

CAUSE NO. _____

CERTIFICATE FOR DEFAULT JUDGMENT

Checklist for Publication, Posting, Alternative Service, and Substituted Service

Before the court will set your default judgment, you must complete, sign, and file this form showing that you have satisfied all the prerequisites for a default judgment.

Requesting Service by Publication, Posting, Alternative Service, or Substituted Service

- ☐ On _____, a detailed affidavit was filed that contains specific facts showing the diligent attempts to locate the respondent and obtain personal service.
- ☐ For requests under TRCP 109 and 109a, Citation was issued AFTER the date the affidavit was filed and any order authorizing service was signed by the court.
- ☐ The respondent was served by (check one):
 - ☐ Alternative service under TRCP 106(b).
 - ☐ Publication under TRCP 109, 116, 117, and 244. Citation was published on the public information internet website and in a newspaper (unless indigent).
 - ☐ Posting under Tex. Fam. Code § 6.409(d).
 - ☐ Substituted service under TRCP 109a and 244.

Service and Return

- ☐ The respondent was served by publication, and there is a return of service on file that includes:
 - ☐ A copy of the newspaper publication. (*TRCP 116 & 117*), and
 - ☐ A public information website return generated by the Office of Court Administration (*TRCP 116 & 117*)
- ☐ The respondent was served by alternative service or substituted service, and there is a return of service on file by an authorized person (not an attorney/party in the case) that shows strict compliance with every part of the order. (*TRCP 106, 107(f), 109a*)
- ☐ The answer date has passed and no answer or other appearance has been made.
- ☐ The service return is the document file-stamped and is not page 2 of a file-stamped citation **and** will have been on file for at least 11 days before the default judgment trial. (*TRCP 107(h)*)

Attorney Ad Litem After Service by Publication or Substituted Service

- ☐ This is a divorce with no minor children or appreciable property so the requirement of an attorney ad litem is waived. (*Tex. Fam. Code § 6.409(e)*)
- ☐ After the answer date, the court signed an order appointing an attorney ad litem for the respondent. (*TRCP 244*)
- ☐ The attorney ad litem has used due diligence to attempt to locate the respondent for personal service.

- ☐ The attorney ad litem representing the respondent received **45 days' notice** of the default trial setting.
- ☐ The attorney ad litem was unsuccessful in locating the respondent and will appear at the default trial to defend the respondent. (TRCP 244)

Paperwork that Must be Filed Before the Court can Enter Judgment

- ☐ A Military Status Affidavit was filed on _____.
(See 50 U.S.C. § 3931. You can use the Servicemembers Civil Relief Act website to determine the defendant's military status <https://scra.dmdc.osd.mil/>)
- ☐ A written certificate of the Respondent's last-known email address and last-known mailing address was filed on _____. (TRCP 239a)
- ☐ A proposed statement of evidence was e-filed on _____ for the judge to sign at the default trial. (Tex. Fam. Code § 6.409(e) and § 102.010(d))
- ☐ A sworn inventory and appraisal listing all assets and liabilities was filed on _____.

Preparing for the Default Trial

- ☐ The attorney ad litem will appear at the default trial and defend the respondent.
- ☐ All relief contained in the proposed default order is supported by the pleadings.
- ☐ All relief contained in the proposed default order will be supported by evidence admitted at the default trial, **including presenting a sworn inventory and appraisal as an Exhibit.**
- ☐ All parenting plan has a defined possession schedule. The Court will not sign any order where possession of a child or children is solely by agreement of the parties.
- ☐ If the proposed default order contains provisions that differ from presumptions in the Family Code, sufficient evidence will be put on at the default trial to rebut the presumptions.
- ☐ I understand that I must put on evidence to prove each of my claims and that conclusory prove-up testimony is not sufficient to support a default judgment.

SIGNED by Petitioner/Attorney: _____

SIGNED by Attorney ad Litem: _____