

How to File an Uncontested Divorce

These instructions explain the steps in a simple, uncontested Texas divorce. Use them with the **FREE** do-it-yourself divorce forms at www.TexasLawHelp.org.

These instructions are written for people who are "pro se." Pro se means you don't have a lawyer.

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

Is Your Divorce Uncontested?

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

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

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

Steps for an Uncontested Texas Divorce

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

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

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

- It's not a good idea to do your own divorce, without a lawyer, when there has been family violence. Family violence includes physical violence and sexual assault. It can also include threats of violence. You do not need to have called the police or sought medical care to be the victim of family violence.
- If you or your children have been the victim of family violence or if at any time you feel unsafe, get help by calling the:
 - **National Domestic Violence Hotline** at 1-800-799-SAFE (7233) *or*
 - **Texas Family Violence Legal Line** at 1-800-374-HOPE (4673) *or*
 - **Advocates for Victims of Crime (AVOICE)**: at 1-888-343-4414

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

- Divorce cases can be complicated and your property, your money and your rights as a parent may be at risk. Even if you decide to represent yourself, you should see a lawyer for legal advice about your particular situation *before* filing anything,
- It's really important to talk to a lawyer if:
 - you're afraid for your or your children's safety, *or*
 - your case is contested, *or*
 - your spouse has a lawyer, *or*
 - you or your spouse has a house, retirement, business, other valuable property or a lot of debt.
 - You are in a same sex marriage and you and your spouse have a child but there is no adoption or other court order stating that you are both legal parents.

Talking to a lawyer now can save you time and money in the long run.

- **Need help finding a lawyer?** For referral to a lawyer, call your local lawyer referral service or the State Bar Lawyer Referral Information Service at 1-800-252-9690.
- **Can't afford a lawyer?** For information about free and low-cost legal help in your county go to www.texasbar.com/ReferralDirectory or call the Legal Aid organization serving your area:
 - **Legal Aid of Northwest Texas** 1-888-529-5277 (*Dallas / Ft. Worth area & Northwest Texas*)
 - **Lone Star Legal Aid** 1-800-733-8394 (*Houston area & East Texas*)
 - **Texas Rio Grande Legal Aid** 1-888-988-9996 (*Austin / San Antonio area, El Paso & South Texas*)
- **Just want advice?** You can hire a lawyer *just* to give you advice, review your forms, draft a document or help you prepare for a hearing. This is called **limited scope representation**. You may then be able to handle the other parts of your divorce yourself.



Do Not Use the TexasLawHelp Divorce Forms if:

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

Step 3: Determine where to file.

Residency Requirements for Divorce

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

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



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

Things to consider...

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

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

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

See *Texas Family Code Section 152.201*.

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

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

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

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

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

Step 4: Choose a divorce form set.

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

- **Texas Supreme Court Divorce Form SET 1** (*Opposite-Sex Spouses, no children and no house or land*)

Use these forms if there are:

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

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

These forms come with different instructions.

- **TexasLawHelp Divorce Form SET A** (*Opposite-Sex Spouses, no children together*)

Use these forms if:

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

- **TexasLawHelp Divorce Form SET B** (*Opposite-Sex Spouses, children together*)

Use these forms if:

- you and your spouse have children who are under 18 or still in high school *and*
- there are no court orders regarding the children. *Note: If you have a family violence protective order that includes orders regarding the children, you should still use SET B.*

- **TexasLawHelp Divorce Form SET C** (*Opposite-Sex Spouses, children together with final court order already in place*)

Use these forms if:

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

- **TexasLawHelp Divorce Form SET D** (*Same-Sex Spouses, no children together*)

Use these forms if:

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

Things to consider...

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

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

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

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

- Each divorce form set includes a version of the following forms. Additional forms are available at www.TexasLawHelp.org.

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

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

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

Step 5: Fill out the Original Petition for Divorce.



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

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

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

Things to consider...

- **if the spouses are husband and wife and the wife is pregnant.**

If the wife is pregnant, you will not be able to finish your divorce until after the child is born. If the husband **is not** the biological father, paternity of the child must be established before you can finish your divorce. Get information about establishing paternity at www.TexasLawHelp.org. If the husband **is** the biological father, orders for custody and support of the child must be included in the *Final Decree of Divorce*.
- **if the wife had a child with another man while married to the husband.**

If the wife had a child with another man while married to the husband, paternity of the child must be established before you can finish your divorce. This is true even if you have been separated for a long time. Get information about establishing paternity at www.TexasLawHelp.org.
- **if either wife in a same-sex marriage is pregnant or gave birth during the marriage.**

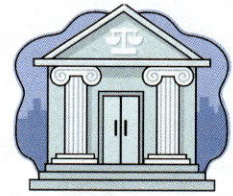
It’s a good idea to talk with a LGBT family law lawyer if either wife in a female same-sex marriage is pregnant or gave birth to a child during the marriage. Parentage of the child may need to be established by court order before you can finish your divorce.
- **if you need orders right away.**

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

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

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

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



Things to consider...

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

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

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

Get contact information for the Attorney General child support office in your area at www.oag.state.tx.us/cs/fieldoffices.php. Bring proof of delivery when you go to court.
- **if you and your spouse don't agree.**

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

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

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

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

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



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

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

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

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

Each way is described below.

What is personal service?

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

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

What if my spouse is in jail or prison?

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

What is service by certified mail?

Service by certified mail is when the clerk (or constable) sends your spouse the divorce paperwork by certified mail return receipt requested. The return receipt (or “green card”) must be signed by your spouse.

Only use service by certified mail if you know that your spouse is the only person who will sign for the letter when the post office delivers it. If someone else signs or your spouse does not sign his or her name exactly as it is written on your *Petition*, you will have to pay another fee and have your spouse served a different way.

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

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

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

Step 8: Fill out the Final Decree of Divorce.

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

Things to consider...

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

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

Step 9: Wait the required waiting periods.



- Wait the waiting periods that apply to your case.

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

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

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

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

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

Step 11: Go to court to finish your divorce.

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



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

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

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

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

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

- Go to the clerk’s office.
 - Ask if you need the court file or docket sheet (list of what has been filed).
 - If your case is a default, file the *Certificate of Last Known Address* and the *Declaration of Military Status* in the clerk’s office before you go to court. Bring a file-stamped copy of each form with you to court.
- Go to the courtroom.
 - Tell the clerk you are present and give your paperwork to him or her.
 - Read “Tips for the Courtroom” on the next page for more information.
- **After the judge signs your *Final Decree of Divorce*, turn it in to the clerk’s office.** Your divorce is NOT final until you do so. Get a certified copy of your *Final Decree of Divorce* from the clerk while you are there. The clerk may charge a fee for the certified copy. If child support was ordered, ask the clerk what you need to do to set up a child support account.

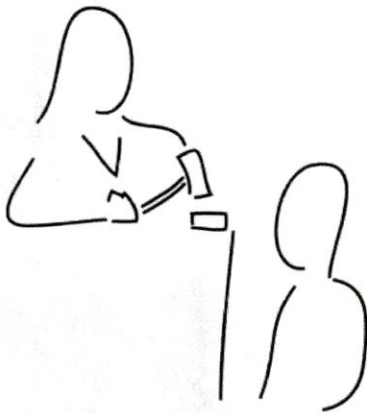
• **NOTES:**

- You cannot get married to someone else for 30 days after your *Final Decree of Divorce* is signed by the judge.
- After your divorce is final, remember to sign documents to change car titles, revise your will and life insurance policies, file deeds at the property records office in the county where the property is located, and send a certified copy of any QDROs signed by the court to the retirement plan administrator.

Tips for the Courtroom

Be prepared:

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



When you are in court:

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

When the judge calls your case:

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

Special Instructions for Collin County Residents

- File all forms in the District Clerk's office at 2100 Bloomdale Rd, (first floor) McKinney, TX 75071.
- You will need to attach the "Collin County District Courts General Orders" (4 pages) to the back of each Divorce or SAPCR Petition (you do not need to do this if you are filing a Modification). You can find the "General Orders" following the Petition in this packet.
- If there are children, and child support is being paid, you will need to fill out the "Child Support Account Set Up Form" and submit it with the final Decree or Order (when you appear before the judge). You can find this form following the "Income Withholding Order" or IWO (at the back of this packet).
- You need to fill out the "Information on Suit Affecting the Family Relationship" submit it with the Decree or Final Order. You can find this form after the decree.

Cause
Number:

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

In the Matter of the Marriage of

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

And

In the _____
(Court Number)

☐
☐

District Court
County Court at Law

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

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 adopted or biological children you and your spouse have together 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 (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, _____ on _____ Date Ordered
County State
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, _____ on _____ Date Ordered
County State
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 health insurance ☐ is ☐ is not available to Father at a reasonable cost.

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

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.

15. Public Benefits

(Check any boxes that apply.)

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

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

16. Family Information

(Check only if applicable.)

- ☐ I believe my children or I will be harassed, abused, seriously harmed or injured or otherwise subjected to family violence if I must give my spouse the information checked below for myself and the child(ren):
- ☐ home address, ☐ mailing address, ☐ employer, ☐ work address,
☐ home phone, ☐ work phone, ☐ social security no., ☐ driver's license,
☐ email address.

I ask the Court to Order that I not have to give this information or notice of changes in this information to my spouse. I also ask the Court to keep this information confidential.

17. Request for Judgment

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

Respectfully,

_____ Petitioner's Name		_____ Date	
→ _____ Petitioner's Signature		_____ Phone	
_____ Mailing Address	_____ City	_____ State	_____ Zip
Email Address: _____		Fax (if any) _____	

Warning: Your spouse will get a copy of this form. If you are concerned about your spouse learning your address, call the Hope Line at 800-374-4673(HOPE) for free advice BEFORE filing this form with the court.

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

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.

WARNING: By signing this form, you give up all your legal rights in this case. Do not sign it if you want to know what the court will order in your divorce. You can waive your right to be served, but keep your other rights, by filing an *Answer* instead. You can find an *Answer* form at www.FreeTexasForms.org with the Divorce – With Children forms.

Instructions: If you decide to use this *Waiver of Service* form:

- * Make sure the Petitioner has already filed a *Petition for Divorce* with the court. Do not sign this *Waiver of Service* until after the *Petition* is filed and you have been given a copy. If you sign it before the *Petition* is filed, it must be redone. The official court stamp on the *Petition* will tell you when it was filed.
- * Fill out the *Waiver of Service* completely. You **MUST** include your address.
- * Sign the *Waiver of Service* in front of a notary.
- * Give the *Waiver of Service* to the Petitioner or file it in the clerk's office.

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

Petitioner: _____
(Print first, middle and last name of the spouse filing for divorce.)

In the _____
(Court Number)

And

☐ District Court ☐ County Court of:

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

_____ County, Texas

Names of the children born to Petitioner and Respondent who are under 18:

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

Waiver of Service – Divorce (With Children)

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

"I am the Respondent in this case.

"My name is: _____
First Middle Last

"My mailing address is: _____
Mailing Address City State Zip

"My phone number is: (_____) _____ - _____.

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

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

"The last three numbers of my social security number are: _____.
Or ☐ I do not have a social security number.

"I have been given a copy of the *Petition for Divorce* filed in this case. I have read the *Petition for Divorce* and understand what it says.

"I understand that I have the right to be given a copy of the *Petition for Divorce* and official notice of this case by a constable, sheriff or other official process server. This process is called *issuance and service of citation*. I do not want to be given official notice. I give up my right to *issuance and service of citation* in this case and enter my appearance in this case for all purposes.

"I also give up my right to be notified of any and all hearings in this case.

"I agree that a Judge or Associate Judge in the county and state where this case is filed may make decisions about my divorce, even if the divorce should have been filed in another county. I do not want a court reporter to make a record of the testimony in this case.

"I understand that I must let the Court, my spouse and my spouse's attorney(if my spouse has an attorney) know in writing if my mailing address or phone number changes during this case

"If I am in the military, I waive all rights, privileges, and exemptions I may have under the Servicemembers Civil Relief Act in this case, including having a lawyer appointed to represent me.

"I agree that the judge may make decisions about my divorce without further notice to me."

(Check only one):

☐ I am NOT asking the court to change my name."

☐ I ask the Court to change my name back to a name I had before my marriage:

First Middle Last

Do not sign until you are in front of a Notary

▶ _____
Respondent's signature

Notary fills out below

State of Texas, County of _____
(Print the name of county where this affidavit is notarized.)

Sworn to and subscribed before me, the undersigned Notary, on this date: _____
by _____
(Print the first and last names of the Respondent who is signing this affidavit.)

I, the Notary Public, who signature appears below, certify that I am not an attorney in this case.

(Notary's seal here)

→ _____
Notary's signature

Exhibit: Out-of-State Party Declaration

Required by Texas Family Code 152.209

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

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

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

1. Personal Information

My name is _____
First Middle Last

I am the ☐ Petitioner ☐ Respondent

I am representing myself in this case.

If you believe your health, safety, or liberty, or that of your children, would be jeopardized by disclosure of the information in this Declaration, ask the clerk's office to seal this declaration and not disclose the information to the other party or the public, until and unless the court orders the information disclosed after a hearing in which the court takes into consideration the health, safety and liberty of you and your children. This is required by Texas Family Code 152.209(e).

2. Children in This Case (Under 18)

First Child's Name: _____

Present Address: _____

Child now lives with ☐ Mother ☐ Father ☐ Other (explain): _____

When did this child start living at this address? (Month, day, year) _____

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? _____

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: _____

Name: _____
Address: _____
Relationship to child: _____

Declaration In Lieu of Notarized Statement — Texas Civil Practice and Remedies Code 132.001.
(Do not use this declaration if in the Attorney General's Address Confidentiality Program. Use the Verification section instead, and sign this document on front of a notary.)

Warning: Making a false unsworn declaration is a crime. Texas Penal Code 37.02.

My name is: _____
First Middle Last

My date of birth is _____
Month/Day/Year

My address is: _____
Street Address City State ZIP Country

I declare under penalty of perjury that all information in this out of state party declaration is true and correct.

Formally signed in _____ County, _____
County State
on this date: _____

Your signature

Verification

(You must sign in front of a notary below. This section is not necessary if you use the Declaration In Lieu of Notarized Statement above.)

I swear under oath that the facts stated in this Petition to Change the Name of an Adult are true and correct.

Your Signature - Do NOT sign until you are in front of a notary!

Notary fills out below.

State of _____
(Print name of state where this Petition is notarized)

County of _____
(Print the name of the county where this Petition is notarized)

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

By _____
(Print name of person who is signing this Petition. NOT the notary's name.)

[Notary stamps here]

Notary's signature

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number: _____

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

IN THE MATTER OF THE MARRIAGE OF

Petitioner: _____

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

And

Respondent: _____

Print first, middle and last name of other spouse.

In the _____

(Court Number)

☐ District Court

☐ County Court at Law

_____ County, Texas

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

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

Respondent's Original Answer

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

WARNING to Out-of-State Respondent: Filing an *Answer* with the Court enters your appearance in this case. Talk to an attorney before filing an *Answer*, if you 1) **do not live in Texas** and 2) do not want a Texas Court to have the power to make orders that would impose a personal obligation on you. Such orders could include orders dividing your property and debts, ordering you to pay child support, and (if requested by your spouse) ordering you to pay spousal maintenance, court costs and attorney's fees. If you file an *Answer* (or any other pleading) before filing a *Special Appearance*, you will give up your right to argue that Texas can't make such orders because you live out-of-state. Ask a Texas attorney to help you determine if Texas has personal jurisdiction over you.

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

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

Print your answers.

My name is: _____
First Middle Last

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

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

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

The last three numbers of my social security number are: _____.
or ☐ I do not have a social security number

1. General Denial

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

However, if my spouse and I reach an agreement I will sign the *Final Decree of Divorce*. If I sign the *Final Decree of Divorce*, then I agree that the Court can finalize this case without my getting notice of the hearing and without my coming to Court.

2. Contact Information

My mailing address is: _____
Print Mailing Address City State Zip

My email address is: _____

My phone number is: (_____) _____-_____

I understand I *must* notify the Court and my spouse's attorney or my spouse (if my spouse does not have an attorney) in writing if my mailing address or email address changes during this case.

I understand that unless I give the Court and my spouse's attorney or my spouse (if my spouse does not have an attorney) written notice of changes in my mailing address and email address, all information about this case, including the date and time of hearings, will be sent to me at the mailing address or email address on this form.

3. Separate Property

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

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

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

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

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

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

4. Name Change

(Check one.)

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

PRINT First Middle Last

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

5. Prayer

I ask the Court for general relief.

→ _____
Respondent's Signature

Date

Respondent's Printed Name

()

Phone Number

Mailing Address

City State Zip

Email Address

Fax # (if available)

6. Certificate of Service

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

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

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

→ _____
Respondent's Signature

Date

Case No. _____

**In the Matter of
The Marriage of**

[Petitioner's name]
And

[Respondent's name]
And in the Interest of

Minor Child(ren)

**In the District Court
Collin County, Texas**

Judicial District

ORDER SETTING HEARING DATE

IT IS ORDERED that the hearing on the Petition be set for _____ o'clock on
the _____ day of _____, 20____ in the courtroom of the _____
Judicial District Court, in the County of Collin in McKinney, Texas.

SIGNED this the _____ day of _____.

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I certify that a true copy of the above _____
_____ [title of motion or petition] has this day been:

_____ delivered by courier with receipted delivery
_____ sent by certified mail, return receipt requested
_____ sent via facsimile with confirmation

To: _____ [name of other party]

at: _____

[address of other party].

On this _____ day of _____.

[Signature]

[Typed or Printed Name]

[Address and Telephone No.]

Tips for Filling out the *Final Decree of Divorce*

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

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

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

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

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

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

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

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

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

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

Cause Number: _____
Print cause number and other court information exactly as the court assigned.

In the Matter of the Marriage of

Petitioner: _____
Print full name of the spouse who filed for divorce.

and

Respondent: _____
Print full name of other spouse.

In the _____
[Court Number]

☐ District Court
☐ County Court at Law No. ____

_____ 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.]

- ☐ My spouse and I got married on or about: _____

Month
Day
Year
- ☐ My spouse and I had 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, 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 they 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 _____
[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)	☐	☐	☐	☐
2. The right to consent to psychiatric or psychological treatment for the child(ren)	☐	☐	☐	☐
3. The right to receive child support and save or spend these funds for the child(ren)'s benefit	☐	☐	No	No
4. The right to represent the child(ren) in a legal action and make important legal decisions that affect the child(ren)	☐	☐	☐	☐

[Check one box in each row.]	Mother exclusively	Father exclusively	Parents jointly	Parents independently
5. The right to consent to a child's marriage, or to a child enlisting in the U.S. Armed Forces	☐	☐	☐	☐
6. The right to make decisions concerning the child(ren)'s education	☐	☐	☐	☐
7. the right to designate the school the child(ren) will attend and to enroll the child in the school, subject to any eligibility or admissions requirements	☐	☐	☐	No
8. The right to the services and earnings of the child(ren)	☐	☐	☐	☐
9. 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)	☐	☐	☐	☐
10. The duty to manage the child(ren)'s estates to the extent the estates have been created by the parents' community or joint property.	☐	☐	☐	☐

9B(2) ☐ Sole Managing Conservator and Possessory Conservator

The Court **ORDERS** that _____ is
 [Name of the parent appointed SMC of the children.]
 appointed **Sole Managing Conservator** of the children.

The Court **ORDERS** that _____ is
 [Name of the parent appointed PC of the children.]
 appointed **Possessory Conservator** of the children.

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

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 designate the school the child(ren) will attend and to enroll the child in the school, subject to any eligibility or admissions requirements
9. The right to the services and earnings of the child(ren);
10. 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 a state requires the child(ren)'s action, the United States, or a foreign government;
11. 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.
12. 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 Child(ren)

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
[Name of the parent who will pay child support.]
child support to _____ (Obligee) in the amount
[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.

(Learn about the Texas Child Support Guidelines on [TexasLawHelp.org/article/child-support](https://www.texaslawhelp.org/article/child-support).)

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

Month / Day / Year

1st day of each month 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

Month / Day / Year

1st day of each month after 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 their 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**, _____,
[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**, _____,
[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) ☐ Oblige to Apply for Coverage under a Government Medical Assistance Program or Health Plan / Obligor to Pay Cash Medical Support

The Court ORDERS **Oblige**, _____, to apply on behalf of
[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 Oblige to continue such coverage.

When such health coverage is obtained, Oblige 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**, _____,
[Name of parent ordered to pay child support.]

to pay Oblige **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
Month / Day / Year

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,
- Oblige'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 Oblige 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**, _____,
[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**, _____,
[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**, _____,
[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 due on the 1st day of each month after
Month / Day / Year

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 their 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 their 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, they are ORDERED to endorse the check and deliver it to the parent who paid the expense **within 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: _____
E-mail 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 and email address and changes in her mailing or email 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: _____
E-mail 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 and email address and changes in his mailing or email 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,
- E-MAIL ADDRESS,
- 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.

15. Warnings to Parties

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

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

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

16. Property and Debt

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

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

16A. Husband's Separate Property

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

1. House or Land located at:

Street Address City State Zip

- ☐ Husband owned this property before marriage.
☐ Husband received this property as a gift or inheritance.

2. **Cars, trucks, motorcycles or other vehicles** Husband owned these vehicles **before** marriage or received them as a gift or inheritance during the marriage:

Year Make Model Vehicle Identification No. [VIN]

3. **Other Money or Property Confirmed as Husband's Separate Property**

Husband owned the following money or property **before** the marriage or inherited or received the money or property as a gift **during** the marriage:

Husband received the following money recovery for personal injuries that occurred during the marriage that is not for lost wages or medical expenses:

16B. Husband's Community Property

The Court ORDERS that the Husband is awarded the following community property as his sole and separate property and Wife is divested of (loses) all right, title, interest and claim in and to that property.

Wife is ORDERED to sign any deeds or documents needed to transfer any property listed below to the Husband. Husband is responsible for preparing the documents.

1. All property in Husband's care, custody, or control, or in Husband's name, that this Decree does not give to the Wife.
2. House or land located at:

Street Address City State Zip

Legal Description:

Note: The legal description is on the deed you received when you became an owner of the house or land. It is also available at the county clerk's office in the county where the house or land is located. Do NOT use the legal description listed on your property tax bill because it is usually incomplete. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.

3. All cash and money in any bank or other financial institution listed in Husband's name alone.
4. Any insurance policy that covers Husband's life.
5. Husband's cars, trucks, motorcycles or other vehicles listed below:

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

_____	_____	_____	_____
_____	_____	_____	_____

6. Husband will also keep the following property:

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

16C. Wife's Separate Property

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

1. House or Land located at:

Street Address	City	State	Zip
----------------	------	-------	-----

☐ Wife owned this property before marriage.

☐ Wife received this property as a gift or inheritance.

2. **Cars, trucks, motorcycles or other vehicles** Wife owned these vehicles **before** marriage or received them as a gift or inheritance **during** the marriage:

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

_____	_____	_____	_____
_____	_____	_____	_____

3. Other Money or Property Confirmed as Wife's Separate Property

Wife owned the following money or property **before** the marriage or inherited or received the money or property as a gift **during** the marriage:

Wife received the following money recovery for personal injuries that occurred during the marriage that is not for lost wages or medical expenses:

16D. Wife's Community Property

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

1. All property in Wife's care, custody or control, or in Wife's name, that this Decree does not give to the Husband.
2. House or land located at:

Street Address	City	State	Zip
----------------	------	-------	-----

Legal Description:

Note: The legal description is on the deed you received when you became an owner of the house or land. It is also available at the county clerk's office in the county where the house or land is located. Do NOT use the legal description listed on your property tax bill because it is usually incomplete. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.

3. All cash and money in any bank or other financial institution listed in Wife's name alone.
4. Any insurance policy that covers Wife's life.

5. Wife's cars, trucks, motorcycles or other vehicles listed below:

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

6. Wife will also keep the following property:

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

16E. Retirement Funds in Husband's Name

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

The Court makes the following orders regarding retirement funds in Husband's name.
[Check 16E(1) or 16E(2).]

16E(1) ☐ Husband is awarded **100%** of all retirement funds in Husband's name alone, including but not limited to all rights to any pension, retirement, military retirement, 401(k), 403(b), employee stock ownership, profit sharing, thrift, Keogh, and stock option plans in Husband's name alone, along with 100% of any individual retirement accounts (IRAs), annuities, and variable annuity life insurance in Husband's name alone.

16E(2) ☐ The following retirement funds in Husband's name are divided between Husband and Wife:

(It is very important to list the exact name and account number of any retirement fund being divided by the Court.)

Formal Name of Retirement Fund	Account Number
_____	_____
_____	_____
_____	_____

The Court **ORDERS** that the portion of each retirement fund listed above accrued between the date of the marriage _____ and the date this Final

Decree of Divorce is signed by the Court: [Check one.]

☐ is awarded **50%** to Husband and **50%** to Wife, and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

☐ is awarded _____% to Husband and _____% to Wife, and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

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

☐ other:

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

The Court checks this box, if applicable.

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

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)

16H. Debts to Wife

The Court **ORDERS** Wife to pay the debts listed below:

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

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

17. Muniment of Title

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

18. Name Change

The Court ORDERS the name of the:
[Check all boxes that apply.]

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

First	Middle	Last
-------	--------	------

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

First	Middle	Last
-------	--------	------

19. Court Costs

The costs of court shall be paid by the spouse who incurred them to the extent the party is required to pay such costs. A spouse who filed a statement of inability to afford payment of court costs or affidavit of indigency that was not successfully contested is not required to pay court costs.

20. Other Orders

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

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 Order.



Petitioner's Signature Phone number

Petitioner's Name (print) Date

Mailing Address: _____

E-mail: _____
Fax: _____
(if available) _____

By signing below, the Respondent agrees to the form and substance of this Order.



Respondent's Signature Phone number

Respondent's Name (print) Date

Mailing Address: _____

E-mail: _____
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 name of the parent with the right to designate the child(ren)'s primary residence.

"Parent B" is: _____
Print the name of the other parent.

2. Mutual Agreement

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

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

3. Definitions

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

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

4. Undesignated Times

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

Notice to Peace Officer

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

5. Which Possession Schedules Apply in this Case?

The Standard Possession Order includes 3 possible possession schedules: Expanded, Standard, and Long-Distance. The Court ORDERS which schedules apply in this case and when below.

(a) Does the **Expanded Possession Schedule** apply in this case? (Check one box.)

- ☐ **Yes.** The Court ORDERS that the Expanded Possession Schedule applies when Parent B resides **50 miles or less** from the primary residence of the child(ren).
- ☐ **No.** The Court ORDERS that the Expanded Possession Schedule does not apply in this case because: (Check one box.)
- ☐ Parent B declines the Expanded Possession Schedule.
- ☐ The Court finds that the Expanded Possession Schedule is not in the best interest of the child(ren) because: (Check one box.)
- ☐ the distance between the residences makes the Expanded Possession Schedule unworkable or inappropriate considering the circumstances of the parties or the area in which the parties reside.
- ☐ Parent B has not frequently and continuously exercised the rights and duties of a parent with respect to the child(ren).
- ☐ other: _____

(b) Does the **Standard Possession Schedule** apply in this case?

(Check one box. If the Expanded Schedule applies in this case, check the first box. If not, check the second box.)

- ☐ **Yes.** The Court ORDERS that the Standard Possession Schedule applies when Parent B resides **51 -100 miles** from the primary residence of the child(ren).
- ☐ **Yes.** The Court ORDERS that the Standard Possession Schedule applies when Parent B resides **100 miles or less** from the primary residence of the child(ren).

(c) Does the **Long-Distance Possession Schedule** apply in this case?

- ☐ **Yes.** The Court ORDERS that the Long-Distance Possession Schedule applies in all cases when Parent B resides **over 100 miles** from the primary residence of the child(ren).

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6. Expanded Possession Schedule (50 miles or less)

If the **Expanded Possession Schedule** applies, **Parent B** shall have the right to possession of the child(ren) as follows - unless otherwise expressly provided in this order.

(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:

- *begin* on the 1st, 3rd, and 5th Friday of each month at the time the child's school is regularly dismissed and
- *end* when the child's school resumes after the weekend.

If the weekend occurs during the summer break, it shall:

- *begin* on the 1st, 3rd, and 5th Friday of each month at 6 p.m. and
- *end* the following Sunday at 6 p.m.

(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, 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, that weekend period of possession shall *end* at 8 a.m. the following Tuesday.

If Parent B's weekend 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 at 6 p.m.

If Parent B's weekend ends on a federal, state, or local holiday that falls on a Monday during the summer break, that weekend period of possession shall *end* at 6 p.m. on that Monday.

(c) **Thursdays**

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

If the **Expanded Possession Schedule** applies, **Parent A** and **Parent B** shall have the right to possession of the child(ren) during certain holidays and vacations as set out below. This holiday/vacation schedule supersedes Parent B's weekend and Thursday periods of possession ordered above.

(a) **Spring Vacation**

In odd-numbered years Parent A shall have the right to possession of the child(ren) during Spring Vacation *beginning* at the time the child's school is regularly dismissed for Spring Vacation and *ending* at 6 p.m. the day before school resumes after that Spring Vacation.

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

(b) **Thanksgiving Vacation**

In odd-numbered years **Parent B** shall have the right to possession of the child for the Thanksgiving Holiday *beginning* when the child's school is dismissed for the holiday and *ending* at 6 p.m. the Sunday following Thanksgiving.

In even-numbered years **Parent A** shall have the right to possession of the child for the Thanksgiving Holiday *beginning* when the child's school is dismissed for the holiday and *ending* at 6 p.m. the Sunday following Thanksgiving.

(c) **Christmas Vacation**

In odd-numbered years, **Parent A** shall have the right to possession of the child(ren) *beginning* when the child's school is dismissed for the Christmas school vacation and *ending* at noon on December 28.

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

In even-numbered years, **Parent B** shall have the right to possession of the child(ren) *beginning* when the child's school is dismissed for Christmas school vacation and *ending* at noon on December 28.

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

- (d) **Parent B's 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) **Parent B's 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.
- (f) **Parent A's 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. This weekend must not interfere with Father's Day possession. Parent A must pick up the child(ren) from Parent B and return the child(ren) to that same place. Parent B must give Parent A written notice of the location at which Parent A is to pick up and return the child(ren) no later than the 15th day before the Friday that begins the designated weekend.
- (g) **Parent A's 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.
- (h) **Child's Birthday** - If a parent is not otherwise entitled under this Standard Possession Order to possession of a child on the child's birthday, that parent shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.
- (i) **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 8 a.m. on the Monday after Father's Day. If Father is not already entitled to present possession of the child, he must pick up the child from Mother's residence and return the child to that same place.
- (j) **Mother's Day** - Mother shall have the right to possession of the child each year *beginning* on the Friday before Mother's Day at the time the child's school is dismissed and ending at 8 a.m. on the Monday after Mother's Day. If Mother is not already entitled to present possession of the child, she must pick up the child from Father's residence and return the child to that same place.

7. Standard Possession Schedule (100 miles or less)

If the **Standard Possession Schedule** applies, Parent B shall have the right to possession of the child(ren) as follows - unless otherwise expressly provided in this order.

(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 school year, it shall:

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

- ☐ 6 p.m.
☐ the time school is regularly dismissed

and *end* at:

- ☐ 6 p.m. the following Sunday.
☐ the time school resumes after the weekend.

If the weekend occurs during the summer break, 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 school year, 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 school is regularly dismissed on Thursday.

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, that weekend period of possession shall *end* at: (Check one box.)

- ☐ 6 p.m. on that Monday.
☐ 8 a.m. on Tuesday.

If Parent B's weekend *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 at 6 p.m. If Parent B's weekend *ends* on a federal, state, or local holiday that falls on a Monday during the summer months when school is not in session, that weekend period of possession shall *end* at 6 p.m. on that Monday.

(c) **Thursdays**

Parent B shall have the right to possession of the child(ren) each Thursday during the school year
beginning at: (Check one box.)

- ☐ 6 p.m.
☐ the time school is regularly dismissed.

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

- ☐ 8 p.m.
☐ the time school resumes on Friday.

If the **Standard Possession Schedule** applies, Parent A and Parent B shall have the right to possession of the child(ren) during certain holidays and vacations as set out below. This holiday/vacation schedule supersedes Parent B's weekend and Thursday periods of possession ordered above.

(a) **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 school is regularly dismissed.

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

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

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

- ☐ 6 p.m.
☐ the time school is regularly dismissed.

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

(b) **Thanksgiving Vacation**

Parent B shall have the right to possession of the child for the Thanksgiving Holiday in odd-numbered years:

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

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

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

Parent A shall have the right to possession of the child for the Thanksgiving Holiday in even-numbered years:

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

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

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

(c) **Christmas Vacation**

In even-numbered years, Parent B shall have the right to possession of the child:

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

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

and *ending* at 12 noon on December 28.

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

In odd-numbered years, Parent A shall have the right to possession of the child:

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

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

and *ending* at 12 noon on December 28.

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

- (d) **Parent B's 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) **Parent B's 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.
- (f) **Parent A's 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. This weekend must not interfere with Father's Day possession. Parent A must pick up the child(ren) from Parent B and return the child(ren) to that same place. Parent B must give Parent A written notice of the location at which Parent A is to pick up

and return the child(ren) no later than the 15th day before the Friday that begins the designated weekend.

- (g) **Parent A's 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.
- (h) **Child's Birthday** - If a parent is not otherwise entitled under this Standard Possession Order to possession of a child on the child's birthday, that parent shall have possession of the child beginning at 6 p.m. and ending at 8 p.m. on that day, provided that that parent picks up the child from the other parent's residence and returns the child to that same place.
- (i) **Father's Day** - Father shall have the right to possession of the child each year, beginning at 6 p.m. on the Friday before Father's Day and ending at: (Check one box.)
- ☐ 6 p.m. on Father's Day
☐ 8 a.m. on the Monday after Father's Day

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

- (j) **Mother's Day** - Mother shall have the right to possession of the child each year:
- | | |
|--|--|
| <i>beginning</i> on the Friday before Mother's Day at:
(Check one box.) | and <i>ending</i> at: (Check one box.) |
| ☐ 6 p.m. | ☐ 6 p.m. on Mother's Day |
| ☐ the time the child's school is dismissed. | ☐ 8 a.m. on the Monday after Mother's Day |

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

8. Long-Distance Possession Schedule (Over 100 Miles)

If the **Long-Distance Possession Schedule** applies, Parent B shall have the right to possession of the child(ren) as follows - unless otherwise expressly provided in this order.

(a) **Weekends**

Unless Parent B elects the "Alternative Weekend Possession" on the following page, 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:

- | | |
|--|---|
| <i>begin</i> on the 1st, 3rd, and 5th Friday of each month at:
(Check one box.) | and <i>end</i> at: (Check one box.) |
| ☐ 6 p.m. | ☐ 6 p.m. the following Sunday. |
| ☐ the time school is regularly dismissed | ☐ the time 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.

If the Long-Distance Possession Schedule applies, Parent A and Parent B shall have the right to possession of the child(ren) during certain holidays and vacations as set out below. This holiday/vacation schedule supersedes Parent B's weekend periods of possession ordered above.

(a) **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.

(b) **Thanksgiving Vacation**

Parent B shall have the right to possession of the child for the Thanksgiving Holiday in odd-numbered years:

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

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

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

Parent A shall have the right to possession of the child for the Thanksgiving Holiday in even-numbered years:

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

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

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

(c) **Christmas Vacation**

In even-numbered years, Parent B shall have the right to possession of the child:

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

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

and *ending* at 12 noon on December 28.

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

In odd-numbered years, Parent A shall have the right to possession of the child:

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

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

and *ending* at 12 noon on December 28.

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

- (d) **Parent B's Long-Distance 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) **Parent B's Long-Distance 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.
- (f) **Parent A's 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 return the child to that same place. The weekend or weekends must not interfere with Father's Day possession.
- (g) **Parent A's 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.

(h) **Child's Birthday**

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

(i) **Father's Day**

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

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

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

(j) **Mother's Day**

Mother shall have the right to possession of the child each year:

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

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

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

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

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

9. 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, and Parent B is ORDERED to pick the child up at the school in which the child is enrolled or the after-school program in which the child is enrolled by 6 p.m. If the child is not in school, Parent B is ORDERED to 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 their email address or fax number within 24 hours after the change.

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

This concludes the Standard Possession Order.

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.