

3. Standing

The law allows me to file this case because I am: **(Check one.)**

- the mother of the child(ren).
- the “legal father” of the child(ren). An Acknowledgment of Paternity form has been signed and filed with the Vital Statistics Unit for each child. A copy of each Acknowledgment of Paternity is attached to this Petition.
- a person who has had actual care, control, and possession of the child(ren) for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court. I am not a foster parent.
- a person who lived with the child(ren) and the child(ren)’s parent, guardian or managing conservator for at least 6 months ending not more than 90 days before the date this Petition is filed with the Court, and the child(ren)’s parent, guardian, or managing conservator is now dead.
- the grandparent, great-grandparent, sister, brother, aunt, uncle, niece, or nephew of the child(ren) and: **(Check the box below that applies to your case.)**
 - both parents are dead.
 - both parents, the surviving parent or managing conservator agree to me filing this case.
 - the child(ren)’s present circumstances will significantly impair (*harm*) the child(ren)’s physical health or emotional development.
- other: _____

(Read the law about standing in Texas Family Code Sections 102.003, 102.004 and 102.006)

Note: If you are the mother or biological father of the child/ren and an Acknowledgment of Paternity form has not been signed and filed for each child, you may need to file a paternity case instead of a Suit Affecting the Parent-Child Relationship (SAPCR) case. Get information about filing a paternity case at www.TexasLawHelp.org.

4. Jurisdiction

There are no court orders about any of the child(ren). No other Court has continuing jurisdiction over this case or the child(ren).

Texas has authority to decide this case because: **(Check one.)**

- The children live in Texas now and have lived in Texas for at least the past 6 months or since birth.
- The children do not live in Texas now, but they have been gone from Texas less than 6 months. The children had lived in Texas for at least 6 months before they moved. A parent or person acting as a parent continues to live in Texas.

Important: Talk to a lawyer if neither of the above applies.

Note: If there is already a court order about any of the children, you may need to file a modification case instead of a Suit Affecting the Parent-Child Relationship (SAPCR) case. Get information about filing a modification case at www.TexasLawHelp.org.

Note: There may be one or more Respondents. Read the SAPCR instructions at www.TexasLawHelp.org for information about who must be listed as a Respondent and given legal notice of the case.

5. Respondent(s)

Respondent A

Respondent A's name is: _____

PRINT the full name of Respondent A.

Respondent A is: (Check one.)

- the mother of the child(ren).
 the legal father of the following child(ren): _____
 an alleged father of the following child(ren): _____
 other: _____

Write Respondent A's relationship to the child(ren).

Legal Notice: (Check one.)

- I will have a sheriff, constable, or process server give a copy of this *Petition* to Respondent A here:

PRINT 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 form to show the Court that I am unable to pay the fee) and **arrange for service**.

- I think Respondent A will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent A with this *Petition* at this time.
 I cannot find this Respondent. I ask that this Respondent be served by publication.

Respondent B

- Check this box if there are no other Respondents and skip to section 6.

Respondent B's name is: _____

PRINT the full name of Respondent B.

Respondent B is: (Check one.)

- the mother of the child(ren).
 the legal father of the following child(ren): _____
 an alleged father of the following child(ren): _____
 other: _____

Write Respondent B's relationship to the child(ren).

Legal Notice: (Check one.)

- I will have a sheriff, constable, or process server give a copy of this *Petition* to Respondent B here:

PRINT 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 to show the Court that I am unable to pay the fee) and **arrange for service**.

- I think Respondent B will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent B with this *Petition* at this time.

I cannot find this Respondent. I ask that this Respondent be served by publication.

Respondent C

Check this box if there are no other Respondents and skip to section 6.

Respondent C's name is: _____
PRINT the full name of Respondent C.

Respondent C is: (Check one.)

the mother of the child(ren).

the legal father of the following child(ren): _____

an alleged father of the following child(ren):

other: _____
Write Respondent C's relationship to the child(ren).

Legal Notice: (Check one.)

I will have a sheriff, constable, or process server give a copy of this *Petition* to Respondent C here:

PRINT 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 form to show the Court that I am unable to pay the fee) and **arrange for service**.

I think Respondent C will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent C with this Petition at this time.

I cannot find this Respondent. I ask that this Respondent be served by publication.

Respondent D

Check this box if there are no other Respondents and skip to page 5 section 6.

Respondent D's name is: _____
PRINT the full name of Respondent D.

Respondent D is: (Check one.)

the mother of the child(ren).

the legal father of the following child(ren): _____

an alleged father of the following child(ren):

other: _____
Write Respondent D's relationship to the child(ren).

Legal Notice: (Check one.)

I will have a sheriff, constable, or process server give a copy of this *Petition* to Respondent D here:

PRINT 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 form to show the Court that I am unable to pay the fee) and **arrange for service.**

- I think Respondent D will sign a Waiver of Service. Do not send a sheriff, constable, or process server to serve Respondent D with this Petition at this time.
- I cannot find this Respondent. I ask that this Respondent be served by publication.

6. Out-of-State Respondent(s)

(Check one.)

- Everyone involved in this case lives in Texas.
- The following Respondent does not live in Texas: _____

Note: You must complete and attach the Exhibit: Out-of-State Party Declaration if you or a Respondent does not live in Texas.

Print the FULL name of the Out-of-State Respondent.

(Check all that apply for the Out-of-State Respondent.)

- The Respondent agrees that a Texas court can make orders in this case and will file a written response with the court.
- The children live in Texas because of the Respondent's actions.
- The Respondent has lived in Texas with the children.
- The Respondent has lived in Texas and provided prenatal expenses or support for the children.
- The Respondent had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
- The child was born in Texas and the Respondent registered with the paternity registry maintained by the Texas Vital Statistics Unit or signed an Acknowledgment of Paternity filed with the Texas Vital Statistics Unit.
- The Respondent will be personally served with citation in Texas.

7. Conservatorship (Custody)

I ask the court to make conservatorship (custody) orders naming: (Check a, b, c, d, or e.)

- a. Mother and Father Joint Managing Conservators of the child(ren) with:
(If you checked a, check a-1, a-2, or a-3.)

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

- this county. this county or in counties adjacent to this county.
- Texas. anywhere. other _____.

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

- this county. this county or county adjacent to this county.
- Texas. anywhere. other: _____.

a-3. Neither parent having the exclusive right to designate the primary residence of the children but both parents ordered not to remove the children's primary residence from the following specific geographic area: (Check one box below.)

- this school district: _____ this county.
- this county or county adjacent to this county. other: _____.

- b. Mother Sole Managing Conservator of the child(ren).

- c. Father Sole Managing Conservator of the child(ren).
- d. _____ Nonparent Sole Managing Conservator of the child(ren).
- e. _____ and _____
Nonparent Joint Managing Conservators of the child(ren).

8. 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).

9. Possession and Access (Visitation)

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

- 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 children should be as follows:

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

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

- e. I am concerned about the safety of the children with: Father Mother

Therefore, I ask that: (If you checked e, check all that apply below.)

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

The cause number for the protective order is _____.
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 case.

- A Respondent in this case has a protective order.

The protective order is against _____.

The protective order was made on _____ in _____ County, _____ State.
Date of Order County State

The cause number for the protective order is _____.

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 case.

12. Family Information (Check only if applicable.)

- I believe the children or I will be harassed, abused, seriously harmed, or injured if I am required to give the Respondent(s) the information checked below for myself and the children: (Check the boxes below to tell the judge which information you want to be kept confidential.)

- home address, mailing address, employer, work address,
 home phone no., work phone no. social security no., driver's license no.

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

13. Children's Property (Check one.)

- 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:

14. 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.

15. Dental Insurance Availability for Children

The child(ren): (Check one.)

- 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.

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.

16. Public Benefits

The children: (Check all that apply.)

have Medicaid now **or** had in the past.

get TANF (Temporary Assistance for Needy Families) now **or** got it in the past.

Note: If your children 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" below.

17. Request for Judgment

I ask that citation and notice be issued as required by law and that the Court make the orders I have asked for in this Petition and any other orders to which I am entitled. I ask for general relief.

Respectfully,

→

Petitioner's Signature

Date

Petitioner's Name (Print)

()

Phone

Mailing Address

City

State

Zip

Email

Address: _____

Fax (if available) _____

Warning: Each Respondent will get a copy of this form. If you are concerned about a Respondent 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 each Respondent's attorney (or the Respondent if the Respondent does not have an attorney) in writing if my mailing address or email address changes during these proceedings. If I don't, any notices about this case will be sent to me at the mailing address or email address on this form.

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

Sign below **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 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 & Northwest Texas)

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

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

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

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

Texas Advocacy Project Hope Line at 800-374-HOPE (4673) or

Advocates for Victims of Crime (AVOICE): at 888-343-4414.