

Default Divorce Forms SET B

(Texas Divorce, With Children, Opposite-Sex Spouses)

Use these instructions & forms if:

- you have a Texas divorce, you don't think your spouse will participate in the divorce process, you and your spouse have children together who are under 18 or still in high school, and there are no court orders for custody and support of your children already in place.

This packet includes:

1. Instructions for a DEFAULT Divorce with Children
2. Original Petition for Divorce
3. Exhibit: Out-of-State Party Declaration
4. Civil Case Information Sheet
5. Information on Suit Affecting the Parent-Child Relationship
6. Statement of Inability to Afford Payment of Court Costs
7. Final Decree of Divorce
8. Income Withholding for Support Order (IWO) – Child Support
9. Certificate of Last Known Mailing Address
10. Military Status Affidavit
11. Notice of Current Address
12. Sample Testimony for Divorce with Children
13. Record of Support Order

Note: You may not need all of the forms listed or you may need additional forms. Get more information at www.TexasLawHelp.org. Talk to a lawyer if you have questions.

Instructions and Forms for a Default Divorce with Children

Warning: *The information and forms in this guide are not a substitute for the advice and help of a lawyer.*

These instructions explain the steps in a **default** divorce with minor children. Each step includes a link to the form or forms needed for that step.

“**Default**” means you have your spouse served with the initial divorce papers and your spouse does not file an answer with the court. If your spouse is served and defaults (does not file an answer with the court), you can finish your divorce without your spouse.

Use these instructions if:

- you don't think your spouse will participate in the divorce process, **and**
- there are **no court orders** for custody and support of your children already in place (other than a family violence protective order).
- If there is already a final court order for custody and support of your children (not including a family violence protective order). Use this guide instead: **[I need a divorce. We have minor children. A final custody and support order is already in place.](#)**
- If there is a family violence protective order, use the **[Legal Help Directory](#)** to find a legal professional to speak to about your options. If you were the victim of family violence, you may qualify for free legal help.

To print out both instructions and forms, **[click here.](#)**

Checklist Steps

Step 1: Determine where to file your divorce.

It's important to file for divorce in the correct county. If you file in the wrong county, your case will be dismissed and you will lose your filing fee.

You can file for divorce in the county where you live or the county where your spouse lives as long as one spouse meets these **residency requirements**:

- You can file for divorce in the county where you live as long as:
 - you have lived in that county for at least the last 90 days - **and** -

- you have lived in Texas for at least the last 6 months.
- Or, you can file for divorce in the county where your spouse lives as long as:
 - your spouse has lived in that county for at least the last 90 days - **and** -
 - your spouse has lived in Texas for at least the last 6 months.

If neither you nor your spouse meet the residency requirements, talk with a lawyer.

Read the **Frequently Asked Questions**, [FAQs: Filing a Divorce with Children](#), for additional information.

Step 2: Fill out the starting forms.

Fill out this **starting form**:

- **Original Petition for Divorce (Set B)** (called the Petition for short)
- You will file (turn in) the Petition at the courthouse to start your divorce case. The Petition tells the judge and your spouse that you want a divorce and states what you want the judge to order in the Final Decree of Divorce. The **Frequently Asked Questions** and related **Articles** included with these instructions will help you understand your options.

When you fill out the Petition:

- Print your answers neatly in blue or black ink. Do not leave blanks.
- You are the “petitioner” and your spouse is the “respondent.”
- Talk to a lawyer if you have questions or need help.

Note: The Petition asks for your address. Your spouse will get a copy of the Petition. If you are concerned about your spouse knowing your address, call the Family Violence Legal Line at (800) 374-4673 for free advice.

Fill out these additional **starting forms** if required for your case:

- [Civil Case Information Sheet](#) (NOTE: the [Texas Supreme Court has repealed the rule requiring the civil case information sheet](#), so you may not need this form).
- [Exhibit: Out-of-State Party Declaration](#) (required **only** if you or your spouse lives outside of Texas)
- [Statement of Inability to Afford Payment of Court Costs](#) (use **only** if you cannot afford to pay the filing fee for your case) You can call the clerk's office to learn the filing fee for your case. Learn more here: [Court Fees and Fee Waivers](#).

Make two copies of these completed starting forms:

- Original Petition for Divorce
- Exhibit: Out-of-State Party Declaration (**only** if you or your spouse lives outside of Texas)
- Statement of Inability to Afford Payment of Court Courts (**only** if you are asking the court to waive court costs)

Step 3: File (turn in) your starting forms.

File (turn in) your completed Petition and other starting forms with the court. You need to find out if your county has [standing orders](#). If it does, you will need to attach a copy of the standing orders to your petition.

- To file your forms online, go to [E-File Texas](#) and follow the instructions.
- To file your divorce forms in person, take the Petition and additional starting forms (and copies) to the district clerk's office in the county you have determined is the correct county to file your divorce.

At the clerk's office:

- Turn in your Petition and other starting forms (and copies).
- Tell the clerk you want to have your spouse **served in person**. This means a sheriff, constable or private process server will deliver the initial divorce papers to your spouse in person.

(**Note:** If your spouse will agree to sign the necessary court forms, you do not need to have your spouse served. Follow these instructions instead: **Instructions & Forms for an AGREED Divorce with Children** (the Agreed Divorce with Children materials are in the instructions & forms set that appears right above *this* checklist.).

- Pay the filing fee (or file your completed Statement of Inability to Afford Payment of Court Costs if you cannot afford the fee). You can call the clerk's office ahead of time to learn the filing fee for your case.
- Ask the clerk if there is a local standing order that you need to follow or attach to any of your documents
- 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. (Write these numbers at the top of any document you file in your divorce case.)
- The clerk will "**file-stamp**" your copies with the date and time. The clerk will keep the original and return your copies.
- The clerk will print a form called a "citation." The citation tells your spouse that you have filed for divorce. The citation also tells your spouse that unless he or she files an answer with the court you will be able to finish your divorce by default (without your spouse). The clerk will attach the other copy of your Petition to the citation. The citation and Petition are the "**initial divorce papers**" that must be served on your spouse by a constable, sheriff or private process server. **Read Step 4 for instructions.**

Step 4: Have your spouse served.

It is your responsibility to have your spouse served with the initial divorce papers by a constable, sheriff or private process server. You cannot serve the initial divorce papers yourself.

To have your spouse **served in person:**

- send the initial court papers to a constable, sheriff or private process server **in the county where your spouse lives or works**;
- include the service fee (call first to learn the fee) or a file-stamped copy of your Statement of Inability to Afford Payment of Court Costs; **and**
- a self-addressed and stamped envelope.

The constable, sheriff or private process server will:

- give the initial divorce papers to your spouse,
- complete a Return of Service form that says when and where your spouse was served,
- send the completed Return of Service to you or the court.

The completed Return of Service is proof your spouse was served. Your spouse will NOT have to sign anything.

If the Return of Service is sent to you, file it at the clerk's office. The Return of Service must be on file for at least 10 days before you can finish your case, not counting the day it is filed or the day you go to court to finish your case.

NOTE: If you have trouble getting your spouse served, read this article: [How to Serve the Initial Divorce Papers](#). If you have questions, you can use [Ask a Question](#) to chat with a lawyer or law student online.

Step 5: Notify the Office of the Attorney General (if applicable).

Has your child ever received TANF or Medicaid?

- If NO, skip this step.
- If YES, you must send a file-stamped copy of your Petition to the Office of the Attorney General (OAG) Child Support Division (and be able to prove that you did so).
 - **Send your Petition by Email** – You can scan a file-stamped copy of your Petition and email it. Find the email address for the OAG child support office in the county where your case is filed here: [Email Addresses for Child Support Offices](#). Write the cause number and the county where you filed your case in the subject line of the email.

Print a copy of your email. This is your proof. Bring it with you when you go to court to finish your case.

- **Send your Petition by Certified Mail Return Receipt Requested** – Or, you can mail a copy of your Petition by certified mail return receipt requested. The post office has the forms for certified mail return receipt requested. Find the mailing address for the OAG child support office in the county where your case is filed here: [Mailing Addresses for Child Support Offices](#). The post office will give you a receipt when you mail the Petition. The OAG will sign the return receipt (often called the “green card”) and mail it back to you. This is your proof. Bring the receipt and the return receipt (green card) with you when you go to court to finish your case.

Step 6: Fill out the Final Decree of Divorce and other ending forms.

Fill out this Final Decree of Divorce form:

- [Final Decree of Divorce \(Set B\)](#)

You will ask the judge to sign the Final Decree of Divorce form when it’s time to finish your divorce. When signed by the judge, the Final Decree of Divorce ends your marriage and makes orders about your children, property and debt. It may include other orders depending on your case.

The Final Decree of Divorce form must be completely filled out (except for the judge’s signature) **before** you go to court. You and your spouse may want to fill out the Final Decree of Divorce form together.

When you fill out the Final Decree of Divorce:

- Print your answers neatly in blue or black ink. Do not leave blanks.
- You are the petitioner and your spouse is the respondent.
- Talk to a lawyer if you have questions or need help.

Print out and complete a [Standard Possession Order form](#).

- If the standard possession schedule works for your family, fill it out and attach it to the Final Decree of Divorce. There are different standard possession orders, depending on whether your suit was filed before September 1, 2021, or after that date. If it does not work for your family or would not be safe for your children, you can hire a lawyer to write a

possession order that meets the specific needs of your family. Or, you may be able to use one of the sample possession orders included with this article: [Child Visitation & Possession Orders](#).

Fill out this additional **ending form** if required for your case:

- [Income Withholding Order for Support](#) (if child support will be ordered)

Note about retirement benefits: If you are dividing retirement benefits (other than an IRA), you must also complete a form called a Qualified Domestic Relations Order (QDRO). TexasLawHelp.org does not provide QDRO forms. 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. You should have the QDRO prepared before you go to court, so the judge can sign it when you finish your divorce. Learn more here: [Dividing Retirement Benefits Upon Divorce](#).

Also complete the [Information on Suit Affecting the Family Relationship](#) form (also known as the "Austin" form), which must be printed on one page (front and back).

Step 7: Have the Final Decree of Divorce form reviewed (if possible).

Some counties require this document to be reviewed by an attorney, while others do not. You should speak with the district clerk's office in your county regarding local requirements. Even if it's not required, it's a good idea to have a family law lawyer review your completed *Final Decree of Divorce* form. Family law lawyers specialize in cases involving families, such as divorce cases.

You can hire a family law lawyer **just** to review your forms. This is called "limited scope representation." You may also be able to talk with a lawyer for free at a legal clinic. If you need help finding a lawyer, you can:

- Use our **Legal Help Directory** to search for a lawyer referral service, legal aid office or self-help center in your area.
- Check our [Legal Events and Clinics](#) page for free legal clinics in your area.
- Use [Ask a Question](#) to chat online with a lawyer or law student.

□ **Step 8: Wait the required waiting periods.**

Wait the waiting periods that apply to your case.

- **60-day waiting period** – In almost all cases, you must wait at least 60 days before you can finish your divorce.

When counting the 60 days, find the day you filed your *Original Petition for Divorce* on a calendar, and then count out 60 more days (including weekends and holidays). If the 60th day falls on a weekend or holiday, go to the next business day. **Note:** When counting the 60 day waiting period, don't count the day you filed your *Original Petition for Divorce*. Day 1 is the next day.

There are **only** two exceptions to the 60-day waiting period.

1. If your spouse has been convicted of or received deferred adjudication for a crime involving family violence against you or a member of your household, the 60-day waiting period is waived.
2. If you have an active protective order or an active magistrate's order for emergency protection against your spouse because of family violence during your marriage, the 60-day waiting period is waived.

Note: You can always wait longer than 60 days, but your divorce cannot be finished in fewer than 60 days unless one of these exceptions applies.

- **20 + day waiting period** – From the day your spouse is served, your spouse must have at least 20 days plus the next Monday at 10:00 a.m. to file an *Answer*. Find the day your spouse was served on a calendar, count out 20 **more** days (including weekends), then go to the next Monday. Your spouse must have until this date to file an answer. If your spouse does not file an answer by this date (and all other requirements have been met) you can finish your case by default without your spouse. **Note:** Your spouse can file an answer until you finish your divorce case, even if the 20 + day waiting period has passed.
- **10 + day waiting period** – The constable, sheriff, or private process server should have completed a *Return of Service* form stating when your spouse was served. The *Return of Service* form must be 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 9: Determine if your divorce can be finished by default.**

Call the clerk's office to find out if your spouse filed an answer.

If your spouse filed an answer, you CANNOT finish your divorce by default.

- If your spouse filed an answer and will now agree to sign your completed Final Decree of Divorce, you can finish your case by agreement.
- If your spouse filed an answer and will not agree to sign your completed Final Decree of Divorce, your case is contested. To finish a contested divorce, you must set a contested final hearing. You must give your spouse at least 45 days' notice of the final hearing. Read this article to learn more: [How to Set a Contested Final Hearing \(Family Law\)](#). **Remember:** It's always best to have a lawyer if your case is contested.

If your spouse did NOT file an answer, you CAN finish your divorce by default as long as:

- your spouse was successfully served by a constable, sheriff or private process server; **and**
- a Return of Service form (stating when and where your spouse was served) has been on file with the clerk's office for at least 10 days (not counting the day it was filed or the day you go to court); **and**
- the 20 + day waiting period for your spouse to file an answer has passed; **and**
- the 60-day waiting period has passed; **and**
- your spouse has not filed an answer and does not file an answer before you finish your divorce. (Remember, your spouse can file an answer until you finish your divorce, even if the 20 + day waiting period has passed.)

If you **CAN** finish your divorce by default, fill out these additional forms and make one copy of each form:

- [Certificate of Last Known Mailing Address](#)

- [Military Status Declaration](#) (If your case is filed in Harris County, fill out a [Military Status Affidavit](#) instead. Sign it in front of a notary.)

Step 10: Get ready for court.

Call the clerk's office to learn when and where the court hears uncontested divorce cases.

If you sent a copy of your Petition to the Office of the Attorney General (OAG), ask the clerk if the OAG filed anything in your case.

- If no, you can finish your divorce without further notice to the OAG.
- If yes, talk to a lawyer about what to do next. You can use [Ask a Question](#) to chat with a lawyer online.

Print and read through the sample testimony (found below). You must read this testimony to the judge when you go to court to finish your divorce. Make sure everything in the sample testimony is true for you. If not, talk to a lawyer. Remember, everything you say in court must be true and correct. You can be charged with a crime for lying in court.

- [Sample Testimony Divorce with Children \(Set B\)](#)

Read the article [Tips for the Courtroom](#) for more information about going to court.

If you would like to appear virtually, you may need to file a motion for use of emergency procedures. Read [Asking to Appear in Court by Video App or Phone During COVID-19 \(Divorce With Children\)](#).

Step 11: Go to court to finish your divorce.

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

- file-stamped copy of your Original Petition for Divorce;
- file-stamped copy of the Return of Service form showing when and where your spouse was served;
- the Final Decree of Divorce form completely filled out and **signed by you** (make sure a completed possession order is attached);

- Income Withholding Order for Support if child support will be ordered;
- Certificate of Last Known Mailing Address form and 1 copy;
- Military Status Declaration (or Military Status Affidavit for Harris County) and 1 copy;
- Sample Testimony for Divorce with Children (Set B);
- Any additional documents needed for your specific case, such as a Qualified Domestic Relations Order (QDRO) if you are dividing a retirement account.
- The completed **Information on Suit Affecting the Family Relationship** form (also known as the "Austin" form), which must be printed on one sheet of paper (front and back).

When you get to the courthouse, go to the clerk's office.

- Ask the clerk if you need the court file or docket sheet (list of what has been filed in your case).
- Ask the clerk to check one more time to see if your spouse has filed an answer. If your spouse has filed an answer, you will not be able to finish your case by default. Go back to **Step 9**.
- File the Certificate of Last Known Mailing Address and the Military Status Declaration (or Military Status Affidavit). Ask the clerk to file stamp your copy of each form. Bring a file-stamped copy of each form with you to court.

When you get to the courtroom tell the clerk you are there and give the clerk your paperwork. Sit down until the judge calls your case.

When the judge calls your case, walk to the front of the courtroom and stand in front of the judge's bench. The judge will have you raise your right hand and swear to tell the truth. The judge may ask you questions or may ask you to read your testimony. Have your sample testimony ready. 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.

Step 12: File (turn in) the signed Final Decree of Divorce.

After the judge signs your Final Decree of Divorce, go back to the clerk's office.

- File (turn in) the Final Decree of Divorce and any other orders signed by the judge. **Your divorce is NOT final until you do so.**
- File the completed [Information on Suit Affecting the Family Relationship](#) form (also known as the "Austin" form), which must be printed on one sheet of paper (front and back).
- Get a certified copy of your Final Decree of Divorce and any other orders signed by the judge from the clerk while you are there. The clerk may charge a fee for the certified copies.
- If your name was changed, get at least 3 certified copies of your Final Decree of Divorce to take to the agencies listed in **Step 13**. The clerk may charge a fee for the certified copies.
- If child support was ordered, ask the clerk how to set up a child support account.
- Complete and submit the [Record of Support Order](#) to the clerk's office to set up the child support account.

Step 13: After your divorce is finished.

Send a file-stamped copy of your Final Decree of Divorce and any other orders signed by the judge to your spouse.

Follow these additional steps if they apply:

- If you were ordered to pay child support and/or cash medical support and have questions about where to send your payment, you can get information from the [Texas Attorney General Website](#) or by calling (800) 252-8014.
- If your ex-spouse was ordered to pay child support and/or medical support and doesn't pay, you can contact the [Texas Attorney General Child Support Division](#) for help enforcing your order.
- If your name was changed, take a certified copy of your Final Decree of Divorce to the following agencies:

- Your local Social Security Administration (SSA) office to change your social security card.
- Your local Department of Public Safety (DPS) office to change your driver's license or state identification card.
- Your County Voter Registrar to change your voter registration card. (For more information, contact the [Texas Secretary of State](#).)
- Contact the [U.S. State Department](#) to change your name on your passport.
- Transfer car titles. If a vehicle (not already in your name alone) is awarded to you, give a certified copy of the Final Decree of Divorce to your county tax office and apply for title. The vehicle identification number (VIN) must be listed in your divorce decree.
- File deeds to transfer title to real property (house or land) at the property records office in the county where the property is located.
- If the judge signed a QDRO dividing a retirement account, send a certified copy of the QDRO to the administrator of the retirement plan by certified mail return receipt requested. **If this isn't done, you won't get your share of the retirement funds.**
- Revise your will, insurance policies and all financial account beneficiary designations as needed.

Cause Number: _____

In the Matter of the Marriage of

In the _____
(Court Number)

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

And

- District Court
- County Court at Law

Respondent: _____
Print first, middle and last name of other spouse.

_____ County, Texas

And in the Interest of:

(Print the initials of each child you and your spouse have together who is 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 a Statement of Inability to Afford Payment of Court Costs if 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. Get more information at www.TexasLawHelp.org.

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 another 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 another 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 does not live in Texas, you must complete and attach the Exhibit: Out-of-State Party Declaration. Get it at 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 for 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.). Get information about filing for divorce when there is already a court order at www.TexasLawHelp.org.

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. 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) with the exclusive rights listed in Texas Family Code 153.132 including the exclusive right to designate the primary residence of the child(ren) anywhere.
- c. Father should be the **Sole Managing Conservator** of the child(ren) with the exclusive rights listed in Texas Family Code 153.132 including the exclusive right to designate the primary residence of the child(ren) anywhere.

6E. Child(ren)'s Passports (Check only if applicable.)

- I ask the Court to order that I have the exclusive right to apply for and renew passports for 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:

- 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:

(Check only if you are 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:

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, Medical Support, and Dental 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, medical support, dental 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 and dental 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. (Get information about establishing paternity at www.TexasLawHelp.org.)

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. (Get information about establishing paternity at www.TexasLawHelp.org.)
- 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. Fill in the requested information.)

Note: You **must** provide information about any protective order or pending application for protective order involving you and your spouse or a child of either you or your spouse. This includes information about any: (1) family violence protective order, (2) sexual assault, sexual abuse, trafficking or stalking protective order and/or (3) emergency protective order issued after an arrest.

You **must also** attach to this petition a copy of any protective order (even if it's expired) in which one spouse or child of either spouse was the applicant or victim and the other spouse was the respondent or defendant.

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 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 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. 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 property 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 may still be able to seek payment from you. Ask a lawyer how to protect yourself in this situation.

11A. 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.

11B. 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: _____

12. Name Change

(Check one box.)

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

- 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

13. Health Insurance Availability for Children

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

14. Dental Insurance Availability for Children

The child(ren): (Check all that apply.)

- have **private dental 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 dental insurance through **Medicaid**.
- do not have dental insurance.

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

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

18. Certificate of Service to the Office of the Attorney General (OAG)

Sign **only** if your child(ren) receive (or have received) Medicaid or TANF. This tells the judge that you will deliver a copy of this Petition to the Office of the Attorney General Child Support Division as required by law. Get contact information for the Office of the Attorney General Child Support Office in the county where this case will be filed at https://www.texasattorneygeneral.gov/apps/cs_locations. Bring proof of delivery with you to court.

I certify that a true copy of this Petition was served on the Office of the Attorney General Child Support Division* in person, by certified and first-class mail, by commercial delivery service, by fax, by email, or through the electronic file manager on this date.

→

Petitioner's Signature

Date

Note: For information about divorce in Texas, including how to file an answer, go to www.TexasLawHelp.org.

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

For information about free and low-cost legal help in your county go to www.TexasLawHelp.org
or call the Legal Aid office serving your area:

Legal Aid of Northwest Texas, 888-529-5277 (serves Dallas–Fort Worth area and Northwest Texas)

Lone Star Legal Aid, 800-733-8394 (serves Houston area and East Texas)

Texas Rio Grande Legal Aid 888-988-9996 (serves Austin–San Antonio area, El Paso area, and 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 800-799-SAFE (7233) or

Texas Family Violence Hope Line, at 800-374-HOPE (4673) or

Crime Victims, at 888-343-4414.

4th past address: _____
From: _____ To: _____

Who did the child live with? Mother Father Other (explain): _____
What is the present address of that person or persons? _____

Second 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) _____

List every address for the last 5 years. Start with the most recent.

1st 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 past address: _____
From: _____ To: _____

Who did the child live with? Mother Father Other (explain): _____
What is the present address of that person or persons? _____

3rd past address: _____
From: _____ To: _____

Who did the child live with? Mother Father Other (explain): _____
What is the present address of that person or persons? _____

4th past address: _____
From: _____ To: _____

Who did the child live with? Mother Father Other (explain): _____
What is the present address of that person or persons? _____

Third 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) _____

List every address for the last 5 years. Start with the most recent.

1st 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 past address: _____

_____ From: _____ To: _____

Who did the child live with? Mother Father Other (explain): _____

What is the present address of that person or persons? _____

3rd past address: _____ From: _____ To: _____

Who did the child live with? Mother Father Other (explain): _____

What is the present address of that person or persons? _____

4th 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:

| <u>County, State, and Country of Court Case</u> | <u>Case number</u> | <u>Type of case</u> |
|---|--------------------|---------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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: _____

**INFORMATION ON SUIT AFFECTING THE FAMILY RELATIONSHIP
(EXCLUDING ADOPTIONS)**

SECTION I GENERAL INFORMATION (REQUIRED)

STATE FILE NUMBER

1a. COUNTY _____ 1b. COURT NO. _____
1c. CAUSE NO. _____ 1d. DATE OF ORDER (mm/dd/yyyy) _____

2. TYPE OF ORDER (CHECK ALL THAT APPLY):

DIVORCE/ANNULMENT WITH CHILDREN (Sec. 1,2 AND 3) DIVORCE/ANNULMENT WITHOUT CHILDREN (Sec 1 AND 2)

ESTABLISHMENT OF COURT OF CONTINUING JURISDICTION (SEC 1 AND 3)
(Court Order Establishing Paternity, Conservatorship, Child Support or Termination of Parental Rights)

CHANGE IN THE NAME OF THE CHILD (SEC 1 AND 3)
(PROVIDE PRIOR AND NEW NAME OF CHILD IN SECTION 3)

TRANSFER OF COURT OR CONTINUING JURISDICTION (SEC1,3 AND INFORMATION BELOW)

TRANSFER TO: COUNTY _____ COURT NO. _____ STATE COURT ID# _____

| | |
|--|--|
| 3a. NAME OF ATTORNEY FOR PETITIONER | 3b. TELEPHONE NUMBER (including area code) |
| 3c. CURRENT MAILING ADDRESS (STREET AND NUMBER OR P.O BOX, CITY, STATE, ZIP) | |

SECTION 2 (IF APPLICABLE) REPORT OF DIVORCE OR ANNULMENT OF MARRIAGE

| | | | | |
|------------------------------|--|-----------------------------------|---|---|
| PETITIONER | 4. NAME (FIRST MIDDLE LAST SUFFIX) | | 5. MAIDEN LAST NAME (NAME BEFORE 1 ST MARRIAGE) | |
| | 6. PLACE OF BIRTH (CITY AND STATE OR FOREIGN COUNTRY) | | 7. RACE | 8. DATE OF BIRTH (mm/dd/yyyy) |
| | 9. USUAL RESIDENCE | STREET NAME & NUMBER | CITY | STATE |
| RESPONDENT | 10. NAME (FIRST MIDDLE LAST SUFFIX) | | 11. MAIDEN LAST NAME (NAME BEFORE 1 ST MARRIAGE) | |
| | 12. PLACE OF BIRTH (CITY AND STATE OR FOREIGN COUNTRY) | | 13. RACE | 14. DATE OF BIRTH (mm/dd/yyyy) |
| | 15. USUAL RESIDENCE (STREET AND NUMBER CITY, STATE, ZIP) | | | |
| 16. NUMBER OF MINOR CHILDREN | | 17. DATE OF MARRIAGE (mm/dd/yyyy) | | 18. PLACE OF MARRIAGE (CITY AND STATE OR FOREIGN COUNTRY) |

SECTION 3 (IF APPLICABLE) CHILDREN AFFECTED BY THIS SUIT

| | | | | |
|----------------|---|----------|--|--|
| CHILD 1 | 19a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX) | | | |
| | 19b. DATE OF BIRTH (mm/dd/yyyy) | 19c. SEX | 19d. BIRTHPLACE (CITY, COUNTY AND STATE) | |
| | 19e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE | | | |
| CHILD 2 | 20a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX) | | | |
| | 20b. DATE OF BIRTH (mm/dd/yyyy) | 20c. SEX | 20d. BIRTHPLACE (CITY, COUNTY AND STATE) | |
| | 20e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE | | | |
| CHILD 3 | 21a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX) | | | |
| | 21b. DATE OF BIRTH (mm/dd/yyyy) | 21c. SEX | 21d. BIRTHPLACE (CITY, COUNTY AND STATE) | |
| | 21e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE | | | |

ADDITIONAL CHILDREN LISTED ON BACK OF THE FORM.

I CERTIFY THAT THE ABOVE ORDER WAS GRANTED ON THE DATE AND PLACE AS STATED. _____
SIGNATURE OF THE CLERK OF THE COURT

WARNING: This is a governmental document. Texas Penal Code, Section 37.10, specifies penalties for making false entries or providing false information in this document. VS-165 REV 07/2017

ADDITIONAL CHILDREN AFFECTED BY THIS SUIT FROM SECTION 3 (IF APPLICABLE)

| | | | |
|---------|---|----------|--|
| CHILD 4 | 23a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX) | | |
| | 23b. DATE OF BIRTH (mm/dd/yyyy) | 23c. SEX | 23d. BIRTHPLACE (CITY, COUNTY AND STATE) |
| | 23e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE | | |
| CHILD 5 | 24a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX) | | |
| | 24b. DATE OF BIRTH (mm/dd/yyyy) | 24c. SEX | 24d. BIRTHPLACE (CITY, COUNTY AND STATE) |
| | 24e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE | | |
| CHILD 6 | 25a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX) | | |
| | 25b. DATE OF BIRTH (mm/dd/yyyy) | 25c. SEX | 25d. BIRTHPLACE (CITY, COUNTY AND STATE) |
| | 25e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE | | |

Instructions for Completing the Suit Affecting Parent Child Relationship Form**GENERAL REQUIREMENT:**

All divorces/annulments (with or without children) and all suits affecting the parent-child relationship must be reported through the clerk of the court to the State Vital Statistics Unit (VSU).

Consolidated reporting by petitioners, attorneys, and the courts is designed to make mandatory reporting more efficient, timely, and improve the quality of reporting. However, this reporting system is only as good or timely as you make it; therefore, your attention in completing and filing this report is critical.

Legal basis for this reporting is contained in Health and Safety Code §194.002 and Texas Family Code §§108.001-.002 and 108.004.

For information concerning reporting or questions about this form, contact field services at fieldservices@dshs.texas.gov or by phone at 512-776-3010.

The VSU-165 form must be printed double-sided (one sheet not two).

For information on the court of continuing jurisdiction of a child, contact VSU at (888) 963-7111 ext. 2529. Inquiries should be addressed to VSU, 1100 West 49th Street, Austin, Texas, 78756-3191; inquiries may also be faxed to (512) 776-7164 .

SECTION 1 GENERAL INFORMATION (REQUIRED)

This section must be completed for each report filed.

- 1a – d. Enter the required information to identify the court proceeding.
- 2. Check the type of suit being reported. This determines also which sections of the form must be completed. If more than one type of order applies, check all that apply. Transfers from one jurisdiction to another must be reported in this section (if court number is unknown, specify "unknown").
- 3a – c. Complete the attorney information to assist in questions or follow up. If case was pro se, please enter the information of the person completing this form.

SECTION 2 (IF APPLICABLE) REPORT OF DIVORCE OR ANNULMENT OF MARRIAGE

All divorces/annulments must be reported, even if there were no minor children. All information is required.

- 4-9. Report the Petitioner's information including maiden name (if applicable).
- 10-15. Report the Respondent's information, including maiden name (if applicable).
- 16. Report the number of minor children affected by this divorce; if none, record "0." This number must correspond to the listing of children in Section 3.
- 17-18. Enter the date and place of the marriage being dissolved.

SECTION 3 (IF APPLICABLE) CHILDREN AFFECTED BY THIS SUIT

Every child affected by the suit being reported must be listed, and all items concerning that child must be completed. If more than three children are affected, check the "additional children listed on back of form" box, and continue to list the additional children. If more than 6 children complete section 3 on another form, label it "continuation" and attached the continuation form to the original form.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA



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

Plaintiff: _____
(Print first and last name of the person filing the lawsuit.)

And

In the *(check one):*
_____ Court Number
 District Court
 County Court / County Court at Law
 Justice Court

Defendant: _____ Texas
(Print first and last name of the person being sued.) County _____

Statement of Inability to Afford Payment of Court Costs or an Appeal Bond

1. Your Information

My full legal name is: _____ My date of birth is: ____ / ____ / ____
First Middle Last Month/Day/Year

My address is: *(Home)* _____
(Mailing) _____

My phone number: _____ My email: _____

About my **dependents**: "The people who depend on me financially are listed below.

| <i>Name</i> | <i>Age</i> | <i>Relationship to Me</i> |
|-------------|------------|---------------------------|
| 1 _____ | _____ | _____ |
| 2 _____ | _____ | _____ |
| 3 _____ | _____ | _____ |
| 4 _____ | _____ | _____ |
| 5 _____ | _____ | _____ |
| 6 _____ | _____ | _____ |

2. Are you represented by Legal Aid?

I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.

-or-

I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

I am not represented by legal aid. I did not apply for representation by legal aid.

3. Do you receive public benefits?

I do not receive needs-based public benefits. - or -

I receive these **public benefits/government entitlements** that are based on indigency:

(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

- Food stamps/SNAP TANF Medicaid CHIP SSI WIC AABD
- Public Housing or Section 8 Housing Low-Income Energy Assistance Emergency Assistance
- Telephone Lifeline Community Care via DADS LIS in Medicare ("Extra Help")
- Needs-based VA Pension Child Care Assistance under Child Care and Development Block Grant
- County Assistance, County Health Care, or General Assistance (GA)
- Other: _____

4. What is your monthly income and income sources?

"I get this monthly income:

\$ _____ in monthly wages. I work as a _____ for _____.
Your job title Your employer

\$ _____ in monthly unemployment. I have been unemployed since (date) _____.

\$ _____ in public benefits per month.

\$ _____ from other people in my household each month: *(List only if other members contribute to your household income.)*

\$ _____ from Retirement/Pension Tips, bonuses Disability Worker's Comp
 Social Security Military Housing Dividends, interest, royalties
 Child/spousal support
 My spouse's income or income from another member of my household *(if available)*

\$ _____ from other jobs/sources of income. *(Describe)* _____

\$ _____ is my **total monthly** income.

5. What is the value of your property?

| | |
|--|-------------------|
| "My property includes: | Value* |
| Cash | \$ _____ |
| Bank accounts, other financial assets | _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Vehicles (cars, boats) <i>(make and year)</i> | _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Other property (like jewelry, stocks, land, another house, etc.) | _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Total value of property | → \$ _____ |

6. What are your monthly expenses?

| | |
|--------------------------------------|-------------------|
| "My monthly expenses are: | Amount |
| Rent/house payments/maintenance | \$ _____ |
| Food and household supplies | \$ _____ |
| Utilities and telephone | \$ _____ |
| Clothing and laundry | \$ _____ |
| Medical and dental expenses | \$ _____ |
| Insurance (life, health, auto, etc.) | \$ _____ |
| School and child care | \$ _____ |
| Transportation, auto repair, gas | \$ _____ |
| Child / spousal support | \$ _____ |
| Wages withheld by court order | \$ _____ |
| Debt payments paid to: <i>(List)</i> | \$ _____ |
| _____ | \$ _____ |
| _____ | \$ _____ |
| Total Monthly Expenses | → \$ _____ |

*The value is the amount the item would sell for less the amount you still owe on it, if anything.

7. Are there debts or other facts explaining your financial situation?

"My **debts** include: *(List debt and amount owed)* _____

(If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts.") Check here if you attach another page.


8. Declaration

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

- I cannot afford to pay court costs.
- I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.

My name is _____ . My date of birth is : ____ / ____ / ____.

My address is _____
Street City State Zip Code Country

 signed on ____ / ____ / ____ in _____ County, _____
Signature Month/Day/Year county name State

Cause Number: _____

In the Matter of the Marriage of

In the _____
(Court Number)

- District Court
- County Court at Law

Print first, middle and last name of the spouse who filed for divorce.

and

Print first, middle and last name of other spouse.

County,
Texas

And in the Interest of:

(Print the initials of each child you and your spouse have together who is under 18 or still in high school.)

- | | | |
|----------|----------|----------|
| 1. _____ | 3. _____ | 5. _____ |
| 2. _____ | 4. _____ | 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**, self-represented, and announced ready for trial.
- The Petitioner **was present**, self-represented, and agreed to the terms of this Final Decree of Divorce (called "Decree" throughout this document).
- The Petitioner **was not present** but has signed this Decree, agreeing to its terms.

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**, self-represented, and announced ready for trial.
- The Respondent **was present**, self-represented, and agreed to the terms of this Decree.
- The Respondent **was not present** but filed an Answer or Waiver of Service and has signed this Decree, agreeing to its terms.
- 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.

The Court fills out this box.

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. Family Violence Statement

It has been represented to the Court that: (Check ONLY the option that applies to the situation.)

- There has been no pattern of child neglect or family violence by any party to this case within two years preceding the filing of this case or during the pendency of this case.

Or

- There **has** been family violence during this lawsuit, while the divorce was pending, or during the two years prior to the filing of this lawsuit.

5. Dates of Marriage and Separation (Check ONLY the option that applies to your situation.):

- The date of marriage was on or about: _____
Month Day Year
- This was an informal (common law) marriage.

6. Divorce

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

7. Children

7A. 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 no. | 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.

7B. Wife Not Pregnant

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

7C. Did the wife have a child with another partner 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 or 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) _____.

8. 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, medical support, and dental 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 **7A** above.

9. Conservatorship (Custody)

9A. 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, including school lunches, performances, and field trips;
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 has 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 40th 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 OR 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 30th day after the date the parent establishes residence with the person who is the subject of the final protective order.

WARNING: A PARENT OR CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PARENT OR 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 90th day after the date the protective order was issued.

WARNING: A PARENT OR 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 30th day after the date the final protective order was issued.

WARNING: A PARENT OR 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.

9B. Parents Appointed Conservators

If the parents will be joint managing conservators, check box **9B(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 **9B(1)**. Go to the next page and check box **9B(2)**. Fill in the information requested in box **9B2**.

9B(1) Joint Managing Conservators

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

(Check **9B(1)(a)** or **9B(1)(b)**.)

9B(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 the parent:

(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: _____.

9B(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 district: _____.

this county.

this county or county adjacent to 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 1st column shall be exercised by the parent or parents as marked in the 2nd, 3rd, 4th, or 5th 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"/> |
| 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"/> |

9B(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.
11. the right to apply for, renew, and maintain passports for the child(ren) unless this right is somehow limited by this order or another court order.

9C. Order Regarding Passports for the Children

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

- The Sole Managing Conservator named in this order shall have the exclusive right to apply for, renew, and maintain passports for the child(ren).
- 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.

10. 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 3rd birthday, the parents shall have possession and access to the child as ordered in the Possession and Access Order attached as Exhibit A.

11. Child Support

11A. 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 **7A** above.

11B. 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,
- The child marries, dies, or is emancipated by court order,
- The child begins active duty in the United States armed forces,
- 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.

11C. Obligor and Obligee

The Court **ORDERS** that the parent ordered to **pay** child support in **11A** 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 **11A** above is the **Obligee** and will be referred to as the “**Obligee**” throughout this section.

11D. Child Support Amount(s)

If only one child will receive support, check box **11D(1)** and fill in the child support amount and start date. If more than one child will receive support, check box **11D(2)** and fill in the child support amounts and start date. [Information about the child support amount guidelines is available at TexasLawHelp.org.](http://TexasLawHelp.org)

11D(1) For a Single Child

Obligor is **ORDERED** to pay \$_____ child support per month. The 1st payment is due on _____. A like payment is due on the 1st day of each month
Month / Day / Year
after that **until** child support terminates for the child.

11D(2) For Multiple Children

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

After child support terminates for one child, Obligor is **ORDERED** to pay \$_____ child support per month. The 1st payment is due on the 1st day of the 1st month after child support terminates for one child. A like payment is due on the 1st 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 1st payment is due on the 1st day of the 1st month after child support terminates for a second child. A like payment is due on the 1st 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 1st payment is due on the 1st day of the 1st month after child support terminates for a third child. A like payment is due on the 1st 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 1st payment is due on the 1st day of the 1st month after child support terminates for a fourth child. A like payment is due on the 1st 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 1st payment is due on the 1st day of the 1st month after child support terminates for a fourth child. A like payment is due on the 1st day of each month after that **until** child support terminates for a sixth child.

11E. 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 Income Withholding Order for Support authorized in this order shall include the child support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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

- Obligor's name
- Obligee's name
- Cause Number and County of Decree or Order
- Attorney General Case Number (if applicable)

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

11F. 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.

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!

10G. 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.

11H. 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:

11I. 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.

11J. 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.

11K. 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.

11L. 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 Obligor's 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.

11M. 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.

12. Medical and Dental Support

12A. Duty to Provide Medical and Dental Support

As additional child support, the Court **ORDERS** the parents to provide medical and dental support as set out in this order for each child listed in **7A** above until one of the following **events that terminate medical and dental support** occurs for the child.

12B. Events that Terminate Medical and Dental Support

The obligation to provide medical and dental 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;
- The child marries, dies, or is emancipated by court order;
- The child begins active duty in the United States armed forces;
- 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.

12C. Definitions

“Child(ren)” means all children, whether one or more, listed in Section **7A** of this Final Decree of Divorce.

“Obligor” means the parent ordered to pay child support.

“Obligee” means the parent ordered to receive child support.

“Health insurance” means insurance coverage that provides basic health-care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization or other private or public organization, other than medical assistance under chapter 32 of the Texas Human Resources Code.

“Dental insurance” means insurance coverage that provides preventive dental care and other dental services, including usual dentist services, office visits, examinations, X-rays, and emergency services, that may be provided through a single service health maintenance organization or other private or public organization.

“Health-care expenses” include, without limitation, medical, surgical, prescription drug, mental health-care services, dental, eye care, ophthalmological, and orthodontic charges but do not include expenses for travel to and from the provider or for nonprescription medication.

“Health-care expenses that are not reimbursed by insurance” (also called “unreimbursed expenses”) include related copayments and deductibles.

“Furnish” means—

- to hand deliver the document by a person eighteen years of age or older either to the recipient or to a person who is eighteen years of age or older and permanently resides with the recipient; **or**

- to deliver the document to the recipient by first-class mail or by certified mail, return receipt requested, to the recipient's last known mailing or residence address; **or**
- to deliver the document to the recipient at the recipient's last known mailing or residence address using any person or entity whose principal business is that of a courier or deliverer of papers or documents either within or outside the United States; **or**
- to deliver the document to the recipient at the recipient's email address if an email address for the recipient is provided below: **(Check and print email address(s) if delivery by email is OK.)**

Obligee's email address: _____

Obligor's email address: _____

In the event of any change in either recipient's email address, that recipient is ORDERED to notify the other recipient of such change in writing within twenty-four hours after the change.

12D. Court Findings about Health Insurance

Note: Texas law says that health insurance is available at a "reasonable cost" if the total cost of health insurance coverage for all children for which the Obligor is responsible under a medical support order is not more than 9 percent of the Obligor's annual resources. See Texas Family Code 154.181(e).

The Court finds that private health insurance for the child(ren): **(Check one.)**

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.**

is available at a reasonable cost to the person ordered to pay child support 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.

12E. Orders about Health Insurance / Medical Support

The Court makes the following orders about health insurance / medical support for the child(ren).

Check box **12E(1)** if the Obligor will provide and pay for health insurance for the children.

Check box **12E(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 **12E(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.

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

12E(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 obtain health insurance for the child(ren) within 15 days of the date of this order.

Obligor is ORDERED to then maintain health insurance for each child until one of the above “events that terminate medical and dental support” occurs for the child.

____ If health insurance for the child(ren) terminates or lapses, Obligor is ORDERED to enroll the child(ren) in a health insurance plan at the next available enrollment period.

12E(2) Obligee to Provide Health Insurance / Obligor to Pay Cash Medical Support

As additional child support, the Court ORDERS **Obligee**, _____,
(Print name of parent who will receive child support)
to obtain health insurance for the child(ren) within 15 days of the date of this order.

Obligee is ORDERED to then maintain health insurance for each child until one of the above “events that terminate medical and dental support” occurs for the child.

____ If health insurance for the child(ren) terminates or lapses, Obligee is ORDERED to enroll the child(ren) in a health insurance plan at the next available enrollment period.

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 1st payment is due on _____.
Month / Day / Year

A like payment is due on the 1st day of each month after that until one of the above “events that terminate medical and dental 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.

The Income Withholding Order for Support authorized in this order shall include the cash medical support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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

- Obligor's name
- Obligee's name
- Cause Number and County of Decree or Order
- Attorney General Case Number (if applicable)

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

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 Obligor's 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**.

12E(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**, _____,
(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.

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 1st payment is due

on _____. A like payment is due on the 1st day of each month after that until
Month / Day / Year

one of the above "events that terminate medical and dental 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.

The Income Withholding Order for Support authorized in this order shall include the cash medical support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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

- Obligor's name
- Obligee's name
- Cause Number and County of Decree or Order
- Attorney General Case Number (if applicable)

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

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 Obligor is allowed to **stop paying 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 **12E3**. It does **not** apply to any other section.

12F. Court Findings About Dental Insurance

Note: Texas law says that dental insurance is available at a "**reasonable cost**" if the total cost of dental insurance coverage for all children for which the Obligor is responsible under a dental support order is not more than **1.5 percent** of the Obligor's annual resources. See Texas Family Code 154.1815.

The Court finds that dental insurance for the children: **(Check one.)**

- is not** available at a reasonable cost to either parent.
- 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.

12G. Orders About Dental Insurance / Dental Support

(Check one.)

- No orders about dental insurance/dental support are made at this time because neither parent has access to dental insurance at a reasonable cost.
- The Court makes the following orders about dental insurance / dental support for the child(ren):

Check box 12G(1) if the Obligor will provide and pay for dental insurance for the children.

Check box 12G(2) if the Obligee will provide dental insurance for the children and the Obligor will pay cash dental support to reimburse the Obligee for the cost of the insurance.

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.

12G(1) Obligor to Provide and Pay for Dental Insurance

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

to get dental insurance for the child(ren) within 15 days of the date of this order.

Obligor is ORDERED to then maintain dental insurance for each child until one of the above "events that terminate medical and dental support" occurs for the child.

_____ If dental insurance for the child(ren) terminates or lapses, Obligor is ORDERED to enroll the child(ren) in a dental insurance plan at the next available enrollment period.

12G(2) Obligee to Provide Dental Insurance / Obligor to Reimburse Cost

As additional child support, the Court ORDERS **Obligee**, _____,
(Print name of parent who will receive child support)
to get dental insurance for the child(ren) within 15 days of the date of this order.

Obligee is ORDERED to then maintain dental insurance for each child until one of the above “events that terminate medical and dental support” occurs for the child.

____ If dental insurance for the child(ren) terminates or lapses, Obligee is ORDERED to enroll the child(ren) in a dental insurance plan at the next available enrollment period.

As additional child support, the Court ORDERS **Obligor**, _____,
(Print name of parent ordered to pay child support)
to pay Obligee **cash dental support** of \$ _____ per month for **reimbursement** of dental insurance premiums. The 1st payment is due on _____. A like payment is
month / day / year
due on the 1st day of each month after that until one of the above “events that terminate medical and dental support” occurs for each child.

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

The Income Withholding Order for Support authorized in this order shall include the cash dental support payments. Additional payment options are found on the Office of the Attorney General's website at www.texasattorneygeneral.gov/cs/payment-options-and-types.

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

- Obligor's name
- Obligee's name
- Cause Number and County of Decree or Order
- Attorney General Case Number (if applicable)

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

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

12H. Parent to Furnish Information about Health Insurance

The parent providing health insurance for the child(ren) (called the “Insuring Parent” throughout this section) is also ORDERED to furnish to each conservator the following information **within 30 days** of the date the Insuring Parent receives notice of this order:

- Insuring Parent's social security number;
- the name and address of Insuring Parent's employer;
- proof that health insurance has been provided for each child;
- whether Insuring Parent's employer is self-insured or has health insurance available;
- if Insuring Parent's employer has health insurance available:
 - the name of the insurance carrier and the policy number;
 - a copy of the policy and a schedule of benefits;
 - a health insurance membership card;
 - claim forms and any other information necessary to submit a claim; and
- if Insuring Parent's 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.

Insuring Parent is ORDERED to furnish to each conservator a copy of any renewals or changes to the health insurance policy covering the child(ren) and any additional information regarding health insurance coverage of the child(ren) **within 15 days** of receipt.

An Obligor ordered to provide health insurance coverage, is ORDERED to notify each conservator and any child support agency enforcing a support obligation against the Obligor of the:

- termination or lapse of the health insurance coverage of the child(ren) **within 15 days** of the date of termination or lapse.
- availability of additional health insurance for the child(ren) **within 15 days** of the date the additional health insurance becomes available.

If health insurance coverage terminates due to a change of employer, the Obligor, Obligee or the child support agency may send the new employer a copy of the order requiring the employee to provide health insurance.

12I. Parent to Furnish Information about Dental Insurance

The parent providing dental insurance for the child(ren) (called the “Insuring Parent” throughout this section) is ORDERED to furnish to each conservator the following information **within 30 days** of the date the Insuring Parent receives notice of this order:

- Insuring Parent’s social security number;
- the name and address of Insuring Parent’s employer;
- proof that dental insurance has been provided for each child;
- whether Insuring Parent’s employer is self-insured or has dental insurance available;
- if Insuring Parent’s employer has dental insurance available:
 - the name of the insurance carrier,
 - the policy number;
 - a copy of the policy and a schedule of benefits;
 - a dental insurance membership card;
 - claim forms; and
 - any other information necessary to submit a claim; and
- if Insuring Parent’s 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.

Insuring Parent is ORDERED to furnish to each conservator a copy of any renewals or changes to the dental insurance policy covering the child(ren) and any additional information regarding dental insurance coverage of the child(ren) **within 15 days** of receipt.

An Obligor ordered to provide dental insurance coverage, is ORDERED to notify each conservator and any child support agency enforcing a support obligation against the Obligor of the:

- termination or lapse of the dental insurance coverage of the child(ren) **within 15 days** of the date of termination or lapse.
- availability of additional dental insurance for the child(ren) **within 15 days** of the date the additional dental insurance becomes available.

If dental insurance coverage terminates due to a change of employer, then the Obligor, Obligee or the child support agency may send the new employer a copy of the order requiring the employee to provide dental insurance.

12J. Order for Insurer to Enroll Child(ren)

If the parent ordered to provide health insurance for the child(ren) 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 the other parent or others as authorized by law. See Texas Insurance Code, 1504.051

If the parent ordered to provide dental insurance for the child(ren) is eligible for dependent dental coverage but fails to apply to obtain coverage for the child(ren), the insurer is ORDERED to enroll the child(ren) on application of the other parent or others as authorized by law. See Texas Insurance Code, 1504.051

12K. 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:

- the parent ordered to provide health insurance is not providing health insurance as ordered, then that parent is liable for **100 percent** of all necessary medical expenses of the child(ren) and for the costs of health insurance premiums or contributions, if any, paid on behalf of the child(ren).
- the parent ordered to provide dental insurance is not providing dental insurance as ordered, then that parent is liable for **100 percent** of all necessary dental expenses of the child(ren) and for the costs of dental insurance premiums or contributions, if any, paid on behalf of the child(ren).

If **12E(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).

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.

12L. Claims

Either parent may file claims and receive payments directly from the insurance carrier. Further, for the sole purpose of Texas Insurance Code 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**.

12M. 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.

12N. WARNING

A PARENT ORDERED TO PROVIDE HEALTH INSURANCE OR DENTAL INSURANCE OR TO PAY THE OTHER PARENT ADDITIONAL CHILD SUPPORT FOR THE COST OF HEALTH INSURANCE OR DENTAL INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OR DENTAL EXPENSES OF THE CHILD(REN), WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE OR DENTAL INSURANCE HAD BEEN PROVIDED, AND FOR THE COST OF HEALTH INSURANCE PREMIUMS, DENTAL INSURANCE PREMIUMS, OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILD(REN).

13. Parents' Information

13A. 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 13 of this Decree.

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

Name: _____
Home Address: _____
Mailing Address: _____
Home phone _____ Work phone: _____
FULL Social Security No.: _____ -- --
Driver's License No.: _____ 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.

13B. 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 No.: _____ -- --
Driver's License No.: _____ 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.

14. 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 60TH 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 5TH 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.

| 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.

16F. 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 16F(1) or 16F(2).)

- 16F(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.

- 16F(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.

16G. 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) _____

21. Final Order

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.



Petitioner's Signature

Phone number

Petitioner's Name (print)

Date

Mailing
Address: _____

Email: _____

Fax#:
(if available) _____

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



Respondent's Signature

Phone number

Respondent's Name (print)

Date

Mailing
Address: _____

Email: _____

Fax#:
(if available) _____

Standard Possession Order

The Court ORDERS that this Standard Possession Order is fully incorporated into the Decree or Order to which it is attached.

The Court ORDERS each conservator to obey this Standard Possession Order. The Court ORDERS that this Standard Possession Order starts 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: _____
Print the full name of the parent with the right to designate the child(ren)’s primary residence.

“Parent B” is: _____
Print the full name of the other parent.

2. Findings

The Court finds that the parties reside:

- Within 50 Miles or Less Apart.
- Between 51 to 100 Miles Apart.
- More Than 100 Miles Apart.

3. 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.

4. 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.

5. 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.

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 THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500.00 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.

6. Parent B's Schedule When Parents Reside 50 Miles or Less Apart

Except as otherwise expressly provided in this Standard Possession Order, when Parent B lives 50 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:

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

If the weekend occurs during the regular school term, it shall **begin** on the 1st, 3rd, and 5th Friday of each month at the time the child's school is regularly dismissed and end at 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 1st, 3rd, and 5th Friday of each month at 6 p.m. and end at 6 p.m. the following Sunday.

(a) 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 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 the time the school resumes the following Tuesday during the regular school year or at 8:00 a.m. on Tuesday when school is not in session.

(b) Thursdays – Parent B shall have the right to possession of the child(ren) each Thursday during the regular school term beginning at the time the child's school is regularly dismissed and *ending* at the time the child's school resumes on Friday.

(c) Spring Vacation – Parent B shall have the right to possession of the child(ren) during Spring vacation in even-numbered years *beginning* at the time the child(ren)'s school is regularly dismissed for Spring Vacation and *ending* at the time school resumes the following 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 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.

(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 for 30 consecutive days in that year beginning at 6 p.m. on July 1 and ending at 6 p.m. on July 31.

(Check box below if Parent B is declining the expanded beginning and ending times now)

The Court finds Parent B declines the alternative beginning and ending times (i.e., pick up from school and return to school) and Parent B's periods of possession under this section shall begin and end at 6:00 p.m. on each applicable day, except that on Thursdays during the regular school year, Parent B's period of possession shall end at 8:00 p.m.

7. Parent B's Schedule When Parents Reside Between 51 to 100 Miles Apart

Except as otherwise expressly provided in this Standard Possession Order, when Parent B lives between 51 to 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** – Parent B shall have the right to possession of the child(ren) on the 1st, 3rd, and 5th weekends of each month.

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

(Check one box.)

begin on the 1st, 3rd, and 5th Friday of each month at:

- 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 1st, 3rd, and 5th 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 the time the school resumes the following Tuesday during the regular school year or at 8:00 a.m. on Tuesday when school is not in session.

- (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.

8. Parent B's Schedule When Parents Reside More Than 100 Miles Apart

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 1st, 3rd and 5th weekends of each month.

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

begin on the 1st, 3rd, w and 5th 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 1st, 3rd and 5th 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.

9. Parent A’s Schedule When Parents Reside 50 Miles or Less Apart

This schedule applies when Parent B 50 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* at the time the child(ren)’s school is regularly dismissed for Spring Vacation and *ending* at the time school resumes the following 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. Parent B, not later than the 15th day before the Friday that begins Parent A’s chosen weekend, must give Parent A written notice of the location at which the Parent A is to pick up and return the child.
- (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 B, not later than the 15th day before the Friday that begins Parent A’s chosen weekend, must give Parent A written notice of the location at which the Parent A is to pick up and return the child.

** 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.*

10. Parent A’s Schedule When Parents Reside Between 51 to 100 Miles Apart

This schedule applies when parents live within 51 to 100 miles 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:

| | |
|---|---|
| <p><i>beginning</i> on the day the child is dismissed from school for Spring vacation at: <i>(Check one box.)</i></p> <p><input type="checkbox"/> 6 p.m.</p> <p><input type="checkbox"/> the time the child(ren)’s school is regularly dismissed.</p> | <p>and <i>ending</i> at 6 p.m. the day before school resumes after that vacation.</p> |
|---|---|
- (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. Parent B, not later than the 15th day before the Friday that begins Parent A’s chosen weekend, must give Parent A written notice of the location at which the Parent A is to pick up and return the child.
- (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 B, not later than the 15th day before the Friday that begins Parent A's chosen weekend, must give Parent A written notice of the location at which the Parent A is to pick up and return the child.

** 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.*

11. Parent A's Schedule When Parents Reside More Than 100 Miles Apart

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.*

12. 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.)*

- the time the child's school is dismissed, if the parents live 50 miles or less apart or within 51 to 100 miles apart.
- 6 p.m., if Parent B elects or if the parents live 100 miles or more apart.

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: *(Check one box.)*

- the time the child's school resumes after that Christmas school vacation, if the parents live 50 miles or less apart or within 51 to 100 miles apart.

6 p.m. on the day before school resumes after that Christmas school vacation, if Parent B elects or if the parents live 100 miles or more apart.

(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.)*

the time the child's school is dismissed, if the parents live 50 miles or less apart or within 51 to 100 miles apart.

6 p.m., if Parent A elects or if the parents live 100 miles or more apart.

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:

the time the child's school resumes after that Christmas school vacation, if the parents live 50 miles or less apart or within 51 to 100 miles apart.

6 p.m. on the day before school resumes after that Christmas school vacation, if Parent B elects or if the parents live 100 miles or more apart.

(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.)*

the time the child's school is dismissed, if the parents live 50 miles or less apart or within 51 to 100 miles apart.

6 p.m., if Parent B elects or if the parents live 100 miles or more apart.

and *ending* at:

the time the child's school resumes after that Thanksgiving school vacation, if the parents live 50 miles or less apart or within 51 to 100 miles apart.

6 p.m. on the Sunday following Thanksgiving, if Parent B elects or if the parents live 100 miles or more apart.

(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.)*

the time the child's school is dismissed, if the parents live 50 miles or less apart or within 51 to 100 miles apart.

6 p.m., if Parent A elects or if the parents live 100 miles or more apart.

and *ending* at:

the time the child's school resumes after that Thanksgiving school vacation if the parents live 50 miles or less apart or within 51 to 100 miles apart.

6 p.m. on the Sunday following Thanksgiving, if Parent B elects or if the parents live 100 miles or more apart.

(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 and any minor siblings 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.)*

8 a.m. on the Monday after Father's Day, if the parents live 50 miles or less apart or within 51 to 100 miles apart.

6 p.m. on Father's Day, if Father elects or if the parents live 100 miles or more apart.

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.)

the time the child's school is dismissed.

6 p.m., if Mother elects or if the parents live 50 miles or less apart or within 51 to 100 miles apart.

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

8 a.m. on the Monday after Mother's Day, if the parents live 50 miles or less apart or within 51 to 100 miles apart

6 p.m. on Mother's Day, if Mother elects or if the parents live 100 miles or more apart.

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.

13. 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 Other Parent** - If a parent'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, the parent shall immediately notify the school and the other parent that the child will not be or has not been returned to school.

This concludes the Standard Possession Order.

Child Support Guidelines: Low Income

How is child support calculated if the obligor (pay) has a very low income?

Texas law sets general guidelines for calculating child support. The court *can* order child support that is different from the guidelines. And, if the person paying the child support—the “obligor”—has \$1,000 or less per month in monthly net resources, these are the guidelines that apply.

How is child support calculated if I have less than \$1,000 in monthly net resources?

- 1 child = 15% of the noncustodial parent’s average monthly net resources
- 2 children = 20% of the noncustodial parent’s average monthly net resources
- 3 children = 25% of the noncustodial parent’s average monthly net resources
- 4 children = 30% of the noncustodial parent’s average monthly net resources
- 5 children = 35% of the noncustodial parent’s average monthly net resources
- 6 or more children = not less than the amount for 5 children

See [Texas Family Code 154.125\(c\)](#)

How it works—an example:

- If a noncustodial parent’s average monthly net resources are \$900, then guideline child support for 2 children would be \$180 per month. Under the low-income child support guidelines, child support for two children would be 20% of the noncustodial parent’s average monthly net resources, and 20% of \$900 is \$180.
- If you have more than one child together, the amount of child support ordered will “step down” as child support ends for each child.
- Using the same example, if you have two children, low-income guideline child support would step down from \$180 per month (20% of \$900) to \$135 per month (15% of \$900) when the oldest child turns 18 and graduates from high school.

What if the noncustodial parent has children with someone else AND a low income?

Guideline child support is slightly different if the noncustodial parent has other children. This chart tells you the percentage the judge will apply to the non-custodial parent’s average monthly net resources if the non-custodial parent has other children. See [Texas Family Code 154.129](#).

Low-Income Guideline Child Support: Multiple Family Adjusted Guidelines

| Number of children | 1 | 2 | 3 | 4 | 5 |
|----------------------------|-----|-----|-----|-----|-----|
| % of Net Monthly Resources | 15% | 20% | 25% | 30% | 35% |

Multiple Family Adjusted Guidelines — Low Income — % of net monthly income

| | | Number of children before the Court | | | | | | |
|---|---|-------------------------------------|-------|-------|-------|-------|-------|-------|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Number of other children for whom the Obligor has a duty of support | 0 | 15.00 | 20.00 | 25.00 | 30.00 | 35.00 | 35.00 | 35.00 |
| | 1 | 13.50 | 18.33 | 23.13 | 27.90 | 32.96 | 33.25 | 33.47 |
| | 2 | 12.50 | 17.00 | 21.50 | 26.50 | 31.50 | 31.94 | 32.28 |
| | 3 | 11.63 | 15.80 | 20.63 | 25.50 | 30.41 | 30.92 | 31.33 |
| | 4 | 10.80 | 15.33 | 20.00 | 24.75 | 29.56 | 30.10 | 30.55 |
| | 5 | 10.63 | 15.00 | 19.53 | 24.17 | 28.88 | 29.43 | 29.90 |
| | 6 | 10.50 | 14.75 | 19.17 | 23.70 | 28.32 | 28.88 | 29.35 |
| | 7 | 10.41 | 14.56 | 18.88 | 23.32 | 27.85 | 28.40 | 28.88 |

Example: Calculating child support with 1 child in 1 household but 2 in another, under low-income guidelines.

- Noncustodial parent's (NCPs) average monthly net resources are \$900.
- The custodial parent of a new baby applies for child support (the new baby is the child BEFORE the court).
- The noncustodial parent also has two children from a prior relationship (These are the children NOT before the Court).
- Using the chart above, with ONE child before the court and TWO other children for whom the Obligor has a duty to support, the percentage applied to the noncustodial parent-obligor would be 12.50%. So, 12.50% of \$900 is \$112.50.

What money is included when you calculate child support?

Guideline child support is calculated based on the net resources of the noncustodial parent. Net resources are not the same thing as take-home pay. For child support purposes, the term "net resources" means all money received by the noncustodial parent from all sources, including

- wages,
- overtime,
- tips,
- bonuses,
- dividend income,
- self-employment income (including "gig economy" work such as driving for ride-sharing app, or delivery app, starting September 1, 2021),
- severance pay,
- retirement benefits,
- pensions,
- trust income,
- annuities,
- capital gains,
- social security benefits (other than SSI),
- veterans disability benefits (other than non-service-connected disability pension benefits),
- unemployment benefits,
- disability and worker's compensation benefits,
- interest income,
- gifts,
- prizes,
- spousal maintenance and alimony.

What isn't included in "monthly net resources"?

"Resources" does not include SSI, return on principal or capital, accounts receivable, TANF, or payments received for foster care of a child. When calculating child support, the noncustodial parent's net resources are capped at \$8,550 per month. Also, a judge cannot count the income of the noncustodial parent's spouse when calculating child support. See Texas Family Code 154.069.

Are the low-income guidelines always applied for child support?

The court will presume that guideline child support is in the child's best interest. But, there are situations when the court can deviate from the guidelines. Some of the factors that the court can consider include the age and needs of the child; the parents' ability to support the child; the child's expenses; what the custody and visitation setup is; travel expenses; etc. See Texas Family Code 154.123 for a longer list.

Is there an online child support calculator?

You can use the **Texas Attorney General Child Support Calculator** to calculate regular guideline child support: <https://csapps.oag.texas.gov/monthly-child-support-calculator>.

INCOME WITHHOLDING FOR SUPPORT

- ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
- AMENDED IWO
- ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
- TERMINATION OF IWO

Date: _____

Child Support Enforcement (CSE) Agency Court Attorney Private Individual/Entity (Check One)

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions www.acf.hhs.gov/programs/css/resource/income-withholding-for-support-instructions). If you receive this document from someone other than a state or tribal CSE agency or a court, a copy of the underlying order must be attached.

State/Tribe/Territory TEXAS Remittance ID (include w/payment) _____
 City/County/Dist./Tribe _____ Order ID _____
 Private Individual/Entity _____ CSE Agency Case ID _____

 Employer/Income Withholder's Name

 Employer/Income Withholder's Address

Employer/Income Withholder's FEIN _____

Child(ren)'s Name(s) (Last, First, Middle) _____

Child(ren)'s Birth Date(s) _____

RE: _____

Employee/Obligor's Name (Last, First, Middle)

Employee/Obligor's Social Security Number

Custodial Party/Obligee's Name (Last, First, Middle)



ORDER INFORMATION: This document is based on the support or withholding order from _____ (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$ _____ Per _____ current child support
 \$ _____ Per _____ past-due child support - **Arrears greater than 12 weeks?** Yes No
 \$ _____ Per _____ current cash medical support
 \$ _____ Per _____ past-due cash medical support
 \$ _____ Per _____ current spousal support
 \$ _____ Per _____ past-due spousal support
 \$ _____ Per _____ other (must specify) _____
 for a **Total Amount to Withhold** of \$ _____ per _____ .

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ _____ per weekly pay period \$ _____ per semimonthly pay period (twice a month)
 \$ _____ per biweekly pay period (every two weeks) \$ _____ per monthly pay period
 \$ _____ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

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 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.

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.

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.

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.

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

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.

"I believe the Respondent may be in the military. Therefore, I contacted the following military locator services:

| Military Locator Service Contacted | Results |
|------------------------------------|---------|
| <u>Air Force: 210-565-2660</u> | _____ |
| <u>Navy: 866-827-5672</u> | _____ |
| <u>Marines: 800-268-3710</u> | _____ |

I know that the Respondent is not now in the military because:

I do not know if the Respondent is in the military now.

Your Signature (Do not sign until you are in front of a notary.)

State of Texas

County of _____

SIGNED under oath before me on _____, 20_____, by

PRINT the first and last names of the person who signed this affidavit.

Notary Public, State of Texas

(Notary's seal must be included.)

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

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:

(Print the initials of each child you and your spouse have together who is under 18 or still in high school.)

- 1. _____ 2. _____ 3. _____
- 4. _____ 5. _____ 6. _____

Notice of Current Address

I, _____, am a party in this case.
Print your full name

My current address is:

PRINT your name and information.

Name: _____ Telephone: _____
 Email: _____ Fax number (if available) _____
 Mailing Address: _____

Check only if applicable.

This is a new address and the purpose of this Notice is to update my address for the records of the Court and other parties.

Respectfully submitted,



Your Signature

Date

Your printed name

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

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.



Figure: 1 TAC §55.121

Record of Support Order

This completed form must be submitted to the county's clerk of the court to set up the child support account. (See Texas Family Code §105.008)
Note to Clerks: Send the completed form to the State Case Registry/County Contact Team by fax 877-924-6872, e-mail csd-sdu@oag.texas.gov, or mail to TxCSDU, P.O. Box 659400, San Antonio, TX 78265, or use the TXCSES Web Portal to provide this information in lieu of forwarding the document to the TXSDU. In Dallas, El Paso, Harris, Tarrant, Taylor and Travis counties, the completed form must be sent to the Domestic Relations Office.

Order Information

| | | |
|-------------------------------|------------------|------------------|
| County Name: | Court Number: | Cause Number: |
| Attorney General Case Number: | Date of Hearing: | Order Sign Date: |

| | |
|---|--|
| Order Type: <input type="checkbox"/> New Order <input type="checkbox"/> Modified Order | Payment Location: <input type="checkbox"/> State Disbursement Unit (SDU) Other: |
|---|--|

By signing below, the party or attorney for the party requests child support services, also called Title IV-D services, for the benefit of the family. (Note: Handwritten or electronic signatures are acceptable.)

Signature: _____ Date: _____

Typed/printed name: _____

Signing person's relationship to the case: Custodial Parent (CP) CP attorney Non-Custodial Parent (NCP) NCP attorney

Note to Counties: If the document is signed above, and the Record of Support Order information was entered in the TXCSES Web Portal, the document must be forwarded to the Office of the Attorney General by e-mail to csd-fax051@oag.texas.gov or by fax to (512) 781-7206. In counties that forward the Record of Support Order directly to the State Case Registry/County Contact Team, no further action is required. In Dallas, El Paso, Harris, Tarrant, Taylor and Travis counties, the document must be forwarded to the Domestic Relations Office.

Obligee/Payee/Custodial Parent Information

Family Violence Protection (FV) *(Check if individual below is a victim of family violence)*

| | | |
|--|--------------------------|-------------------------|
| Name: | Date of Birth: | Social Security Number: |
| Address: | City: | State: Zip: |
| Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Driver's License Number: | |
| Home Phone: | Work Phone: | Cell Phone: Email: |
| Relationship to Child(ren): | | |
| Employer Name: | | |
| Address: | City: | State: Zip: |



Figure: 1 TAC §55.121

| Obligor/Payor/Non-Custodial Parent Information | | | |
|--|---|-------------------------|-------------------------|
| <input type="checkbox"/> Family Violence Protection (FV) <i>(Check if individual below is a victim of family violence)</i> | | | |
| Name: | Date of Birth: | Social Security Number: | |
| Address: | City: | State: | Zip: |
| Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Driver's License Number: | | |
| Home Phone: | Work Phone: | Cell Phone: | Email: |
| Relationship to Child(ren): | | | |
| Employer Name: | | | |
| Address: | City: | State: | Zip: |
| Dependent Information | | | |
| <input type="checkbox"/> Family Violence Protection (FV) <i>(Check if dependent below is a victim of family violence)</i> | | | |
| Name: | Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Date of Birth: | Social Security Number: |
| <input type="checkbox"/> Family Violence Protection (FV) <i>(Check if dependent below is a victim of family violence)</i> | | | |
| Name: | Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Date of Birth: | Social Security Number: |
| <input type="checkbox"/> Family Violence Protection (FV) <i>(Check if dependent below is a victim of family violence)</i> | | | |
| Name: | Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Date of Birth: | Social Security Number: |
| <input type="checkbox"/> Family Violence Protection (FV) <i>(Check if dependent below is a victim of family violence)</i> | | | |
| Name: | Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female | Date of Birth: | Social Security Number: |
| <i>If there are more children, attach an additional page listing the above information for each additional child.</i> | | | |
| Attorney Information | | | |
| Obligee Attorney: | Phone: | Obligor Attorney: | Phone: |
| | | | |
| Prepared by: | | Phone: | Date: |
| | | | |
| County Name: | Court Number: | Cause Number: | |

Child Support Guidelines: Low Income

How is child support calculated if the obligor (pay) has a very low income?

Texas law sets general guidelines for calculating child support. The court *can* order child support that is different from the guidelines. And, if the person paying the child support—the “obligor”—has \$1,000 or less per month in monthly net resources, these are the guidelines that apply.

How is child support calculated if I have less than \$1,000 in monthly net resources?

- 1 child = 15% of the noncustodial parent’s average monthly net resources
- 2 children = 20% of the noncustodial parent’s average monthly net resources
- 3 children = 25% of the noncustodial parent’s average monthly net resources
- 4 children = 30% of the noncustodial parent’s average monthly net resources
- 5 children = 35% of the noncustodial parent’s average monthly net resources
- 6 or more children = not less than the amount for 5 children

See [Texas Family Code 154.125\(c\)](#)

How it works—an example:

- If a noncustodial parent’s average monthly net resources are \$900, then guideline child support for 2 children would be \$180 per month. Under the low-income child support guidelines, child support for two children would be 20% of the noncustodial parent’s average monthly net resources, and 20% of \$900 is \$180.
- If you have more than one child together, the amount of child support ordered will “step down” as child support ends for each child.
- Using the same example, if you have two children, low-income guideline child support would step down from \$180 per month (20% of \$900) to \$135 per month (15% of \$900) when the oldest child turns 18 and graduates from high school.

What if the noncustodial parent has children with someone else AND a low income?

Guideline child support is slightly different if the noncustodial parent has other children. This chart tells you the percentage the judge will apply to the non-custodial parent’s average monthly net resources if the non-custodial parent has other children. See [Texas Family Code 154.129](#).

Low-Income Guideline Child Support: Multiple Family Adjusted Guidelines

| Number of children | 1 | 2 | 3 | 4 | 5 |
|----------------------------|-----|-----|-----|-----|-----|
| % of Net Monthly Resources | 15% | 20% | 25% | 30% | 35% |

Multiple Family Adjusted Guidelines — Low Income — % of net monthly income

| | | Number of children before the Court | | | | | | |
|---|---|-------------------------------------|-------|-------|-------|-------|-------|-------|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Number of other children for whom the Obligor has a duty of support | 0 | 15.00 | 20.00 | 25.00 | 30.00 | 35.00 | 35.00 | 35.00 |
| | 1 | 13.50 | 18.33 | 23.13 | 27.90 | 32.96 | 33.25 | 33.47 |
| | 2 | 12.50 | 17.00 | 21.50 | 26.50 | 31.50 | 31.94 | 32.28 |
| | 3 | 11.63 | 15.80 | 20.63 | 25.50 | 30.41 | 30.92 | 31.33 |
| | 4 | 10.80 | 15.33 | 20.00 | 24.75 | 29.56 | 30.10 | 30.55 |
| | 5 | 10.63 | 15.00 | 19.53 | 24.17 | 28.88 | 29.43 | 29.90 |
| | 6 | 10.50 | 14.75 | 19.17 | 23.70 | 28.32 | 28.88 | 29.35 |
| | 7 | 10.41 | 14.56 | 18.88 | 23.32 | 27.85 | 28.40 | 28.88 |

Example: Calculating child support with 1 child in 1 household but 2 in another, under low-income guidelines.

- Noncustodial parent's (NCPs) average monthly net resources are \$900.
- The custodial parent of a new baby applies for child support (the new baby is the child BEFORE the court).
- The noncustodial parent also has two children from a prior relationship (These are the children NOT before the Court).
- Using the chart above, with ONE child before the court and TWO other children for whom the Obligor has a duty to support, the percentage applied to the noncustodial parent-obligor would be 12.50%. So, 12.50% of \$900 is \$112.50.

What money is included when you calculate child support?

Guideline child support is calculated based on the net resources of the noncustodial parent. Net resources are not the same thing as take-home pay. For child support purposes, the term "net resources" means all money received by the noncustodial parent from all sources, including

- wages,
- overtime,
- tips,
- bonuses,
- dividend income,
- self-employment income (including "gig economy" work such as driving for ride-sharing app, or delivery app, starting September 1, 2021),
- severance pay,
- retirement benefits,
- pensions,
- trust income,
- annuities,
- capital gains,
- social security benefits (other than SSI),
- veterans disability benefits (other than non-service-connected disability pension benefits),
- unemployment benefits,
- disability and worker's compensation benefits,
- interest income,
- gifts,
- prizes,
- spousal maintenance and alimony.

What isn't included in "monthly net resources"?

"Resources" does not include SSI, return on principal or capital, accounts receivable, TANF, or payments received for foster care of a child. When calculating child support, the noncustodial parent's net resources are capped at \$8,550 per month. Also, a judge cannot count the income of the noncustodial parent's spouse when calculating child support. See Texas Family Code 154.069.

Are the low-income guidelines always applied for child support?

The court will presume that guideline child support is in the child's best interest. But, there are situations when the court can deviate from the guidelines. Some of the factors that the court can consider include the age and needs of the child; the parents' ability to support the child; the child's expenses; what the custody and visitation setup is; travel expenses; etc. See Texas Family Code 154.123 for a longer list.

Is there an online child support calculator?

You can use the **Texas Attorney General Child Support Calculator** to calculate regular guideline child support: <https://csapps.oag.texas.gov/monthly-child-support-calculator>.