for personal injuries that occurred during the marriage (not including a recovery for lost wages or medical expenses); it is that spouse's separate property. There are exceptions to these general rules. If you have questions talk to a lawyer.

**About retirement:** Retirement funds (such as 401k, pension, profit sharing, stock option plans and IRAs) earned by either spouse during the marriage are usually considered to be community property that can be divided by the court. This is true even if you or your spouse has not yet retired. If you want the Court to divide retirement funds (other than an IRA), you will need to have the Court sign an additional form, usually called a "Qualified Domestic Relations Order" (QDRO), to make the division effective. You should have the QDRO prepared before you go to court, so the judge can sign it when you finish your divorce. A QDRO form is not included with this divorce set. You may be able to get a sample QDRO form from the employer or retirement fund administrator. If not, you should hire a lawyer to draft the QDRO form. If you use the employer or retirement fund administrator's QDRO form, you should still have a lawyer review it to make sure you are not giving up important benefits. **Note:** If you and your spouse plan to keep your own retirement funds or do not have retirement funds, you do not need a QDRO.

**About debt:** A creditor's right to collect a debt is not affected by a divorce decree. So, if the Court orders your spouse to pay a debt (such as a mortgage) that is in both of your names but your spouse doesn't pay it, the creditor can still seek payment from you. Ask a lawyer how to protect yourself in this situation.

### 12A. Community Property and Debt

If my spouse and I can agree about how to divide the property and debts we got during our marriage, I ask the Court to approve our agreement. If we cannot agree, I ask the Court to divide our community property and debts according to Texas law.

### 12B. Separate Property

I own the following separate property. I owned this property before I was married or I received this property as a gift or inheritance during my marriage or I received this property as recovery for personal injuries that occurred during the marriage (not including any recovery for lost wages or medical expenses). I ask the Court to confirm this property as my separate property.

(Fill in all lines. If you have no property to list in a particular category, write "none.")

House located \_\_\_\_\_  
Street Address City State Zip

Land located at: \_\_\_\_\_  
Street Address City State Zip

Cars, trucks, motorcycles or other vehicles

Year	Make	Model	Vehicle Identification No. [VIN]-
_____	_____	_____	_____

Other money or personal property I owned before I was married, received as a gift or inheritance during my marriage or property I purchased during my marriage with separate property funds: \_\_\_\_\_

Money I received as recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses: \_\_\_\_\_



**Note:** You cannot use this form to change your name to anything other than a name you used before you got married.

**13. Name Change** (Check one box.)

- I am NOT asking the Court to change my name.
- I ask the Court to change my name back to a name I used before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors. I ask that my name be changed to:

\_\_\_\_\_

First

Middle

Last

**14. Public Benefits** (Check any boxes that apply.)

- The child/ren have Medicaid now **or** had it in the past.
- The child/ren (or someone on behalf of the child/ren) get TANF (Temporary Assistance for Needy Families) now **or** got it in the past.

**Note:** If the child/ren have ever received Medicaid or TANF, you **MUST** send a copy of this Petition to the Office of the Attorney General Child Support Division. You **MUST** also sign the "Certificate of Service to Attorney General" at section 16 on the next page.

**15. Request for Judgment**

I ask the Court to grant my divorce. I also ask the Court to make the other orders I have asked for in this Petition and any other orders to which I am entitled.

→ \_\_\_\_\_  
 Petitioner's Signature

\_\_\_\_\_ Date

\_\_\_\_\_ ( ) \_\_\_\_\_  
 Petitioner's Name (Print) Phone

\_\_\_\_\_ Mailing Address City State Zip

Email Address: \_\_\_\_\_ Fax # (if available) \_\_\_\_\_

**I understand that I must notify the Court and my spouse's attorney (or my spouse if my spouse does not have an attorney) in writing if my mailing address or email address changes during these divorce proceedings. If I don't, any notices about this case including the dates and times of hearings will be sent to me at the mailing address or email address above.**

## 16. Certificate of Service to Attorney General

*(Complete this section only if the child/ren get Medicaid or TANF now or got it in the past.)*

I will deliver a copy of this *Petition for Divorce* to the Office of the Attorney General Child Support Division\* as follows:

*If I file this document electronically, I will deliver it through the electronic file manager if possible. If not possible, I will deliver it in person, by mail, by commercial delivery service, by fax, or by email.*

*If I file a paper copy of this document, I will deliver it in person, by mail, by commercial delivery service, by fax, or by email.*

→

\_\_\_\_\_  
*Petitioner's Signature*

\_\_\_\_\_  
*Date*

\* Get contact information for the Attorney General Child Support Office in your county at [www.oag.state.tx.us/cs/fieldoffices.php](http://www.oag.state.tx.us/cs/fieldoffices.php). Bring proof of delivery when you go to Court to finish your divorce.

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

For information about free and low-cost legal help in your county go to [www.texasbar.com/ReferralDirectory](http://www.texasbar.com/ReferralDirectory) or call the Legal Aid office serving your area:

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

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

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

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

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

**Texas Family Violence Legal Line** at 1-800-374-HOPE (4673).

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

*Print court information exactly as it appears on the Original Petition for Divorce.*

**IN THE MATTER OF THE MARRIAGE OF**

**Petitioner:** \_\_\_\_\_  
*Print first, middle and last name of the spouse filing for divorce.*

And

**Respondent:** \_\_\_\_\_  
*Print first, middle and last name of other spouse.*

In the \_\_\_\_\_  
*(Court Number)*

- District Court
- County Court at Law

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

**AND IN THE INTEREST OF:** *(List all children you and your spouse have together who are under 18 or still in high school.)*

- 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_
- 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_

## Waiver of Service Only (Specific Waiver)

**WARNING to Respondent:** Without the advice and help of an attorney, you may be putting yourself, your property and your money at risk. For a referral to an attorney, or if you are poor to the nearest Legal Aid Office, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.

If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

**INSTRUCTIONS to Respondent:** If you decide to use this form:

- Do not sign it until **at least one day after** the *Original Petition for Divorce* has been filed (turned in to the court). If you sign this form before then, you will have to redo it. Your spouse should have given you a copy of the *Original Petition for Divorce*. The official court stamp on your copy will tell you when it was filed.
- Fill out this form completely. You **MUST** include your mailing address.
- **Sign this form in front of a notary.** Do not sign until you are standing in front of the notary.
- File (turn in) the original signed form to the court where your spouse filed the *Original Petition for Divorce*. Keep a copy for your records. Give a copy to your spouse.
- Get additional information about divorce at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

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

"I am the Respondent in this case.

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

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

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

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

"My fax number (if available) is: \_\_\_\_\_.

"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.

"I have been given a copy of the *Original Petition for Divorce* filed in this case. I have read the *Original Petition for Divorce* and understand what it says. I do not give up my right to review a different *Petition for Divorce* if it gets changed (amended).

"I understand that I have the right to be given a copy of the *Original Petition for Divorce* by a constable, sheriff or other official process server (legal notice). I do not want to be given legal notice. I give up my right to legal notice.

"I ask that the Court not enter any orders in this case unless the order is signed by me or unless I have received prior written notice of the date, time, and place of hearing.

"If I reach an agreement and sign a *Final Decree of Divorce*, the court can enter the *Decree* without me being present and without giving me notice. If I sign an agreed *Final Decree of Divorce*, I do not want a court reporter to make a record of the testimony.

"I understand that by signing this form I am entering an appearance in this case. I agree that a Judge or Associate Judge in the county and state where this case is filed may make decisions about my divorce, even if the divorce should have been filed in another county.

**"I understand that I must let the Court and my spouse's attorney (or my spouse if s/he is not represented by an attorney) know in writing if my mailing address or email address changes during this case.** If I don't, then I understand that any notices about this case will be sent to me at the mailing address or email address on this form.

**Military Status** (Check one box.)

I am not in the military.

I am in the military. I agree to the provisions stated above and I waive only the rights, privileges, and exemptions I have under the Servicemember's Civil Relief Act that are contrary to those provisions.

**Name Change** (Check one box.)

I am NOT asking the court to change my name.

I ask the Court to change my name back to a name I used before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors."

\_\_\_\_\_  
First

\_\_\_\_\_  
Middle

\_\_\_\_\_  
Last

▶ \_\_\_\_\_  
Signature of Respondent (Do NOT sign until you are in front of a notary.)

\_\_\_\_\_  
Date

**Notary fills out below.**

State of \_\_\_\_\_  
(Print name of state where this Affidavit is notarized)

County of \_\_\_\_\_  
(Print the name of the county where this Affidavit is notarized)

Sworn to and subscribed before me, the undersigned notary, on this date:

at \_\_\_\_\_ a.m./p.m.  
time circle one

\_\_\_\_\_  
Month / day / year

by \_\_\_\_\_  
(Print name of person who is signing this Affidavit. NOT the notary's name.)

[Notary Stamps Here ]

▶ \_\_\_\_\_  
Notary's Signature

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

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

*Print court information exactly as it appears on the Original Petition for Divorce.*

**IN THE MATTER OF THE MARRIAGE OF**

**Petitioner:** \_\_\_\_\_  
*Print first, middle and last name of the spouse filing for divorce.*

And

**Respondent:** \_\_\_\_\_  
*Print first, middle and last name of other spouse.*

In the \_\_\_\_\_  
*(Court Number)*

- District Court
- County Court at Law

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

**AND IN THE INTEREST OF:** *(List all children you and your spouse have together who are under 18 or still in high school.)*

- 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_
- 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_

## Respondent's Original Answer

**WARNING to Respondent:** Without the advice and help of an attorney, you may be putting yourself, your property and your money at risk. For a referral to an attorney, or if you are poor to the nearest Legal Aid Office, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of family violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

**WARNING to Out-of-State Respondent:** 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 orders could include orders dividing your property and debts, ordering you to pay child support, and (if requested by your spouse) ordering you to pay spousal maintenance, court costs and attorney'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 attorney to help you determine if Texas has personal jurisdiction over you.

**INSTRUCTIONS to Respondent:** If you decide to use this form:

- Do not sign it until **at least one day after** the *Original Petition for Divorce* has been filed (turned in to the court). Your spouse should have given you a copy of the *Original Petition for Divorce*. The official court stamp on your copy will tell you when it was filed.
- Fill out this form completely.
- File (turn in) the original signed form to the court where your spouse filed the *Original Petition for Divorce*. Keep a copy for your records. Give a copy to your spouse.
- Get additional information about divorce at [www.TexasLawHelp.org](http://www.TexasLawHelp.org).

*Print your answers.*

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

I am the **Respondent** in this divorce case My spouse is the **Petitioner**.

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 my spouse and I reach an agreement I will sign the *Final Decree of Divorce*. If I sign the *Final Decree of Divorce*, then I agree that the Court 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 my spouse's attorney or my spouse (if my spouse does not have an attorney) in writing if my mailing address or email address changes during this case.

I understand that unless I give the Court and my spouse's attorney or my spouse (if my spouse does not have an attorney) written 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. Separate Property

I own the following separate property. I owned this property before I was married or I received this property as a gift or inheritance during my marriage or I received this property as recovery for personal injuries sustained during my marriage (not including any recovery for loss of earning capacity during my marriage). I ask the Court to confirm this property as my separate property in my Final Decree of Divorce.

1. House or land located at: \_\_\_\_\_  
street address city state zip

2. Cars, trucks, motorcycles, mobile homes or other vehicles

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Other property I owned before I was married or received as a gift or inheritance during my marriage (*describe*):

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

4. Money I received as recovery for personal injuries sustained during my marriage (not including any recovery for loss of earning capacity during my marriage) (*describe*):

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

#### 4. Name Change

(Check one.)

- I am NOT asking the court to change my name.
- I ask the Court to change my name back to:

\_\_\_\_\_  
*PRINT First Middle Last*

This is a name I have used before. I am not asking the court to change my name to avoid criminal prosecution or to avoid payment of debt.

#### 5. Prayer

I ask the Court for general relief.

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

#### 6. Certificate of Service

I will give a copy of this document to my spouse's attorney or my spouse (if my spouse does not have an attorney) on the same day this document is filed with (turned in to) the Court as follows:

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

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

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

# Tips for Filling out the *Final Decree of Divorce*

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**What the Decree Means to You:** A *Final Decree of Divorce (Decree)* is a very important document. Once it is signed by a judge, it determines the rights and responsibilities of both you and your ex-spouse to your property, money and children.

**How to Fill-Out the Decree:** Fill-out the *Decree* before you go to Court. Type or print in blue or black ink only. Fill in all blanks unless instructed otherwise. Do not fill in the judge's signature. If the judge disagrees with anything you have written he or she will change it before signing the *Decree*.

**Where to get help:** It's a good idea to have a lawyer review your completed *Decree* before you go to Court. You can hire a lawyer *just* to review your *Decree*. This is called *limited scope representation*. For referral to a lawyer, or if you have a low income to a free Legal Aid program, call the Lawyer Referral Information Service at 1-800-252-9690.

If there has been violence or you feel unsafe, get help by calling the National Domestic Violence Hotline at 1-800-799-SAFE or the Texas Family Violence Legal Line at 1-800-374-HOPE.

**Where to get information:** Get information about the issues involved in a divorce including property division, spousal maintenance, child custody, visitation, child support and medical support here:

- ✓ *Family Law Handbook* at [www.hba.org](http://www.hba.org)
- ✓ *Pro Se Divorce Handbook* at [www.tyla.org](http://www.tyla.org)
- ✓ Facts sheets on property division, custody, visitation, child support and medical support at [www.TexasLawHelp.org](http://www.TexasLawHelp.org)
- ✓ Texas Advocacy Project Family Law Hotline at 1-800-777-FAIR

**Note about retirement funds (for example pension, profit-sharing, deferred compensation and stock option plans, 401(k) or IRA accounts.):** If you want the Court to divide a retirement fund (other than an IRA) as part of your divorce, you will need an additional order form usually called a *Qualified Domestic Relations Order* or QDRO. You should have the QDRO prepared before you go to court, so the judge can sign it when you finish your divorce. A QDRO form is not included with the TexasLawHelp divorce sets. The employer or retirement plan administrator may have a sample QDRO form you can use. If not, you should hire a lawyer to draft the QDRO form. If you use the employer or plan administrator's form, you should still have a lawyer review it to make sure you are not giving up important benefits. You should also have a lawyer review the part of your Decree that divides the retirement fund. **Note:** You do not need a QDRO if you and your spouse will keep your own retirement funds or do not have any retirement funds.

**Note about debt:** A divorce decree does not affect a creditor's right to collect a debt. So, if the *Decree* orders your spouse to pay a debt that is in both your names (such as a mortgage or car loan) but your spouse doesn't pay it, the creditor can still seek payment from you. Ask a lawyer how to protect yourself in this situation.

**Note about visitation:** This Decree includes the Standard Possession Order as Exhibit A. If this standard visitation schedule doesn't work for your family or would not be safe for your children, you may use a Modified Possession Order or Supervised Possession Order instead. You may hire a private lawyer to write the modified or supervised possession order. Or, get information about other resources by going to [www.TexasLawHelp.org](http://www.TexasLawHelp.org) and clicking on the Free Live Chat button or by calling the Texas Advocacy Project Family Law Hotline at 1-800-777-FAIR.

**Important:** Read "How to File an Uncontested Divorce" at [www.TexasLawHelp.org](http://www.TexasLawHelp.org) for instructions on how to finish your divorce, including where to go and what to bring.



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

**IN THE MATTER OF THE MARRIAGE OF**

**Petitioner:** \_\_\_\_\_  
*Print first, middle and last name of the spouse who filed for divorce.*

And

**Respondent:** \_\_\_\_\_  
*Print first, middle and last name of other spouse.*

In the \_\_\_\_\_  
*(Court Number)*

- District Court
- County Court at Law

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

**AND IN THE INTEREST OF:**

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

## Final Decree of Divorce

A hearing took place on \_\_\_\_\_  
*Date*

There was no jury. Neither the husband nor wife asked for a jury.

### 1. Appearances

**Petitioner**

The Petitioner's name is: \_\_\_\_\_  
*First Middle Last*

The Petitioner is the: *(Check one box.)*  Husband  Wife

*(Check one box.)*

- The Petitioner **was present**, representing him/herself, and announced ready for trial.
- The Petitioner **was present**, representing him/herself, and agreed to the terms of this Final Decree of Divorce (called "Decree" throughout this document).
- The Petitioner **was not present** but has signed on page 24, agreeing to the terms of this Decree.

**Respondent**

The Respondent's name is: \_\_\_\_\_  
*First Middle Last*

The Respondent is the: *(Check one box.)*  Husband  Wife

*(Check one box.)*

- The Respondent **was present**, representing him/herself, and announced ready for trial.
- The Respondent **was present**, representing him/herself, and agreed to the terms of this Decree.
- The Respondent **was not present** but filed an Answer or Waiver of Service and has signed on page 24 agreeing to the terms of this Decree.
- The Respondent **was not present** but filed a Global Waiver of Service that waived Respondent's right to notice of this hearing and did not otherwise appear.
- The Respondent **was not present** but was served and has defaulted. The Petitioner has filed a Certificate of Last Known Address and a Military Status Affidavit.

**2. Record**

- A Court reporter recorded today's hearing.
- A Court reporter did not record today's hearing because the Husband, Wife, and judge agreed not to make a record.
- A Statement of the Evidence was signed by the Court.

**3. Jurisdiction**

The Court heard evidence and finds that it has jurisdiction over this case and the parties, that the residency and notice requirements have been met, and the *Petition for Divorce* meets all legal requirements.

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

- it has been at least 60 days since the *Petition for Divorce* was filed.
- the 60 day waiting period is not required because: *(Check one box.)*
  - Petitioner has an active Protective Order under Title 4 of the Texas Family Code or an active magistrate's order for emergency protection under Article 17.292 of the Texas Code of Criminal Procedure, against Respondent because Respondent committed family violence during the marriage.
  - Respondent has a final conviction or has received deferred adjudication for a crime involving family violence against Petitioner or a member of Petitioner's household.

**4. Divorce**

IT IS ORDERED that the Petitioner and the Respondent are divorced.

**5. Children**

**5A. Children Husband and Wife Have Together**

The Court finds that the Husband and Wife are the parents of the children listed below and that there are no other children born to or adopted by Husband and Wife who are under 18 years old or still in high school.

*(List all biological and adopted children you and your spouse have together who are under 18 or over 18 and still in high school.)*

	Child's name	Sex	Date of Birth	Place of Birth	Social Security #	State where child lives now
1	_____	_____	/ /	_____	_____	_____
2	_____	_____	/ /	_____	_____	_____
3	_____	_____	/ /	_____	_____	_____
4	_____	_____	/ /	_____	_____	_____
5	_____	_____	/ /	_____	_____	_____
6	_____	_____	/ /	_____	_____	_____

The Court finds that there are **no other court orders** regarding any of the children listed above.

**5B. Wife Not Pregnant**

The Court finds that the Wife **is not** pregnant.

**5C. Did the Wife have a Child with Another Man while Married to the Husband?**

(Check one box.)

- The Court finds that the Wife **did not** have any children with another man while married to the Husband.
- The Court finds that the Wife **did** have a child/children with another man while married to the Husband. All of the children born during the marriage that are not the husband's adopted or biological children are named below:

	Child's name	Sex	Date of Birth
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____

The Court further finds that paternity of each child listed above **has** been established as set out below:

(Check one box below. Attach copy of court order or Acknowledgement and Denial of Paternity for each child.)

- A court order has established that another man is the biological father and/or the Husband is not the biological father of the child/ren listed here:

\_\_\_\_\_  
A copy of the court order is attached to this Decree as Exhibit \_\_\_\_.

- An *Acknowledgement of Paternity* was signed by the biological father and a *Denial of Paternity* was signed by the Husband for the child/ren listed here:

\_\_\_\_\_  
Each *Acknowledgment* and *Denial of Paternity* was filed with the Vital Statistics Unit. A copy of each *Acknowledgment* and *Denial of Paternity* is attached to this Decree as Exhibit(s) \_\_\_\_\_.

**6. Parenting Plan**

The Court finds that the following orders concerning the rights and duties of the Husband and Wife in relation to their child/ren, including orders for conservatorship (custody), possession and access (visitation), child support and medical support, are in the child/ren's best interest.

The Court further finds that these orders constitute the parenting plan of the Court for the child/ren listed by name in **5A** above.

## 7. Conservatorship (Custody)

### 7A. Rights and Duties of Both Parents

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

*Texas Family Code 153.073*

1. The right to receive information from the other parent or conservator about the child/ren's health, education, and welfare;
2. The right to talk or confer with the other parent, to the extent it is possible, about upcoming decisions concerning the child/ren's health, education, and welfare;
3. The right to have access to the child/ren's medical, dental, psychological, and educational records;
4. The right to talk or consult with the child/ren's doctors, dentists, and psychologists;
5. The right to talk or consult with school officials, including teachers, and school staff, about the child/ren's welfare and educational status and school activities;
6. The right to attend the child/ren's school activities;
7. The right to be designated as an emergency contact on their child/ren's records;
8. The right to give consent for emergency medical, dental, and surgical treatment if the child/ren's health or safety is in immediate danger; and
9. Each parent has the right to manage the child/ren's estate(s) if he or she created it for the child/ren or if that parent's family created it for the child/ren.

The Court **ORDERS** that each parent has the following rights and duties when the parent is in possession of the child/ren:

*Texas Family Code 153.074*

1. The duty to care for, control, protect, and reasonably discipline the child/ren;
2. The duty to support the child/ren, including providing them with food, clothing, and shelter, and medical and dental care that does not involve an invasive procedure;
3. The right to consent to non-invasive medical and dental care for the child/ren; and
4. The right to direct the child/ren's moral and religious training.

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

*Texas Family Code 153.076*

1. The Court **ORDERS** that each parent has the duty to inform the other parent in a timely manner of significant information concerning the health, education, and welfare of the child/ren.
2. The Court **ORDERS** that each parent has the duty to inform the other parent if the parent resides with for at least thirty days, marries, or intends to marry a person who the parent knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure or is currently charged with an offense that would require the person to register as a sex offender under that chapter, if convicted.

The parent is **ORDERED** to give this notice as soon as practicable, but no later than the 40<sup>th</sup> day after the date the parent or conservator begins to reside with the person, or within 10 days of marrying the person. The notice must include a description of the offense that required the

person to register as a sex offender or the offense that the person is charged with that may require the person to register as a sex offender.

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

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

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

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

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

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

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

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

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

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

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

**7B. Parents Appointed Conservators**

If the parents will be joint managing conservators, check box **7B(1)** below and fill in the requested information.

If one parent will be the sole managing conservator and the other will be the possessory conservator, skip **7B(1)**. Go to the next page and check box **7B(2)**. Fill in the information requested in box **7B2**.

**7B(1)**  **Joint Managing Conservators**

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

(Check **7B(1)(a)** or **7B(1)(b)**.)

**7B(1)(a)**  **One Parent Has the Exclusive Right to Decide Where the Child/ren Live.**

The Court **ORDERS** that \_\_\_\_\_  
*Print the name of the parent who will decide where the child/ren live.*

has the exclusive right to designate the primary residence of the child/ren and that s/he:  
 (Check one box.)

may designate the child/ren's residence without regard to geographic location.

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

(Check one box.)

the school attendance zone of: \_\_\_\_\_.

this county.  this county or county adjacent to this county.

Texas.  other: \_\_\_\_\_.

**7B(1)(b)**  **Neither Parent Has the Exclusive Right to Decide Where the Child/ren Live.**

The Court **ORDERS** that neither parent has the exclusive right to designate the primary residence of the children. However, both parents are **ORDERED** not to move the children's primary residence from the following geographic area:

(Check one box.)

the school attendance zone of: \_\_\_\_\_.

this county.  other: \_\_\_\_\_.

The Court **ORDERS** that the parents, as **Joint Managing Conservators**, also have the rights and duties as marked below. The right or duty listed in the 1<sup>st</sup> column shall be exercised by the parent or parents as marked in the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, or 5<sup>th</sup> column.

(Check one box in each row.)

	Mother exclusively	Father exclusively	Parents jointly	Parents independently
1. the right to consent to invasive medical, dental, and surgical treatment for the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. the right to consent to psychiatric or psychological treatment for the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. the right to receive child support and save or spend these funds for the child/ren's benefit	<input type="checkbox"/>	<input type="checkbox"/>	No	No
4. the right to represent the child/ren in a legal action and make important legal decisions that affect the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. the right to consent to a child's marriage, or to a child enlisting in the U.S. Armed Forces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. the right to make decisions concerning the child/ren's education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Check one box in each row.)

	Mother exclusively	Father exclusively	Parents jointly	Parents independently
7. the right to the services and earnings of the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. the right to make decisions for the child/ren about their estates if required by law (unless the child/ren have a guardian or attorney ad litem or guardian of the estate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. the duty to manage the child/ren's estates to the extent the estates have been created by the parents' community or joint property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**7B(2)  Sole Managing Conservator and Possessory Conservator**

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

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

The Court **ORDERS** that the **Sole Managing Conservator** has the following exclusive rights and duty:

1. the right to designate the primary residence of the child/ren without geographic restriction;
2. the right to consent to medical, dental, and surgical treatment for the child/ren involving invasive procedures;
3. the right to consent to psychiatric and psychological treatment of the child/ren;
4. the right to receive child support and to save or spend these funds for the benefit of the child/ren;
5. the right to represent the child/ren in legal action and to make other decisions of substantial legal significance concerning the child/ren;
6. the right to consent to marriage and to enlistment in the United States Armed Forces;
7. the right to make decisions concerning the child/ren's education;
8. the right to the services and earnings of the child/ren;
9. except when a guardian of the child/ren's estates or a guardian or attorney ad litem has been appointed for the child/ren, the right to act as an agent of the child/ren in relation to the child/ren's estates if the child/ren's action is required by a state, the United States, or a foreign government;
10. the duty to manage the estates of the child/ren to the extent the estates have been created by community property or the joint property of the parents.

**7C. Order Regarding Passports for the Children**

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

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

## 8. Possession and Access (Visitation)

The Court **ORDERS** that the parents shall have possession and access to the child/ren as ordered in the:

*(Check one box. Attach the appropriate Possession Order to this Decree. Write Exhibit A at the top.)*

- Standard Possession Order attached as Exhibit A and fully incorporated into this Decree.
- Modified Possession Order attached as Exhibit A and fully incorporated into this Decree.
- Supervised Possession Order attached as Exhibit A and fully incorporated into this Decree.

*(Check only if needed. Attach a Possession and Access Order for Child Under 3. Write Exhibit B at the top.)*

- The Court **ORDERS** that until a child is 3 years old, the parents shall have possession and access to the child as ordered in the Possession and Access Order for Child Under 3 attached as Exhibit B and fully incorporated into this Decree. The Court **ORDERS** that beginning on the child's 3<sup>rd</sup> birthday, the parents shall have possession and access to the child as ordered in the Possession and Access Order attached as Exhibit A.

## 9. Child Support

### 9A. Order to Pay Child Support

The Court **ORDERS** \_\_\_\_\_ (Obligor) to pay  
*(Print the name of the parent who will pay child support.)*

child support to \_\_\_\_\_ (Obligee) in the amount  
*(Print the name of the parent who will receive child support.)*

and manner described below until one of the following **events that terminate child support** occurs for each child listed in **5A** above.

### 9B. Events that Terminate Child Support

The obligation to pay child support for a child terminates when:

- The child turns 18, unless when the child turns 18 he or she is enrolled and complying with attendance requirements in a secondary school program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit then child support terminates at the end of the month in which the child graduates. **-or-**
- The child marries, dies, or is emancipated by court order. **-or-**
- The child begins active duty in the United States armed forces. **-or-**
- A court terminates the parent-child relationship between the man ordered to pay child support and the child based on genetic testing that determines the man is not the child's father. **-or-**
- The person ordered to pay child support and the person ordered to receive child support marry or remarry each other, unless a nonparent or agency has been appointed conservator of the child.

### 9C. Obligor and Obligee

The Court **ORDERS** that the parent ordered to **pay** child support in **9A** above is the **Obligor** and will be referred to as the "**Obligor**" throughout this section.

The Court **ORDERS** that the parent ordered to **receive** child support in **9A** above is the **Obligee** and will be referred to as the "**Obligee**" throughout this section.



### 9D. Child Support Amount(s)

If only one child will receive support, check box **9D(1)** and fill in the child support amount and start date.

If more than one child will receive support, check box **9D(2)** and fill in the child support amounts and start date.

#### 9D(1) **For a Single Child**

Obligor is **ORDERED** to pay \$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on \_\_\_\_\_. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for the child.

Month / Day / Year

#### 9D(2) **For Multiple Children**

Obligor is **ORDERED** to pay \$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on \_\_\_\_\_. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for one child.

Month / Day / Year

After child support terminates for one child, Obligor is **ORDERED** to pay \$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on the 1<sup>st</sup> day of the 1<sup>st</sup> month after child support terminates for one child. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for a second child.

After child support terminates for two children, Obligor is **ORDERED** to pay \$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on the 1<sup>st</sup> day of the 1<sup>st</sup> month after child support terminates for a second child. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for a third child.

After child support terminates for three children, Obligor is **ORDERED** to pay \$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on the 1<sup>st</sup> day of the 1<sup>st</sup> month after child support terminates for a third child. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for a fourth child.

After child support terminates for four children, Obligor is **ORDERED** to pay \$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on the 1<sup>st</sup> day of the 1<sup>st</sup> month after child support terminates for a fourth child. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for a fifth child.

After child support terminates for five children, Obligor is **ORDERED** to pay \$ \_\_\_\_\_ child support per month. The 1<sup>st</sup> payment is due on the 1<sup>st</sup> day of the 1<sup>st</sup> month after child support terminates for a fourth child. A like payment is due on the 1<sup>st</sup> day of each month after that **until** child support terminates for a sixth child.

**Warning!** Do **not** pay child support directly to the other parent. Send all child support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**. If you pay child support directly to the other parent, you won't get credit and you may have to pay again!

**9E. Place of Payment**

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

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

- Name of parent ordered to *pay* child support, **and**
- Name of parent ordered to *receive* child support, **and**
- Cause Number and County of Decree or Order, **and**
- Attorney General Case Number, if applicable.

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

**9F. No Credit for Informal Payments**

IT IS ORDERED that money paid by Obligor directly to Obligee or spent while in possession of the child/ren does **NOT** count as child support and shall be deemed in addition to and not instead of the support ordered in this order.

**9G. Child Support Account / Fees**

Each parent is ORDERED to:

- Fill out any forms necessary to set up a child support account, **and**
- Take the forms to the local Domestic Relations Office or county child support liaison within 5 days after the judge orders child support, **and**
- Pay when due all fees charged to that parent by the state disbursement unit and any other agency authorized by law to a charge a fee for the collection and distribution of child support.

**9H. Guideline or Non-Guideline Support**

The Court finds that the child support ordered above is:

- Guideline Support:** The amount of child support is approximately the amount recommended by the Texas Family Code Child Support Guidelines. *See Texas Family Code, Chapter 154, Subchapter C.*
- Non-Guideline Support:** The amount of child support differs significantly from the amount recommended by the Texas Family Code Child Support Guidelines.

*(If the amount ordered is not based on the guidelines, you must also provide the following information.)*

The net monthly income/resources of the Obligor is \$ \_\_\_\_\_.

The net monthly income/resources of the Obligee is \$ \_\_\_\_\_.

Guideline child support would be \_\_\_\_\_ % of Obligor's net monthly resources, which is \$ \_\_\_\_\_ per month.

The **actual** monthly child support amount ordered is \$ \_\_\_\_\_, which is \_\_\_\_\_ % of Obligor's net monthly income/resources.

Guideline child support would be unjust or inappropriate under the circumstances because:

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**9I. Income Withholding**

IT IS ORDERED that any employer of Obligor is ordered to withhold child support from Obligor's disposable earnings.

If an income withholding for support order is served on Obligor's employer, the employer shall withhold child support payments from Obligor's pay, and send it to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payments shall be recorded, and forwarded to

Obligee. All child support withheld and paid in accordance with this order shall be credited against Obligor's child support obligation.

If the employer withholds less than 100% of the child support ordered, Obligor is ORDERED to send the balance owed to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265.**

If an income withholding for support order is not served on the employer, or if Obligor's is self-employed or unemployed, Obligor's is ORDERED to send all child support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265.**

IT IS ORDERED that the Clerk of this Court shall cause a certified copy of the income withholding for support order to be delivered to any employer of Obligor, if asked to do so by Obligor, Obligee, a prosecuting attorney, the title IV-D agency, a friend of the Court, or a domestic relations office.

### **9J. Suspension of Income Withholding**

*Check here if all parties agree not to have the employer withhold child support payments at this time.*

The parties agree, and the Court ORDERS that an income withholding for support order shall not be served on the employer **unless:** 1) child support payments are more than 30 days late, 2) the past due amount is the same or more than the monthly child support amount, 3) another violation of this child support order occurs or 4) the Office of the Attorney General Child Support Division is providing services to Obligee. Obligor is ORDERED to send all child support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265,** where the payment will be recorded, and forwarded to Obligee.

### **9K. Change of Employment**

Obligor is ORDERED to notify this Court and Obligee by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than **7 days** after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of Obligor and the name and address of Obligor's current employer, whenever that information becomes available.

### **9L. Child Support After Death**

IT IS ORDERED that the provisions for child support in this decree shall be an obligation of Obligor's estate and shall not terminate on his/her death. Payments received for the benefit of the child/ren, including payments from the Social Security Administration, Department of Veterans Affairs, or other governmental agency or life insurance proceeds, annuity payments, trust distributions, or retirement survivor benefits, shall be a credit against this obligation. Any remaining balance of the child support is an obligation of Obligor's estate.

### **9M. Life Insurance Policy**

*Check here if the person ordered to pay child support should also be ordered to maintain a life insurance policy for as long as child support is ordered.*

As additional child support, the person paying child support under this order is ORDERED to obtain and maintain a life insurance policy on his or her life for as long as child support is ordered. The value of the policy shall be at least as much as the total child support obligation. The person receiving child support under this order must be named as the primary beneficiary for the benefit of the children.

#### **NOTICE REGARDING MODIFYING (CHANGING) THIS CHILD SUPPORT ORDER**

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

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

## 10. Medical Support

### 10A. Parents' Obligation to Provide Medical Support

As additional child support, the Court **ORDERS** the parents to provide medical support as set out in this order for each child listed in **5A** above until one of the following **events that terminate medical support** occurs for the child.

### 10B. Events that Terminate Medical Support

The obligation to provide medical support for a child terminates when:

- The child turns 18, unless when the child turns 18 he or she is enrolled and complying with attendance requirements in a secondary school program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit then child support terminates at the end of the month in which the child graduates. **-or-**
- The child marries, dies, or is emancipated by court order. **-or-**
- The child begins active duty in the United States armed forces. **-or-**
- A court terminates the parent-child relationship between the man ordered to pay child support and the child based on genetic testing that determines the man is not the child's father. **-or-**
- The person ordered to pay child support and the person ordered to receive child support marry or remarry each other, unless a nonparent or agency has been appointed conservator of the child.

### 10C. Court Findings about Health Insurance

The Court finds that private health insurance for the children:

(Check one.)

- is** available at a reasonable cost to the person ordered to pay child support (**Obligor**) through:

(Check one.)

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

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

(Check one.)

- currently covered by **Medicaid**.
- currently covered by **C.H.I.P.** at this cost: \$ \_\_\_\_\_.
- not currently covered by **Medicaid** or **C.H.I.P.**

### 10D. Orders Regarding Health Insurance and Cash Medical Support

Check box **10D(1)**, **10D(2)**, **OR 10D(3)** on the following pages and write in the appropriate names (and start date if cash medical support is ordered).

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

- Check box **10D(1)** if the **Obligor** will provide and pay for health insurance for the children.
- Check box **10D(2)** if the **Obligee** will provide health insurance for the children and the **Obligor** will pay cash medical support to reimburse the **Obligee** for the cost of the insurance.
- Check box **10D(3)** if neither parent has access to private health insurance at a reasonable cost. **Obligee** will be ordered to apply for coverage under a government medical assistance program and **Obligor** will be ordered to pay cash medical support.

**10D(1)  Obligor to Provide and Pay for Health Insurance**

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

to get health insurance for the child/ren **within 15 days** of the date of this order through: (Check one.)

Obligor's work or membership in a union, trade association, or other organization.

another source available to Obligor.

The health insurance must cover basic healthcare services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services.

Obligor is ORDERED to pay, as additional child support, all costs of such health insurance, including but not limited to enrollment fees and premiums.

Obligor is ORDERED to keep such health insurance in full force and effect on each child, who is the subject of this suit, until one of the above **events that terminate medical support** occurs for the child.

Obligor is ORDERED to give Obligee the following **within 30 days** of the date of this order:

- o Obligor's social security number and the name and address of Obligor's employer, **and**
- o the name of the insurance carrier, the policy number, and proof the child/ren are covered, **and**
- o a copy of the insurance policy and list of benefits covered, **and**
- o insurance membership cards for the child/ren, **and**
- o any forms needed to use the health insurance, **and**
- o any forms needed to submit a claim.

Obligor is ORDERED to give Obligee the following **within 3 days** of receipt:

- o any insurance checks or other payments for medical expenses paid by Obligee **and**
- o any explanations of benefits relating to medical expenses paid or incurred by Obligee.

If health insurance benefits for the child/ren are changed in any way, Obligor is ORDERED to give Obligee information about the change and any new forms needed to use the insurance **within 15 days** of the change.

If health insurance benefits are cancelled, Obligor is ORDERED to get new health insurance for the children **within 15 days** of the date of cancellation. The new insurance must equal or exceed the prior level of coverage. The new health insurance must cover basic healthcare services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services.

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

**10D(2)  Obligee to Provide Health Insurance / Obligor to Reimburse Cost**

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

to get health insurance for the child/ren **within 15 days** of the date of this order through: (Check one.)

- Obligee's work or membership in a union, trade association, or other organization.  
 another source available to Obligee.

The health insurance must cover basic healthcare services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services.

Obligee is ORDERED to maintain such health insurance in full force and effect on each child until one of the above **events that terminate medical support** occurs for the child.

Obligee is ORDERED to give Obligor the following **within 30 days** of the date of this order:

- o Obligee's social security number and the name and address of Obligee's employer, **and**
- o the name of the insurance carrier, the policy number, and proof the child/ren are covered, **and**
- o the name of the insurance company and the policy number, **and**
- o a copy of the insurance policy and list of benefits covered, **and**
- o insurance membership cards for the child/ren, **and**
- o any forms needed to use the health insurance, **and**
- o any forms needed to submit a claim.

Obligee is ORDERED to give Obligor the following **within 3 days** of receipt:

- o any insurance checks or other payments for medical expenses paid by Obligor **and**
- o any explanations of benefits relating to medical expenses paid or incurred by Obligor.

If health insurance benefits for the child/ren are changed in any way, Obligee is ORDERED to give Obligor information about the change and any new forms needed to use the insurance **within 15 days** of the change. If the cost of health insurance benefits for the child/ren changes, Obligee is ORDERED to give Obligor information about the change **within 15 days** of the change.

If health insurance benefits are cancelled, Obligee is ORDERED to get new health insurance for the children **within 15 days** of the date of cancellation. The new insurance must equal or exceed the prior level of coverage. The new health insurance must cover basic healthcare services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services.

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

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

to pay Obligee **cash medical support** of \$ \_\_\_\_\_ per month for **reimbursement** of health insurance premiums. The 1<sup>st</sup> payment is due on \_\_\_\_\_. A like payment is  
Month / Day / Year  
due on the 1<sup>st</sup> day of each month after that until one of the above **events that terminate medical support** occurs for each child.

Obligor is ORDERED to send all cash medical support payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265** for distribution according to law.

The Court ORDERS that money paid by Obligor directly to Obligee or spent while in possession of the children does **NOT** count as cash medical support.

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

**Warning!** Do not pay cash medical support directly to the other parent. Send all payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265.**

**10D(3)  Obligee to Apply for Coverage under a Government Medical Assistance Program or Health Plan / Obligor to Pay Cash Medical Support**

The Court ORDERS Obligee, \_\_\_\_\_, to apply on behalf of  
(Print name of parent who will receive child support)

each child for coverage under a governmental medical assistance program or health plan (i.e. Medicaid or C.H.I.P) **within 15** days of the date this decree or order is signed by the Court. If the children are already covered under such a program or plan, the Court ORDERS Obligee to continue such coverage.

When such health coverage is obtained, Obligee is ORDERED to maintain the coverage in full force and effect on each child by paying all applicable fees required for the coverage, including but not limited to enrollment fees and premiums for as long as the children are eligible for such coverage.

Obligee is ORDERED to give the Office of the Attorney General Child Support Division a copy of the insurance policy and list of benefits covered **within 30 days** of the date of this order.

Obligee is ORDERED to give Obligor the following **within 30 days** of the date of this order:

- o the name of the insurance company and the policy number, **and**
- o a copy of the insurance policy and list of benefits covered, **and**
- o insurance membership cards for the child/ren, **and**
- o any forms needed to use the health insurance, **and**
- o any forms needed to submit a claim.

Obligee is ORDERED to give Obligor the following **within 3 days** of receipt:

- o any insurance checks or other payments for medical expenses paid by Obligor **and**
- o any explanations of benefits relating to medical expenses paid or incurred by Obligor.

If Obligee is eligible for dependent health coverage but fails to apply to obtain coverage for the child/ren, the insurer is ORDERED to enroll the child/ren on application of Obligor or others as authorized by law. *Texas Insurance Code, Section 1504.051*

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

to pay Obligee **cash medical support** of \$ \_\_\_\_\_ per month. The 1<sup>st</sup> payment is due on \_\_\_\_\_.  
Month / Day / Year

one of the above **events that terminate medical support** occurs for each child.

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

**Warning!** Do not pay cash medical support directly to the other parent. Send all payments to the **Texas Child Support Disbursement Unit, PO Box 659791, San Antonio, TX 78265.**

The Court ORDERS that money paid by Obligor directly to Obligee or spent while in possession of the children does **NOT** count as cash medical support.

IT IS ORDERED that Obligor is allowed to **stop paying of cash medical support**, for the time Obligor is providing health insurance coverage for the children, **if**:

- a. health insurance for the children becomes available to Obligor at a reasonable cost; **and**
- b. Obligor enrolls the child/ren in the insurance plan and pays all costs of the insurance; **and**
- c. Obligor provides Obligee and the Texas Office of the Attorney General, Child Support Division the following information:
  - (1) proof that health insurance has been provided for the child/ren, **and**
  - (2) Obligor's social security number, **and**
  - (3) name and address of the Obligor's employer, **and**
  - (4) whether the employer is self-insured or has health insurance available, **and**

- (4i) if the employer is self-insured, a copy of the schedule of benefits, a membership card, claim forms, and any other information necessary to submit a claim, **or**
- (4ii) if the employer has health insurance available, the name of the health insurance carrier, the policy number, a copy of the policy and schedule of benefits, a health insurance membership card, claim forms, and any other information necessary to submit a claim.

**Note:** This provision regarding when the Obligor may stop paying cash medical support is part of section 10D3. It does **not** apply to any other section.

### **10E. Expenses Not Covered by Insurance**

Obligor and Obligee are each ORDERED to pay **50 percent** of all reasonable and necessary health-care expenses for the child/ren that are not covered by health insurance, unless:

**10D(1)** above is checked and Obligor is not providing health insurance as ordered, then Obligor is liable for **100 percent** of all necessary medical expenses of the child/ren.

**10D(2)** above is checked and Obligee is not providing health insurance as ordered, then Obligee is liable for **100 percent** of all necessary medical expenses of the child/ren.

If **10D(3)** above is checked, Obligee is ORDERED to pay **50 percent** of all reasonable and necessary health-care expenses for the child/ren that are not reimbursed by health insurance or covered by the cash medical support paid by Obligor and Obligor is ORDERED to pay **50 percent** of the total unreimbursed health-care expenses that exceed the amount of cash medical support paid by Obligor. Obligor is liable for **100 percent** of all necessary medical expenses incurred for the child/ren in any month that Obligor neither pays cash medical support nor provides health insurance for the child/ren.

**Reasonable and necessary health care expenses that must be paid by the parents if not covered by insurance include:** copayments for office visits and prescription drugs, the yearly deductible, if any, medical, surgical, and prescription drug expenses, mental health-care services, dental and orthodontic expenses, **and** eye care and ophthalmological expenses. These reasonable and necessary health-care expenses do not include expenses for travel to and from the health-care provider or for nonprescription medication.

The parent who incurs a health-care expense on behalf of a child (called the “*incurring parent*”) is ORDERED to give the other parent (called the “*nonincurring parent*”) a copy of all forms, receipts, bills, statements, and explanations of benefits that show the portion of the expense not covered by insurance **within 30 days** of receipt. The nonincurring parent is ORDERED to pay his or her percentage of any uninsured expense **within 30 days** of receiving documentation of the expense by paying the health-care provider directly **or** reimbursing the incurring parent, if the nonincurring parent’s portion has already been paid.

### **10F. Claims**

Either parent may file claims and receive payments directly from the insurance carrier. Further, for the sole purpose of *Texas Insurance Code Sections 1204.251 and 1204.252*, the party who is not carrying the insurance policy is designated the managing conservator or possessory conservator of the children. Any reimbursement payments received from the health insurance carrier belongs to the parent who paid the expense. If the insurance carrier sends reimbursement to the parent who did not pay the expense, he or she is ORDERED to endorse the check and deliver it to the parent who paid the expense **with 3 days**.

### **10G. Health Insurance Policy Requirements**

Each parent is ORDERED to follow all requirements of any health insurance policy covering the child/ren to get maximum reimbursement and direct payment from the insurance company. This includes requirements for giving advance notice to the insurance company, getting second opinions, **and** using “preferred providers.” If a parent incurs health-care expenses for the child/ren using “out-of-network” health-care providers or services, or fails to follow the health insurance company procedures or requirements, that parent shall pay all such health-care expenses incurred unless: the expenses are emergency health-care expenses, the parents have a written agreement regarding such health-care expenses, **or** the Court makes a different order. Denial of a bill by an insurance carrier does not excuse the obligation of the parents to pay the expense.



## 11. Parent's Information

### 11A. Disclosure of Mother's Information (Check one box.)

- The Court ORDERS Mother to disclose the following information and changes in that information to Father, the Court and the State Case Registry as required by Texas Family Code 105.006 and ORDERED in section 12 of this Decree.

(Fill in the following information for the Wife/Mother.)

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

- The Court finds, pursuant to Texas Family Code 105.006(c) and 105.007(c), that disclosure of Mother's information to Father is likely to cause Mother or the children harassment, abuse, serious harm or injury or would subject Mother or the children to family violence. The Court ORDERS that Mother's address and other identifying information not be disclosed. The Court further ORDERS that Mother is **not** required to give her address or other identifying information to Father or notify Father or the Court of changes in that information. The Court ORDERS Mother to provide her mailing address and changes in her mailing address to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

### 11B. Disclosure of Father's Information (Check one box.)

- The Court ORDERS Father to disclose the following information and changes in that information to Mother, the Court and the State Case Registry as required by Texas Family Code 105.006 and ORDERED in section 12 of this Decree.

(Fill in the following information for the Husband/Father.)

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

- The Court finds, pursuant to Texas Family Code Section 105.006(c) and 105.007(c), that disclosure of Father's information to Mother is likely to cause Father or the children harassment, abuse, serious harm or injury or would subject Father or the children to family violence. The Court ORDERS that Father's address and other identifying information **not** be disclosed. The Court further ORDERS that Father is **not** required to give his address or other identifying information to Mother or notify Mother or the Court of changes in that information. The Court ORDERS Father to provide his mailing address and changes in his mailing address to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

## 12. Required Notices

**This section is not applicable if and to the extent it conflicts with the Court's Order regarding disclosure of information in section 11 above.**

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EVERY OTHER PARTY, THE COURT, AND THE STATE CHILD SUPPORT REGISTRY OF ANY CHANGE IN THE PARTY'S:

- CURRENT RESIDENCE ADDRESS,
- MAILING ADDRESS,
- HOME TELEPHONE NUMBER,
- NAME OF EMPLOYER,
- ADDRESS OF EMPLOYMENT,
- DRIVER'S LICENSE NUMBER, AND
- WORK TELEPHONE NUMBER.

THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO THE OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60<sup>TH</sup> DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO GIVE NOTICE OF THE CHANGE TO PROVIDE 60-DAYS NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE 5<sup>TH</sup> DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EVERY OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to **every other party** by delivering a copy of the notice to each party by registered or certified mail, return receipt requested.

Notice shall be given to the **Court** by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk.

Notice shall be given to the **State Case Registry** by mailing a copy of the notice to the State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

## 13. Warnings to Parties

FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THIS ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

## 14. Property and Debt

The Court finds that the following is a just and right division of the parties' property and debt.

(Fill in all lines. If there is no property to declare in a particular category, write "none".)

**14A. Husband's Separate Property**

The Court confirms that the Husband owns the following property as his separate property:

1. **House or Land** located at: \_\_\_\_\_  
*Street Address City State Zip*  
 Husband owned this property before marriage.  
 Husband received this property as a gift or inheritance.
2. **Cars, trucks, motorcycles or other vehicles** Husband owned these vehicles *before* marriage or received them as a gift or inheritance during the marriage:  
Year Make Model Vehicle Identification No. [VIN]  
\_\_\_\_\_  
\_\_\_\_\_
3. **Other Money or Property Confirmed as Husband's Separate Property**  
Husband owned the following money or personal property *before* the marriage: \_\_\_\_\_  
\_\_\_\_\_  
Husband inherited or received as a gift the following money or personal property *during* the marriage:  
\_\_\_\_\_  
\_\_\_\_\_  
Husband received the following money recovery for personal injuries that occurred during the marriage that is not for lost wages or medical expenses: \_\_\_\_\_  
\_\_\_\_\_

**14B. Husband's Community Property**

The Court ORDERS that the Husband is awarded the following community property as his sole and separate property and Wife is divested of (*loses*) all right, title, interest and claim in and to that property. Wife is ORDERED to sign any deeds or documents needed to transfer any property listed below to the Husband. Husband is responsible for preparing the documents.

1. All property in Husband's care, custody or control, or in Husband's name, that this Decree does not give to the Wife.
2. House or land located at: \_\_\_\_\_  
*Street Address City State Zip*  
Legal Description: \_\_\_\_\_  
\_\_\_\_\_
3. Other real property located at: \_\_\_\_\_  
*Street Address City State Zip*  
Legal Description: \_\_\_\_\_  
\_\_\_\_\_
4. All cash and money in any bank or other financial institution listed in Husband's name alone.
5. Any insurance policy that covers Husband's life.
6. Husband's cars, trucks, motorcycles or other vehicles listed below:  
Year Make Model Vehicle Identification No. [VIN]  
\_\_\_\_\_  
\_\_\_\_\_
7. Husband will also keep the following property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Fill in all lines. If there is no property to declare in a particular category, write "none".)

**14C. Wife's Separate Property**

The Court confirms that Wife owns the following property as her separate property:

1. **House or Land** located at: \_\_\_\_\_  
*Street Address City State Zip*  
 Wife owned this property before marriage.  
 Wife received this property as a gift or inheritance.
2. **Cars, trucks, motorcycles or other vehicles** Wife owned these vehicles *before* marriage or received them as a gift or inheritance during the marriage:  

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____
3. **Other Money or Property Confirmed as Wife's Separate Property**  
Wife owned the following money or personal property *before* the marriage: \_\_\_\_\_  
\_\_\_\_\_  
Wife inherited or received as a gift the following money or personal property *during* the marriage:  
\_\_\_\_\_  
\_\_\_\_\_  
Wife received the following money recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses: \_\_\_\_\_  
\_\_\_\_\_

**14D. Wife's Community Property**

The Court ORDERS that the Wife is awarded the following property as her sole and separate property and Husband is divested of (*loses*) all right, title, interest and claim in and to that property. Husband is ORDERED to sign any deeds or documents needed to transfer any property listed below to the Wife. Wife is responsible for preparing the documents.

1. All property in Wife's care, custody or control, or in Wife's name, that this Decree does not give to the Husband.
2. House or land located at: \_\_\_\_\_  
*Street Address City State Zip*  
Legal Description: \_\_\_\_\_  
\_\_\_\_\_
3. Other real property located at: \_\_\_\_\_  
*Street Address City State Zip*  
Legal Description: \_\_\_\_\_  
\_\_\_\_\_
4. All cash and money in any bank or other financial institution listed in Wife's name alone.
5. Any insurance policy that covers Wife's life.
6. Wife's cars, trucks, motorcycles or other vehicles listed below:  

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____
7. Wife will also keep the following property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**14E. Retirement Funds in Husband's Name**

(For example: pension, retirement, 401(k), 403(b), employee stock ownership, profit sharing, thrift, Keogh, and stock option plans, as well as individual retirement accounts (IRAs), annuities and variable annuity life insurance benefits.)

The Court makes the following orders regarding retirement funds in Husband's name.

(Check 14E(1) or 14E(2).)

14E(1)  Husband is awarded **100%** of all retirement funds in Husband's name alone, including but not limited to all rights to any pension, retirement, military retirement, 401(k), 403(b), employee stock ownership, profit sharing, thrift, Keogh, and stock option plans in Husband's name alone, along with 100% of any individual retirement accounts (IRAs), annuities, and variable annuity life insurance in Husband's name alone.

14E(2)  The following retirement funds in Husband's name are divided between Husband and Wife:  
(It is very important to list the exact name and account number of any retirement fund being divided by the Court.)

Formal Name of Retirement Fund	Account Number

The Court **ORDERS** that the portion of each retirement fund listed above accrued between the date of the marriage \_\_\_\_/\_\_\_\_/\_\_\_\_ and the date this *Final Decree of Divorce* is signed by the Court: (Check one.)

- is awarded **50%** to Husband and **50%** to Wife and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.
- is awarded \_\_\_\_% to Husband and \_\_\_\_% to Wife and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.
- is awarded \$ \_\_\_\_\_ to Wife and the remainder to Husband and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

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

The Court **ORDERS** that Husband is awarded all retirement funds in Husband's name alone that are not specifically awarded to Wife above.

The Court checks this box, if applicable.

A **Qualified Domestic Relations Order** was signed by the Court on the same day this *Final Decree of Divorce* was signed by the Court.

**14F. Retirement Funds in Wife's Name**

(For example: pension, retirement, 401(k), 403(b), employee stock ownership, profit sharing, thrift, Keogh, and stock option plans, as well as individual retirement accounts (IRAs), annuities and variable annuity life insurance benefits.)

The Court makes the following orders regarding retirement funds in Wife's name.

(Check 14F(1) or 14F(2).)

14F(1)  Wife is awarded **100%** of all retirement funds in Wife's name alone, including all rights to any pension, retirement, military retirement, 401(k), 403(b), employee stock ownership, profit sharing, thrift, Keogh, and stock option plans in Wife's name alone, along with 100% of any individual retirement accounts (IRAs), annuities, and variable annuity life insurance in Wife's name alone.

14F(2)  The following retirement funds in Wife's name are divided between Husband and Wife:  
(It is very important to list the exact name and account number of any retirement fund being divided by the Court.)

Formal Name of Retirement Fund	Account Number

The Court **ORDERS** that the portion of each retirement fund listed above accrued between the date of the marriage \_\_\_\_/\_\_\_\_/\_\_\_\_ and the date this *Final Decree of Divorce* is signed by the Court: (Check one.)

- is awarded **50%** to Wife and **50%** to Husband and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.
- is awarded \_\_\_\_% to Wife and \_\_\_\_% to Husband and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.
- is awarded \$ \_\_\_\_\_ to Husband and the remainder to Wife and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.
- other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The Court **ORDERS** that Wife is awarded all retirement funds in Wife's name alone that are not specifically awarded to Husband above.

**The Court checks this box, if applicable.**

A **Qualified Domestic Relations Order** was signed by the Court on the same day this *Final Decree of Divorce* was signed by the Court.

**14G. Debts to Husband**

The Court ORDERS Husband to pay the debts listed below:

1. All debts, taxes, bills, liens, and other charges, past, present and future, that are in Husband's name alone unless this Decree requires otherwise.
2. Any debt Husband incurred after separation. Date of separation: \_\_\_\_\_  

Month      Day      Year
3. The balance due on any loan or mortgage for the real property (house or land) that this Decree gives to Husband alone.
4. The balance due on any loan for any vehicles that this Decree gives to Husband alone.
5. All other debts listed below, which are not in Husband's name alone: *(such as credit cards, student loans, medical bills, income taxes)*

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**14H. Debts to Wife**

The Court ORDERS Wife to pay the debts listed below:

1. All debts, taxes, bills, liens, and other charges, present and future, that are in Wife's name alone unless this Decree requires otherwise.
2. Any debt Wife incurred after separation. Date of separation: \_\_\_\_\_  

Month      Day      Year
3. The balance due on any loan or mortgage for the real property that this Decree gives to Wife alone.
4. The balance due on any loan for any vehicles that this Decree gives to Wife alone.
5. All other debts listed below, which are not in Wife's name alone: *(such as credit cards, student loans, medical bills, income taxes)*

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**15. Muniment of Title**

This Decree shall serve as a muniment of title to transfer ownership of all property awarded to any party in this Final Decree of Divorce. *(A "muniment of title" creates an official record of ownership transfer.)*

**16. Name Change**

The Court ORDERS the name of the: *(Check all boxes that apply.)*

- Husband changed back to a name used before marriage, as it appears below.

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*First*
*Middle*
*Last*

- Wife changed back to a name used before marriage, as it appears below.

---

*First*
*Middle*
*Last*

## 17. Court Costs


The costs of court shall be paid by the spouse who incurred them to the extent the party is required to pay such costs. A spouse who filed an *Affidavit of Indigency or Declaration of Indigency* that was not successfully contested is not required to pay court costs.

## 18. Other Orders

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

## 19. Final Orders

Any orders requested that do not appear above are denied. This Decree is a final judgment that disposes of all claims and all parties and is appealable.

\_\_\_\_\_  \_\_\_\_\_  
*Date of Judgment* *Judge's Signature*

\_\_\_\_\_   
*Judge's Printed Name*

**By signing below, the Petitioner agrees to the form and substance of this Final Decree of Divorce.**

**By signing below, the Respondent agrees to the form and substance of this Final Decree of Divorce.**

 \_\_\_\_\_ ( ) \_\_\_\_\_  
*Petitioner's Signature* *Phone number*

 \_\_\_\_\_ ( ) \_\_\_\_\_  
*Respondent's Signature* *Phone number*

\_\_\_\_\_   
*Petitioner's Name (print)* *Date*

\_\_\_\_\_   
*Respondent's Name (print)* *Date*

*Mailing Address:* \_\_\_\_\_

*Mailing Address:* \_\_\_\_\_

*Email:* \_\_\_\_\_

*Email:* \_\_\_\_\_

*Fax#:* \_\_\_\_\_  
*(if available)*

*Fax#:* \_\_\_\_\_  
*(if available)*



## Exhibit A: Standard Possession Order

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

### 1. Designation of Conservators

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

“Parent A” is: *(name)* \_\_\_\_\_  
*Print the name of the parent with the right to designate the child/ren's primary residence.*

“Parent B” is: *(name)* \_\_\_\_\_  
*Print the name of the other parent.*

### 2. Mutual Agreement

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

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

### 3. Definitions

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

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

### 4. Undesignated Times

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

### Notice to Peace Officer

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

## 5. Parent B's Local Schedule

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

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

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

*begin* on the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Friday of each month at:

(Check one box.)

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

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

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

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

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

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

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

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

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

*beginning* at: (Check one box.)

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

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

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

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

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

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

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

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

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

## 6. Parent B's Long-Distance Schedule

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

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

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

*begin* on the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> Friday of each month at:

(Check one box.)

6 p.m.

the time the child's school is regularly dismissed

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

6 p.m. the following Sunday.

the time the child's school resumes after the weekend.

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

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

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

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

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

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

6 p.m.

the time the child's school is regularly dismissed.

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

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

## 7. Parent A's Local Schedule

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

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

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

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

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

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

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

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

## 8. Parent A's Long-Distance Schedule

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

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

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

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

## 9. Holidays Unaffected by Distance

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

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

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

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

and *ending* at 12 noon on December 28.

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

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

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

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

and *ending* at 12 noon on December 28.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 10. General Terms and Conditions

Except as otherwise expressly provided in this standard Possession Order, the following terms and conditions apply regardless of the distance between the residence of a parent and the child:

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

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

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

Parent A's residence.

the following location: \_\_\_\_\_

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

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

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

Parent B's residence.

Parent A's residence.

The following location: \_\_\_\_\_

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

Parent B's residence.

the location designated above.

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

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

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

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

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

**This concludes the Standard Possession Order.**

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

(Print court information exactly as it appears on the Original Petition for Divorce)

**IN THE MATTER OF THE MARRIAGE OF**

**Petitioner:** \_\_\_\_\_  
*Print first, middle and last name of the spouse filing for divorce.*

And

**Respondent:** \_\_\_\_\_  
*Print first, middle and last name of other spouse.*

In the \_\_\_\_\_  
*(Court Number)*

- District Court
- County Court at Law

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

**AND IN THE INTEREST OF:**

- 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_
- 4. \_\_\_\_\_ 5. \_\_\_\_\_ 6. \_\_\_\_\_

**Notice of Current Address**

I, \_\_\_\_\_, am a party in this case.  
*Print your full name*

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

My current address is:

\_\_\_\_\_  
*Print new address.* *City* *State*

Respectfully submitted,

\_\_\_\_\_  
*Your signature*

*PRINT your name and information.):*

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Fax number  
(if available) \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**Certificate of Service**

I will give a copy of this document to the other party's attorney or the party (if the party does not have an attorney) on the same day this document is filed with (turned in to) the Court as follows:

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

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

\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Date*

# Exhibit: Out-of-State Party Declaration

Required by Texas Family Code, Section 152.209

**Important!** If you, the other parent, or anyone else named as a party in your case lives outside of Texas, you must:

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

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

## 1. Personal Information

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

I am the:  Petitioner  Respondent

I am representing myself in this case.

Do you believe the health, safety or liberty of you or your children would be jeopardized by disclosure of the information in this declaration?  Yes  No

*If yes, ask the Clerk's Office to seal this declaration and not disclose the information to the other party or the public, until and unless the court orders the information disclosed after a hearing in which the court takes into consideration the health, safety and liberty of you and your children. This is required by Texas Family Code, section 152.209 (e).*

## 2. Children in this case (under 18)

**First Child's Name:** \_\_\_\_\_

Present Address: \_\_\_\_\_

Child now lives with  Mother  Father  Other: (*explain*) \_\_\_\_\_

When did this child start living at this address? (*Month, day, year*) \_\_\_\_\_

(*You must list every address for the last 5 years. Start with the most recent.*)

**1<sup>st</sup> past address** \_\_\_\_\_ From:    /    /    To:    /    /   

Who did the child live with?  Mother  Father  Other: (*explain*) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**2<sup>nd</sup> past address** \_\_\_\_\_ From:    /    /    To:    /    /   

Who did the child live with?  Mother  Father  Other: (*explain*) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**3<sup>rd</sup> past address** \_\_\_\_\_ From:    /    /    To:    /    /   

Who did the child live with?  Mother  Father  Other: (*explain*) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**4<sup>th</sup> past address** \_\_\_\_\_ From:    /    /    To:    /    /   

Who did the child live with?  Mother  Father  Other: (*explain*) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_



**2nd Child's Name:** \_\_\_\_\_

Check here if this child has always lived with the 1st child and skip to next question.

Present Address: \_\_\_\_\_

Child now lives with  Mother  Father  Other: (explain) \_\_\_\_\_

When did this child start living at this address? (Month, day, year) \_\_\_\_\_

(You must list every address for the last 5 years. Start with the most recent.)

**1<sup>st</sup> past address** \_\_\_\_\_ From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**2<sup>nd</sup> past address** \_\_\_\_\_ From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**3<sup>rd</sup> past address** \_\_\_\_\_ From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**4<sup>th</sup> past address** \_\_\_\_\_ From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**3<sup>rd</sup> Child's Name:** \_\_\_\_\_

Check here if this child has always lived with the 1st child and skip to next question.

Present Address: \_\_\_\_\_

Child now lives with  Mother  Father  Other: (explain) \_\_\_\_\_

When did this child start living at this address? (Month, day, year) \_\_\_\_\_

(You must list every address for the last 5 years. Start with the most recent.)

**1<sup>st</sup> past address** \_\_\_\_\_ From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**2<sup>nd</sup> past address** \_\_\_\_\_ From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**3<sup>rd</sup> past address** \_\_\_\_\_ From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**4<sup>th</sup> past address** \_\_\_\_\_ From: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ To: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Who did the child live with?  Mother  Father  Other: (explain) \_\_\_\_\_

What is the present address of that person or persons? \_\_\_\_\_

**If there are more than 3 children, make a copy of this page for each child and attach it to this form.**

**3. Other Court Cases**

Have you taken part in any other court case about any of these children, in Texas or in any other state or country?  Yes  No

Do you know of any other court case that could affect this case, including custody, visitation, child support, civil or criminal cases for domestic violence, protective orders, termination of parental rights, adoptions and enforcement cases?  Yes  No

If you answered Yes for either of the above questions, complete the following:

County, State and Country of Court Case	Case #	Type of case
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Warning:** You must tell the court if you later find out about a court case about these children, in Texas or in any other state or country.

**4. Other People Who Claim Custody or Visitation**

“Do you know of any other person who has physical possession of the children or claims the right to legal or physical custody or visitation with the children?  Yes  No

If **Yes**, complete the following for each person.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to child: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship to child: \_\_\_\_\_”

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

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

My date of birth is: \_\_\_\_\_  
Month Day Year

My address is: \_\_\_\_\_  
Street Address City State Zip Code Country

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

Formally signed in \_\_\_\_\_ County, \_\_\_\_\_ State,  
County State

on this date: \_\_\_\_\_  
Month Day Year

\_\_\_\_\_  
**Your Signature**



Employer's Name: \_\_\_\_\_ Employer FEIN: \_\_\_\_\_

Employee/Obligor's Name: \_\_\_\_\_ SSN: \_\_\_\_\_

CSE Agency Case Identifier: \_\_\_\_\_ Order Identifier: \_\_\_\_\_

**REMITTANCE INFORMATION:** If the employee/obligor's principal place of employment is Texas (State/Tribe), you must begin withholding no later than the first pay period that occurs zero days after the date of delivery. Send payment within two working days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to 50 % of disposable income. If the obligor is a non-employee, obtain withholding limits from Supplemental Information on page 3. If the employee/obligor's principal place of employment is not Texas (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees at [www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information) for the employee/obligor's principal place of employment.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit (SDU)), see [www.acf.hhs.gov/programs/css/employers/electronic-payments](http://www.acf.hhs.gov/programs/css/employers/electronic-payments).

Include the **Remittance ID with the payment** and if necessary this FIPS code: \_\_\_\_\_

**Remit payment to** TX CHILD SUPPORT SDU (SDU/Tribal Order Payee)  
at PO BOX 659791, SAN ANTONIO, TX 78265-9791 (SDU/Tribal Payee Address)

**Return to Sender [Completed by Employer/Income Withholder].** Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if Required by State or Tribal Law): \_\_\_\_\_  
Print Name of Judge/Issuing Official: \_\_\_\_\_  
Title of Judge/Issuing Official: \_\_\_\_\_  
Date of Signature: \_\_\_\_\_

If the employee/obligor works in a state or for a tribe that is different from the state or tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

**ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS**

State-specific contact and withholding information can be found on the Federal Employer Services website located at [www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information](http://www.acf.hhs.gov/programs/css/resource/state-income-withholding-contacts-and-program-information).

**Priority:** Withholding for support has priority over any other legal process under State law against the same income (42 USC §666(b)(7)). If a federal tax levy is in effect, please notify the sender.

**Combining Payments:** When remitting payments to an SDU or tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

**Payments To SDU:** You must send child support payments payable by income withholding to the appropriate SDU or to a tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a court, attorney, or private individual/entity and the initial order was entered before January 1, 1994 or the order was issued by a tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

**Reporting the Pay Date:** You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the state (or tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

**Multiple IWOs:** If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to federal, state, or tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the state or tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Employer's Name: \_\_\_\_\_ Employer FEIN: \_\_\_\_\_

Employee/Obligor's Name: \_\_\_\_\_ SSN: \_\_\_\_\_

CSE Agency Case Identifier: \_\_\_\_\_ Order Identifier: \_\_\_\_\_

**Lump Sum Payments:** You may be required to notify a state or tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

**Liability:** If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by state or tribal law/procedure.

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**Anti-discrimination:** You are subject to a fine determined under state or tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

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**Withholding Limits:** You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 USC §1673(b)); or 2) the amounts allowed by the state of the employee/obligor's principal place of employment or tribal law if a tribal order (see *Remittance Information*). Disposable income is the net income after mandatory deductions such as: state, federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% --to 55% and 65% --if the arrears are greater than 12 weeks. If permitted by the state or tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For tribal orders, you may not withhold more than the amounts allowed under the law of the issuing tribe. For tribal employers/income withholders who receive a state IWO, you may not withhold more than the limit set by tribal law.

Depending upon applicable state or tribal law, you may need to consider amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

**Arrears greater than 12 weeks?** If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the employer should calculate the CCPA limit using the lower percentage.

**Supplemental Information:** Non-employees' withholding limitations are the same as that for employees under Texas Family Code

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**IMPORTANT:** The person completing this form is advised that the information may be shared with the employee/obligor.

Employer's Name: \_\_\_\_\_ Employer FEIN: \_\_\_\_\_  
Employee/Obligor's Name: \_\_\_\_\_ SSN: \_\_\_\_\_  
CSE Agency Case Identifier: \_\_\_\_\_ Order Identifier: \_\_\_\_\_

**NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS:** If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, you must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the contact information below:

- This person has never worked for this employer nor received periodic income.
- This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: \_\_\_\_\_ Last known phone number: \_\_\_\_\_

Last known address: \_\_\_\_\_  
\_\_\_\_\_

Final payment date to SDU/tribal payee: \_\_\_\_\_ Final payment amount: \_\_\_\_\_

New employer's name: \_\_\_\_\_

New employer's address: \_\_\_\_\_  
\_\_\_\_\_

**CONTACT INFORMATION:**

**To Employer/Income Withholder:** If you have questions, contact \_\_\_\_\_ (issuer name)  
by phone: \_\_\_\_\_, by fax: \_\_\_\_\_, by e-mail or website: <http://texasattorneygeneral.gov/cs/> \_\_\_\_\_.

Send termination/income status notice and other correspondence to:  
Office of the Attorney General, Child Support Division, Central File Maintenance, PO Box 12048, Austin TX 78711-2048 (issuer address).

**To Employee/Obligor:** If the employee/obligor has questions, contact \_\_\_\_\_ (issuer name)  
by phone: \_\_\_\_\_, by fax: \_\_\_\_\_, by e-mail or website: <http://texasattorneygeneral.gov/cs/> \_\_\_\_\_.

The Paperwork Reduction Act of 1995

This information collection and associated responses are conducted in accordance with 45 CFR 303.100 of the Child Support Enforcement Program. This form is designed to provide uniformity and standardization. Public reporting burden for this collection of information is estimated to average 5 minutes per response for Non-IV-D CPs; 2 minutes per response for employers; 3 seconds for e-IWO employers, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Important:** You may use this script to “prove-up” an agreed or default divorce with children. Read it carefully before you go to court. When you read it in court you will be under oath. Do not read any part of this script in court that is not true and correct.

## SAMPLE TESTIMONY FOR DIVORCE WITH CHILDREN

Your Honor, my name is \_\_\_\_\_.  
(State your full name)

I filed this suit for divorce from my spouse \_\_\_\_\_.  
(State your spouse's full name)

At the time I filed for divorce, I had lived in Texas for at least the last six (6) months, and in \_\_\_\_\_ County for at least ninety (90) days.

I am asking for a divorce because our marriage has become unworkable and there is no reasonable expectation that we will get back together.

My spouse and I have \_\_\_\_\_ child/children, who is/are under 18 or still in high school.

I ask that custody, visitation and support for our child/children be ordered as set out in the Decree of Divorce I have presented to the Court. I believe that these orders would be in our child/children's best interest.

### *If Wife is testifying –*

I am not expecting a child now **and** I did not have children with anyone else during this marriage.

### **OR**

I am not expecting a child now. I did have a child/children with someone else during this marriage. Paternity of that child/those children has been established by court order or properly filed acknowledgment & denial of paternity. A copy of that court order or acknowledgment & denial of paternity is attached to my proposed Decree of Divorce.

### *If Husband is testifying –*

My wife is not expecting a child now **and** she did not have children with anyone else during this marriage.

### **OR**

My wife is not expecting a child now. She did have a child/children with someone else during this marriage. Paternity of that child/those children has been established by court order or properly filed acknowledgment & denial of paternity. A copy of that court order or acknowledgment & denial of paternity is attached to my proposed Decree of Divorce.

I ask that our property and debts be divided as set out in the Decree of Divorce I have presented to the Court. I believe this division is fair to both me and my spouse. **Note:** If this is a default, you must also tell the judge the value of the property awarded to you and your spouse and the reasons your proposed division of that property is fair.

### *If either spouse is asking for a name change –*

I am (or my spouse is) requesting a name change to a name that was used before we were married: \_\_\_\_\_.  
(State the name used before marriage)

I respectfully ask the court to grant my divorce.

**Remember:** You cannot finish your divorce while the wife is pregnant. And, if the wife had children with another man while married to the husband, you cannot finish your divorce until paternity of those children has been established.