

How do I change custody and child support orders?

Note: The information provided in this brochure is not a substitute for the legal advice and guidance of a lawyer.

Even if you decide to represent yourself, try to talk to a lawyer before you file anything. You can hire a lawyer just to give you advice, draft or review your documents, and/or help you prepare for a contested hearing. This is called Limited Scope Representation.

For help finding a lawyer, contact your local lawyer referral service or the Lawyer Referral Information Service at www.TexasBar.com or 1(800) 252-9690.

Why would I change my court orders?

Maybe when your kids were little, it made sense for the kids to live one week with you and one with your ex. But now, the kids are in school and it's not working. Maybe when you finalized things ten years ago, your spouse had little money. Now, money isn't a problem. Maybe you lost your high-paying job and now have less money to pay child support.

Things have changed. How do you change those orders? If your Divorce Decree, Paternity Decree, or final Order in the Suit Affecting the Parent-Child Relationship no longer works for your family, you can ask the court to change the orders in a **Suit to Modify the Parent-Child Relationship**.

What if we all agree?

If the other parent agrees to the changes you want, the process is easy. It's important to make the changes in a court order and get a judge to sign the order, especially if you're lowering child support. Remember, the person ordered to pay child support (the Obligor) must keep paying the same amount until the judge changes the orders. So, even if everyone agrees, the judge needs to sign a new order.

How do I start the modification?

The modification process begins with a **Petition to Modify the Parent-Child Relationship**. A parent, or other person affected by the current order, can file the petition. The person filing the petition is the *Petitioner*. The other parties are the *Respondents*.

Where do I file the Petition?

File the Petition in the clerk's office where your original orders were filed. If your children have lived in another county for at least six months, you can ask the court to transfer the case to the children's new home county.

What if my original order is from another state?

Texas courts must respect the orders of other states. Texas courts can't change those orders unless there is an emergency or Texas becomes the child's new "home state." Ask a lawyer to help you determine if Texas has jurisdiction to change your out-of-state order.

How do I tell the other people involved that I'm asking the court to change the orders?

After you file the Petition, all other parties must either sign a Waiver of Citation in front of a notary, voluntarily file an Answer, or receive Service of Citation by an official process server.

Other parties includes everyone who was a party in the original order and anyone else whose rights and duties might be affected.

You may also have to include the Attorney General's Office if anyone receives or has received food stamps, TANF or Medicaid on behalf of the children or the Attorney General's Office worked on your case before. Contact the Attorney General's Office if you aren't sure whether or not to include them.

See **Giving Legal Notice** for more information.

What's next, if we all agree?

If all the parties agree to your changes, you'll need to prepare an **Order in Suit to Modify the Parent-Child Relationship** with the changes, for the judge to sign. Have all parties sign the order. Contact the clerk's office in your county to set the hearing (an appointment to see the judge.) Be sure to tell the clerk your case is **uncontested**. Some counties have special court dockets for uncontested cases.

What if we disagree?

When you disagree, your case is **contested**. Contested modifications can be very complicated. It's a good idea to find a lawyer to help you.

If you're asking the court to change your child support order, you may find help at the Attorney General's Office. Legal Aid organizations may be able to help with other changes.

For help finding a lawyer, contact your local lawyer referral service or the Lawyer Referral Information Service at www.TexasBar.com or 1(800) 252-9690.

What are the steps in a contested modification of custody or visitation?

In contested modification of custody or visitation cases, you must convince the court that:

1. the changes you want are best for the child, **AND**
2. circumstances have materially and substantially changed, **OR**
 - the child is at least 12-years-old and has told the judge (in the judge's chambers), who s/he wants to live with, **OR**
 - the Home-Parent has allowed some one else to have primary custody of the child for at least 6 months. *(This does not apply if the Home-Parent is on active duty military deployment.)*

What if my orders are less than a year old and I want to change custody?

When you file your petition, you must file a sworn statement explaining why one of the following is true:

1. the present environment endangers the child's physical health or impairs the child's emotional development, **OR**
2. the Home-Parent agrees to the changes and the changes are best for the child, **OR**
3. the Home-Parent allowed some one else to have primary custody of the child for at least 6 months, and the changes are best for the child. *(This does not apply if the Home-Parent is on active duty military deployment.)*

The judge will review your statement. If the judge finds your statement lacks the facts to support your charges, the judge will not hear your case.

What if the parent with primary custody is active in the military and is deployed?

The court can't *permanently* change custody just because a military parent has been deployed. However, either parent can ask the court for temporary orders that *temporarily* change custody during the deployment.

In this case, the court's first choice for temporary custody must be the other parent. If living with the other parent would not be in the child's best interest, the court's second choice must be a person designated by the military parent. The court's third choice would be a person chosen by the court.

The court may also make temporary changes to child support and visitation. For example, the court may temporarily change who pays child support. Or the military parent may ask the court to allow a designated person, such as a grandparent or step-parent, to visit the child while the military parent is deployed.

When the military deployment ends, the temporary orders end. Custody returns to the military parent and the original child support and visitation orders resume.

What if the parent with visitation rights is deployed?

If the parent with visitation rights is deployed, he or she may ask the court to make temporary orders to allow a designated person, such as a grandparent or step-parent, to take the military parent's visitation with the child while the military parent is gone.

If the parent with visitation rights is deployed, he or she also has the right to ask the court to award make-up periods of visitation after the deployment ends. This must be done within 90 days.

What if it costs more for me to see the kids now that my ex has moved away with them?

The court may change your orders to divide the increased costs fairly. Usually, the court orders the person who moved to pay the extra expenses. The court must believe any changes to the orders are best for the children.

Is family violence a material and substantial change in circumstances?

The law specifically says that a conviction or order of deferred adjudication for family violence is a material and substantial change in circumstances that will justify a modification. Family violence can also be a material and substantial change in circumstances even if the Respondent has never been arrested or convicted.

If family violence has occurred the Court may consider making a new order for custody and/or visitation that protects the safety and well being of you and your children.

Call the Family Violence Legal Line at 1-800-374-HOPE (4673) for more information.

Is child abuse a material and substantial change in circumstances?

The law specifically says that a conviction or order of deferred adjudication for an offense involving abuse of a child is a material and substantial change in circumstances that will justify a modification. Child abuse can also be a material and substantial change in circumstances even if the Respondent has never been arrested or convicted.

If child abuse has occurred the Court may consider making a new order for custody and/or visitation that protects the safety and well being of your child.

Call the National Child Abuse Hotline at 1-800-4-A-CHILD (422-4453) or the Family Violence Legal Line at 1-800-374-HOPE (4673) for more information.

What if I want to change my child support orders? What will I need to prove in a contested case?

In a contested child support case, you must convince the court that:

1. circumstances have materially and substantially changed, **OR**
2. it's been at least three years since the last child support order, and a new support order, based on child support guidelines, would differ from the last support order by at least 20% or \$100.

What if the prior order wasn't based on child support guidelines?

If your agreed child support order differed from the guidelines, the court may change the order only if:

1. you and your ex agree to the change, **OR**
2. the court finds a material and substantial change in circumstances for the parties or the child.

Is my new baby a material and substantial change in circumstances?

If you are the **person paying** child support (the Obligor), your new baby is a material and substantial change in circumstances. The court may consider making a new child support order that takes into account your responsibility to support the new baby.

If you are the **person receiving** child support (the Oblige) and your new baby has the *same* father as your other children, the baby is a material and substantial change in circumstances. You'll need to file a Paternity suit or Suit Affecting the Parent-Child Relationship (SAPCR) combined with a Suit to Modify the Parent-Child Relationship. File the case about your new baby in the same cause number as the order about your other children. The Attorney General's Office may be able to help you with this.

If you are the **person receiving** child support and your new baby has a *different* father, the baby is **not** a material and substantial change. You'll need to ask for child support from your new baby's father in a different case. The Attorney General's Office may be able to help you with this.

What if I find out that I'm not the child's genetic father, can I stop paying child support?

No, not unless the court orders that you can stop paying child support. You may have the option of asking the court to terminate the parent-child relationship between you and the child if you find out you're not the genetic father and you meet certain other requirements. This would end your obligation to pay future child support, but not your obligation to pay child support you already owe.

See ***Mistaken Paternity: Terminating the Parent-Child Relationship in Texas*** for more information.

AGREED MODIFICATIONS – Changing Orders Concerning Children in Texas:

Custody Visitation Child Support Health insurance

This brochure explains the ***uncontested modification*** process in Texas.
The process for a contested modification is different.

Your modification case is “***uncontested***” when you and the other parties in your case ***agree to change terms*** in a previous order about custody, visitation, or child support.

If you’re trying to Do-It-Yourself, make sure you:

- 1. Meet residency requirements.**
 - The children must have lived in the county where you’re filing for at least the last 6 months.
 - Or-
 - The order you want to change was signed by a judge in the county where you’re filing.
- 2. Understand all of your legal rights.**

You must protect yourself.

If you begin to represent yourself, but later find:

- You are not sure that a modification or the forms you have are really what you need. -Or-
- You find the process too difficult. -Or-
- You realize that you and your child’s other parent can’t reach an agreement. -Or-
- Your child’s other parent hires an attorney. -Or-
- You fear for your safety.

Then you need to find an attorney to complete your modification for you.

**ONLY A LICENSED ATTORNEY
CAN GIVE LEGAL ADVICE.**

Librarians and courthouse staff want to help you, but they are not attorneys, and they cannot give you legal advice. Judges are also prohibited from giving you legal advice.

- 3. Understand the steps involved.**
 - 1) Fill out the Original Petition for Modification.
 - 2) File the completed Petition with the Clerk’s Office. Pay the filing fee.
 - 3) Give the other parties legal notice of the modification, using:
 - Waiver of Citation
 - Or-
 - Service of Citation by Personal Service
 - Or-
 - Service by Publication.
 - 4) Fill out the Order in Suit Modifying Parent-Child Relationship.
 - 5) Go to a hearing for the judge’s signature on the order.
 - 6) Once the order is signed by the judge, file the Order in Suit Modifying Parent-Child Relationship in the Clerk’s Office.
 - 7) If your order includes changes to child support, be sure to give a copy of the new order to the child support registry office that is used in your local county. You can find the address for this office in your previous order.

Cause number- The number usually found at the top of the prior court order. It's assigned by the clerk's office, and is different from a number assigned by the Attorney General's Office. In the court system, your case is identified by the cause number.

Conservator – A person who has a legal relationship to a child.

Conservatorship – The legal term for custody.

Possession and Access - The legal term used for visitation.

Petition - The form that begins the modification process by telling the court that you want to change a prior court order.

Answer Period- When you give the other party legal notice by personal service or service by publication, the Answer Period is the time period when the other party has to respond to the case. The other party must file a written response, called an **answer**, before the answer period ends. If an answer isn't filed before the deadline, the Petitioner can get a default judgment against the Respondent.

To calculate this time period, count the day the other party was served on a calendar, and count out 21 days. Go to the next Monday on the calendar. The deadline to answer falls on this Monday at 10am.

Order – The form signed by the judge that finalizes the changes to your previous order.

Waiver of Citation - The Respondent may sign this form in front of a notary, waiving his or her right to be given a copy of the Petition by a process server. Sometimes, a Waiver waives other rights, including the right to tell the judge his or her side of the case.

Petitioner - The person who files the modification case, even if this person was not the Petitioner in the original order.

Respondent - Any person with a legal relationship to the child should be included as a Respondent in the case. Include agencies, like the Attorney General's Office, if the agency was a party in your original order, too.

Step 1. Start with the Petition

Begin by completing the **Petition to Modify Parent-Child Relationship**. The Petition is the form that begins the modification process.

The **Petition** tells the judge and the other parties that you want to change the terms in a previous order, such as a divorce decree or child support order.

You may find examples of Petitions online at www.TexasLawHelp.org and in form books available at the law library. If you choose to use these forms you are responsible for making sure that they comply with current Texas law and meet your needs.

No matter which forms you choose to use, you must understand that they are no substitute for seeking the advice and counsel of a lawyer trained to protect your legal rights.

Step 2. File the Petition

Once the Petition to Modify Parent-Child Relationship, is completely filled out, file it in the **Clerk's Office**.

When you file your Petition:

- Be prepared to pay the filing fee (around \$45).
- Take extra copies of the Petition with you for yourself and every party. (The Clerk's Office will not provide you with free copies.)
- Tell the clerk that you are there to file a Petition to Modify, and hand the Clerk your original and all copies.
- The clerk will **"file stamp"** your papers, showing the date and time that you filed your Petition.
- The clerk will ask you to pay your filing fee.
- The clerk will give you your copies, but will keep the original for the court's file. You should keep one copy for yourself. Save the other copies to give to the other conservator(s).

Step 3. Giving Legal Notice

You must tell the other conservator(s) that you have asked the court for a modification. This is called **“giving notice.”** There are three ways to give notice.

1) Waiver of Citation or Answer

You can “give notice” to the other conservator(s) if you give him or her a file stamped copy of your Petition **and** s/he signs a Waiver of Citation in front of a notary and files it in the Clerk’s Office. If the other conservator doesn’t want to waive any legal rights in the case, s/he can file an Answer with the Clerk’s Office, instead.

IMPORTANT NOTES ABOUT WAIVERS OF CITATION!!

For the Waiver of Citation to be valid, you must file the Original Petition **before** the Waiver is signed, and the Waiver must be filed in the District Clerk’s Office before you finalize the modification.

If you have been asked to sign a Waiver of Citation, read it over very carefully before you sign it. **Make sure you understand what legal rights you are giving up by signing the Waiver.** If you don’t understand the Waiver, or you are uncomfortable about signing it, **talk to an attorney.**

-Or-

2) Service of Citation

You may give notice by having a process server “serve” the other conservator(s) with the **Petition.**

If the other conservator(s) is served, he or she can file an answer (response to the Petition) until 10 a.m. on the Monday following 20 days after s/he was served.

After serving the other conservator(s), the process server will file proof of the service (called a Return of Service) with the District Clerk. Before you can get your modification finalized, the Return of Service must be on file for at least 10 days, and the answer deadline must have passed.

-Or-

3) Citation by Publication

If you are unable to locate the other conservator(s), you may have him or her served by placing a public notice in the newspaper.

If you serve the other conservator(s) by publication, he or she will be entitled to have an attorney appointed to represent his or her interests. You would be responsible for paying for the attorney’s services.

Step 4 Write your Order Modifying Parent-Child Relationship

The **Order Modifying Parent-Child Relationship** changes the terms in the previous order. For example, the new terms may state which parent the children will live with most of the time, how major decisions concerning the children will be made, who pays child support and how much, etc.

An attorney can draft the Order Modifying Parent-Child Relationship for you, or you can write it yourself.

If you choose to write the Order Modifying Parent-Child Relationship yourself, you may use the forms that are available in the law library’s form books or at www.TexasLawHelp.org.

After you have written your order, both you and the other conservator(s) should sign it to show that you agree to its terms. Having the other conservator(s)’s signature on the order will simplify things when it is time to finalize your modification in front of the judge.

MEDIATION:

WHAT IF YOU DON’T HAVE AN AGREEMENT?

It is best to try to reach agreement with the other conservator(s) if you plan to complete your modification without an attorney.

If you are having trouble reaching an agreement, you might consider going to mediation. In mediation, an unbiased person tries to help two sides reach an agreement. A judge must approve any agreement that is reached in mediation.

Some counties offer free or low-cost mediation services. Check your local listings for a Dispute Resolution Center or mediation services in your area.

If you and the other conservator just cannot reach an agreement, then you should consult an attorney.

Step 5. Court: Finalize your order in Court

To finalize your order, you will need to go before a judge. In some counties, this means you will have to set your case for a hearing. Some counties have a special docket for cases that are agreed. If you and the other conservator(s) have agreed to the terms of the modification order (and have signed the order), or if the other conservator(s) has waived his or her right to tell the judge his or her side of the case, your case is uncontested. Before you set your case for a hearing, ask the clerk if your county has an uncontested docket for agreed cases. If not, ask the clerk for instructions on how to set a case for a hearing in your county.

Before your hearing, read the docket sheet to make sure the other conservator(s) was given proper notice. If the other conservator filed an Answer, s/he needs to sign your orders, showing that s/he agrees with the changes you have requested, or you will need to give him or her notice of the hearing that you have set in your case.

If the other conservator did not file an Answer, check the docket sheet to make sure that either a Waiver of Citation or the Return of Citation (which would be completed by the process server), is on file. ***If the other conservator(s) was served, the Return of Citation must be file stamped with a date that is at least 10 days before the day you go to court to finalize your modification.***

If your new order will set up child support for the first time, check with the clerk to see if there is additional paperwork that you might need.

Ask the clerk where the Docket is being held. Take your Order and two copies of your order with you to the courtroom.

Once you arrive in the courtroom, GIVE to the clerk seated next to the judge's bench:

1. The docket sheet,
2. Your Order,
3. Any other paperwork required in your county.

Then, sit down and wait for the judge to call your case.

When it is your turn, the judge will call your case by its **Cause Number** (the number at the top of

your paperwork), and maybe by the parties' names. At this time, stand up, and walk to the front of the judge's bench.

- ◆ The judge will **swear you in**
- ◆ The judge may ask you to "**proceed,**" with your testimony, or ask you questions.
- ◆ Answer the judge in a courteous, respectful, and honest manner.

After the judge has finished hearing your testimony and reviewing your paperwork, he or she will sign your Order, granting your modification. If the judge refuses to sign your order, your modification is denied.

Suggestions for the Courtroom

Treat the courtroom with the same type of respect that you would for a church or religious sanctuary.

- ◆ Leave all food and drinks outside of the courtroom.
- ◆ Address the judge as "Your Honor," and answer his or her questions in a truthful and courteous manner.
- ◆ Don't lean on any furniture when you are standing before the judge.
- ◆ If you need to speak with someone while you are in the courtroom, speak in a very quiet voice.

Step 6. File the Order

After the judge signs your Order, take it to the Clerk's Office.

The clerk will file stamp the original and two copies of the Order. The original will remain in the court file, one copy will be sent to the other conservator(s), and you will keep the other copy.

Consider asking the clerk to print a certified copy of your Order for you. Certified copies are often needed to change child support orders that are withheld by an employer. There is a fee for a certified copy.

Step 7. Child Support Registry

If you have **child support ordered for the first time**, you must set up a child support account. Check with the clerk's office about specific rules in your county. Texas law requires payments to be mailed to the State Disbursement Unit, PO Box 659791, San Antonio, Texas 78265-9791.

AGREED MODIFICATIONS – Changing Orders Concerning Children In Travis County, Texas:

Custody

Visitation

Child Support

Health insurance

This brochure explains the ***uncontested modification*** process
in Travis County, Texas.
The process for a contested modification is different.

Your modification case is “***uncontested***” when you and the other parties in your case ***agree to change terms*** in a previous order about custody, visitation, or child support.

Help for Uncontested Modifications

If everyone in your case agrees to all the changes you want to make, and you are going to file your case in Travis County, you may qualify for the help of a Law Library reference attorney. The reference attorney reviews family law forms in uncontested family law cases for free. To make an appointment with the reference attorney, call 512-854-9019.

If you’re trying to Do-It-Yourself, make sure you:

1. Meet residency requirements.

For a Travis County modification, either:

- The **children must have lived in Travis County for at least the last 6 months.**

-Or-

- The order you want to change was signed by a Travis County judge.

2. Understand all of your legal rights.

You must protect yourself.

If you begin to represent yourself, but later find:

- You are not sure that a modification or the forms you have are really what you need.

-Or-

- You find the process too difficult.

-Or-

- You realize that you and your child’s other parent can’t reach an agreement.

-Or-

- Your child’s other parent hires an attorney.

-Or-

- You fear for your safety.

Then you need to find an attorney to complete your modification for you.

3. Understand the steps involved.

- 1) Fill out the Original Petition for Modification.
- 2) File the completed Petition with the District Clerk’s Office. Pay the filing fee.
- 3) Give the other parties legal notice of the modification, using:
 - Waiver of Citation**-Or-**
 - Service of Citation by Personal Service**-Or-**
 - Service by Publication.
- 4) Fill out the Order in Suit Modifying Parent-Child Relationship.
- 5) Go to the Uncontested Docket for the judge’s signature on the order.
- 6) Once the order is signed by the judge, file the Order in Suit Modifying Parent-Child Relationship in the District Clerk’s Office.
- 7) If your order includes changes to child support, be sure to give a copy of the new order to the Travis County Domestic Relations Office at 1010 Lavaca Street, Austin, Texas.

ONLY A LICENSED ATTORNEY CAN GIVE LEGAL ADVICE.

Librarians and courthouse staff want to help you, but they are not attorneys, and they cannot give you legal advice. Judges are also prohibited from giving you legal advice.

Helpful Terms:

Cause number- The number usually found at the top of the prior court order. It's assigned by the clerk's office, and is different from a number assigned by the Attorney General's Office. In the court system, your case is identified by the cause number.

Conservator – A person who has a legal relationship to a child.

Conservatorship – The legal term for custody.

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Petition - The form that begins the modification process by telling the court that you want to change a prior court order.

Answer Period- When you give the other party legal notice by personal service or service by publication, the Answer Period is the time period when the other party has to respond to the case. The other party must file a written response, called an **answer**, before the answer period ends. If an answer isn't filed before the deadline, the Petitioner can get a default judgment against the Respondent.

(To calculate this time period, count the day the other party was served on a calendar, and count out 21 days. Go to the next Monday on the calendar. The deadline to answer falls on this Monday at 10am.

Order – The form signed by the judge that finalizes the changes to your previous order.

Waiver of Citation - The Respondent may sign this form in front of a notary, waiving his or her right to be given a copy of the Petition by a process server. Sometimes, a Waiver waives other rights, including the right to tell the judge his or her side of the case.

Petitioner - The person who files the modification case, even if this person was not the Petitioner in the original order.

Respondent - Any person with a legal relationship to the child should be included as a Respondent in the case. Include agencies, like the Attorney General's Office, if the agency was a party in your original order, too.

Step 1. Start with the Petition

Begin by completing the **Petition to Modify Parent-Child Relationship**. The Petition is the form that begins the modification process.

The **Petition** tells the judge and the other parties that you want to change the terms in a previous order, such as a divorce decree or child support order.

You may find examples of Petitions online at www.TexasLawHelp.org and in form books available at the law library. If you choose to use these forms you are responsible for making sure that they comply with current Texas law and meet your needs.

No matter which forms you choose to use, you must understand that they are no substitute for seeking the advice and counsel of a lawyer trained to protect your legal rights.

Step 2. File the Petition

Once the Petition to Modify Parent-Child Relationship, is completely filled out, file it in the **District Clerk's Office**, located in room 305 (3rd floor) of the Courthouse.

When you file your Petition:

- Be prepared to pay the filing fee (around \$45).
- Take extra copies of the Petition with you for yourself and every party. (The District Clerk's Office will not provide you with free copies.)
- Tell the clerk that you are there to file a Petition to Modify, and hand the Clerk your original and all copies.
- The clerk will **"file stamp"** your papers, showing the date and time that you filed your Petition.
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- The clerk will give you your copies, but will keep the original for the court's file. You should keep one copy for yourself. Save the other copies to give to the other conservator(s).

-Or-

Step 3. Give the other conservator(s) Legal Notice

By law, you must tell the other conservator(s) that you have asked the court for a modification. This is called “giving notice.” There are three ways to give notice.

1) Waiver of Citation or Answer

You can “give notice” to the other conservator(s) if you give him or her a file stamped copy of your Petition **and** he or she signs a Waiver of Citation form in front of a notary and files the Waiver in the District Clerk’s Office.

If the other conservator doesn’t want to waive any rights in the case, s/he can file an Answer with the District Clerk’s Office, instead.

IMPORTANT NOTES ABOUT WAIVERS OF CITATION!!

For the Waiver of Citation to be valid, you must file the Original Petition **before** the Waiver is signed, and the Waiver must be filed in the District Clerk’s Office before you finalize the modification.

If you have been asked to sign a Waiver of Citation, read it over very carefully before you sign it. **Make sure you understand what legal rights you are giving up by signing the Waiver.**

If you don’t understand the Waiver, or you are uncomfortable about signing it, **talk to an attorney.**

-Or-

2) Service of Citation

You may give notice by having a constable or private process server “serve” the other conservator(s) with the **Petition**.

If the other conservator(s) is served, he or she can file an answer (response to the Petition) until 10 a.m. on the Monday following 20 days after he or she was served.

After serving the other conservator(s), the process server will file proof of the service (called a Return of Service) with the District Clerk.

Before you can get your modification finalized, the Return of Service must be on file for at least 10 days, and the answer deadline must have passed.

3) Citation by Publication

If you are unable to locate the other conservator(s), you may have him or her served by placing a public notice in the newspaper.

If you serve the other conservator(s) by publication, he or she will be entitled to have an attorney appointed to represent his or her interests. You would be responsible for paying for the attorney’s services.

Step 4 Write your Order Modifying Parent-Child Relationship

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An attorney can draft the Order Modifying Parent-Child Relationship for you, or you can write it yourself.

If you choose to write the Order Modifying Parent-Child Relationship yourself, you may use the forms that are available in the law library’s form books or at www.TexasLawHelp.org.

After you have written your order, both you and the other conservator(s) should sign it to show that you agree to its terms. Having the other conservator(s)’s signature on the order will simplify things when it is time to finalize your modification in front of the judge.

MEDIATION:

WHAT IF YOU AND THE OTHER CONSERVATOR DON’T AGREE?

It is best to try to reach agreement with the other conservator(s) if you plan to complete your modification without an attorney.

If you are having trouble reaching an agreement, you might consider going to mediation. In mediation, an unbiased person tries to help two sides reach an agreement. A judge must approve any agreement that is reached in mediation.

Free mediation services are available for family law patrons of the Travis County Law Library. Ask a librarian for a mediation voucher and call the **Dispute Resolution Center at 512-371-0033** to set an appointment for mediation.

If you and the other conservator just cannot reach an agreement, then you should consult an attorney.

Step 5. Court: Finalizing your order in the Uncontested Docket Court

The Uncontested Docket is held

Monday - Friday, from 8:30 to 9:20 a.m. and
from 1:30 to 2:20 p.m.

In Travis County, if you and the other conservator(s) have agreed to the terms of the modification order (and have signed the order), or if the other conservator(s) has waived his or her right to tell the judge his or her side of the case, you can complete your modification at the Uncontested Docket.

On the day you choose to finalize your modification, go to the **District Clerk's Office**, on the first floor of the Courthouse, in Room 103.

Tell the clerk that you are going to the Uncontested Docket, and ask them for the docket sheet.

Read the docket sheet to make sure the other conservator(s) was given proper notice. If the other conservator filed an Answer, s/he needs to sign the order, showing s/he agrees with the changes you have requested. If the other conservator will not sign the order, you must set your case for a contested hearing, and give the other conservator notice of the date and time of the hearing.

If the other conservator did not file an Answer, the docket sheet should show that either a Waiver of Citation or the completed Return of Citation (which would be completed by the process server), is on file. ***If the other conservator(s) was served, the completed Return of Citation must be file stamped with a date that is at least 10 days before the day you go to court to finalize your modification.***

While you are in the clerk's office, pick up a copy of the **Vital Statistics Form**. You will need to fill this out before seeing the judge.

If your new order will set up child support for the first time, you will also need to fill out a **yellow Domestic Relations Office (DRO) form to set up your child support account**.

Ask the clerk where the Uncontested Docket is being held. Take your Order and two copies of your order with you to the **Uncontested Docket court**.

Once you arrive in the courtroom, GIVE to the clerk seated next to the judge's bench:

1. The docket sheet,
2. Your Order,
3. The completed Vital Statistics Form, and
4. The completed yellow Domestic Relations Office Child Support Form (if you have child support in your case)

Then, sit down and wait for the judge to call your case.

When it is your turn, the judge will call your case by its **Cause Number** (the number at the top of your paperwork), and maybe by the parties' names. At this time, stand up, and walk to the front of the judge's bench.

- ◆ The judge will **swear you in**.
- ◆ The judge may ask you to **"proceed,"** with your testimony, or ask you questions.
- ◆ Answer the judge in a courteous, respectful, and honest manner.

After the judge has finished hearing your testimony and reviewing your paperwork, he or she will sign your Order, granting your modification.

Suggestions for the Courtroom

Treat the courtroom with the same type of respect that you would for a church or religious sanctuary.

- ◆ Leave all food and drinks outside of the courtroom.
- ◆ Address the judge as "Your Honor," and answer his or her questions in a truthful and courteous manner.
- ◆ Don't lean on any furniture when you are standing before the judge.
- ◆ If you need to speak with someone while you are in the courtroom, speak in a very quiet voice.

Step 6. File the Order

After the judge signs your Order, take it to the District Clerk's Office. You can ask the clerk to conform your copies with the judge's name and date.

The clerk will file stamp the original and two copies of the Order. The original will remain in the court file, one copy will be sent to the other conservator(s), and you will keep the other copy.

Consider asking the clerk to print a certified copy of your Order for you. Certified copies are often needed to change child support orders that are withheld by an employer. There is a fee for a certified copy.

Step 7. Child Support Registry

If you have **child support ordered for the first time**, you will be required to set up a child support account with the Domestic Relations Office (DRO). You can set up this account in the District Clerk's Office. There is a \$15 fee to set up the account. Your payments will be mailed to the State Disbursement Unit, PO Box 659791, San Antonio, Texas 78265-9791. Both state law and local rules require payments to be made through the child support registry.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

(Fill in Cause number and court information exactly as it is written on the orders you want to change.)

In the interest of (List children):

- 1 Name: _____
- 2 Name: _____
- 3 Name: _____
- 4 Name: _____
- 5 Name: _____
- 6 Name: _____

Cause No:

In the _____ District County Court of:
_____ County, Texas

Original Petition to Modify the Parent-Child Relationship

1. Discovery

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

2. Order to be Modified

I ask the court to change the current Order or Orders listed below:

	Title of Order	Date signed by Court
1.		/ /
2.		/ /

3. Jurisdiction

This Court has continuing, exclusive jurisdiction of this case.

4. Children

The following children are the subject of this case.

	Child's name	Sex	Date of Birth	Place of Birth	Current Address
1					
2					
3					
4					
5					
6					

(Check one.)

- There has been no significant change to the children's property.
- The following changes have occurred to the children's property since the Court signed the current orders: _____

5. Parties

Petitioner

My name is _____.
First Middle Last

I am the **Petitioner**, the person asking the Court to change the order or orders listed below.

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 live at _____.
Street Address City State Zip

I am the children's (Check one.)

Sole Managing Conservator.

Joint Managing Conservator.

Possessory Conservator.

_____.

I have standing to bring this suit.

Respondents / People Entitled to Legal Notice

You **MUST** give legal notice of this case to each person named as a party in the current orders and anyone else whose rights may be affected by this case.

You **MUST** give legal notice of this case to the Office of the Attorney General, Child Support Division **if**:

- you are asking to change child support or medical support orders **and**
- the Office of the Attorney General is named as a party in the current orders **or** the child or anyone on behalf of the child receives or has received TANF, Food Stamps, or Medicaid.

Respondent A

Respondent A's name is _____.
(PRINT the Respondent A's full name)

Respondent A lives at _____.
Street Address City State Zip

Respondent A is the children's (Check one.)

Sole Managing Conservator.

Joint Managing Conservator.

Possessory Conservator.

_____.

Legal Notice to Respondent A (Check one.)

Do not send a sheriff, constable, or process server to give a copy of this Petition to Respondent A, at this time. I think Respondent A will sign a Waiver of Service, or voluntarily file an Answer.

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

Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue the citation of service. I understand that I will need to **pay the fee** (or file the form to show the Court that I am unable to pay the fee) and **arrange for service**.

Respondent B Check this box if there is no Respondent B, and skip to number 6.

Respondent B's name is _____.

Respondent B lives at _____.
Street Address City State Zip

Respondent is the children's (Check one.)

- Sole Managing Conservator. Joint Managing Conservator.
- Possessory Conservator. _____.

Legal Notice to Respondent B (Check one.)

- Do not send a sheriff, constable, or process server to give a copy of this Petition to Respondent B at this time. I think Respondent B will sign a Waiver of Service, or voluntarily file an Answer.
- I will have a sheriff, constable, or process server give a copy of this Petition to Respondent B here: _____
Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue the citation of service. I understand that I will need to **pay the fee** (or file the form to show the Court that I am unable to pay the fee) and **arrange for service**.

Respondent C Check this box if there is no Respondent C, and skip to number 6.

Respondent C's name is: _____.

Respondent C lives at: _____.
Street Address City State Zip

Respondent is the children's (Check one.)

- Sole Managing Conservator. Joint Managing Conservator.
- Possessory Conservator. _____.

Legal Notice to Respondent C (Check one.)

- Do not send a sheriff, constable, or process server to give a copy of this Petition to Respondent C at this time. I think Respondent C will sign a Waiver of Service, or voluntarily file an Answer.
- I will have a sheriff, constable, or process server give a copy of this Petition to Respondent C here: _____
Street Address City State Zip

If this is a work address, name of business: _____

I ask the clerk to issue the citation of service. I understand that I will need to **pay the fee** (or file the form to show the Court that I am unable to pay the fee) and **arrange for service**.

6. Information Required if a Party Lives Out-of-State

(Check one.)

- Everyone involved in this case lives in Texas.
- Someone involved in this case (one of the Respondents or me) does not live in Texas. (You must complete and attach **Exhibit: Out-of-State Party Affidavit**. This is required by Texas Family Code Section 152.209.)

7. Modifications (Changes) Requested

The circumstances of the children, a conservator, or other party affected by the order or orders to be modified have materially and substantially changed since the judge announced the prior order or orders.

The requested modifications are in the **best interest** of the children.

The requested modifications will change the following parts of the current orders:

7a. Changes to Conservatorship (Custody)

(Check one.)

- I do **not** want to change the conservatorship (custody) orders. (If you choose this box, skip to 7b.)
- I ask the Court to change the conservatorship (custody) orders as follows:

I ask the Court to change the conservatorship order to name **me**: (Check one.)

- Joint Managing Conservator, with the exclusive right to establish the children's primary residence, (Home-Parent),
- Joint Managing Conservator, noncustodial parent, (Co-Parent)
- Joint Managing Conservator, with a geographic restriction on where the children's primary residence will be located and neither parent having the exclusive right to establish the children's primary residence.
- Sole Managing Conservator, (Home-Parent)
- Possessory Conservator, (Co-Parent)

and name **Respondent**: (Check one for each Respondent, if applicable. **Circle** the Respondent's letter.)

A B C Joint Managing Conservator, with the exclusive right to establish the children's primary residence, (Home-Parent).

A B C Joint Managing Conservator, noncustodial parent, (Co-Parent).

A B C Joint Managing Conservator, with a geographic restriction on where the children's primary residence will be located and neither parent having the exclusive right to establish the children's primary residence.

A B C Sole Managing Conservator, (Home-Parent).

A B C Possessory Conservator (Co-Parent).

(Check one, if applicable.)

- I ask the Court to place a geographic restriction on where the children's primary residence can be located.
- I ask the Court to change the geographic restriction on where the children's primary residence can be located.
- I ask the Court to lift the geographic restriction on where the children's primary residence can be located.

(Check, only if applicable.)

- I am asking the Court to change the person who has the exclusive right to designate the children's primary residence, **and** it has been less than one year since the order or settlement agreement was signed. *(You must complete and attach **Exhibit: Petitioner's Supporting Affidavit for Modification of Home (Custodial) Parent in Less than One Year of Order.**)*

7b. Changes to Right and Duties

(Check one.)

- I do **not** want to change orders regarding parental rights and duties. *(Skip to 7c.)*
- I ask the Court to change orders regarding parental rights and duties to the following:

	Mom alone	Dad alone	Mom and Dad together	Either Mom or Dad	Other person*
1. Make decisions concerning the children's education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Consent to major medical, dental, and surgical treatment for the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Consent to psychological treatment for the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Consent to a child's marriage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Consent to a child enlisting in the U.S. Armed Forces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Manage or control the earnings or services of a child who works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Represent the child in a legal action and make important legal decisions that affect the child	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Make decisions for the children about their estates if required by law (unless the child has a guardian ad litem or guardian of the estate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Manage the children's estates if any were created by the parents' community or joint property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* If you checked "Other person," on the above chart, explain below:

Name of other person: _____

Relationship to child/ren: _____

7c. Changes to Possession or Access (Visitation)

(Check one.)

I do **not** want to change possession or access (visitation) orders. *(Skip to 7d.)*

I ask the Court to change the possession and access orders to the following:

(Check all that apply.)

Standard visitation, with Petitioner (Home-Parent) having possession and access awarded to a parent with the exclusive right to designate the children's primary residence, and with Respondent A B C (Co-Parent) having possession and access awarded to a non-custodial parent.

Standard visitation, with Respondent A B C (Home-Parent) having possession and access awarded to a parent with the exclusive right to designate the children's primary residence, and with Petitioner (Co-Parent) having possession and access awarded to a non-custodial parent.

Other *(Describe)* _____

7d. Changes to Child Support

(Check one.)

I do **not** want to change child support orders. *(Skip to 7e.)*

I ask the Court to change the child support orders as follows:

(Check all that apply. Circle respondent's letter)

- reducing the amount of child support Petitioner pays each month.
- increasing the amount of child support Petitioner pays each month.
- reducing the amount of child support Respondent A B C pays each month.
- increasing the amount of child support Respondent A B C pays each month.
- Other *(Describe.)* _____

7e. Changes to Medical Support

(Check one.)

I do **not** want to change medical support orders. *(Skip to 8.)*

I ask the Court to change the medical support orders as follows:

(Check all that apply.)

- reducing the amount of medical support Petitioner pays each month.
- increasing the amount of medical support Petitioner pays each month.
- reducing the amount of medical support Respondent A B C pays each month.
- increasing the amount of medical support Respondent A B C pays each month.
- ordering Petitioner to provide health insurance.
- ordering Respondent A B C to provide health insurance.
- Other: *(Describe)* _____

8. Children's Health Insurance.

The children do do not have private health insurance in effect.

Private Health Insurance is in effect: *(Complete, if the children 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.

Private Health Insurance NOT in effect: *(Complete, if the children do NOT have private health insurance.)*

The children do do not receive medical assistance through CHIPS or Medicaid.

Cost of premium (if any): \$ _____

Health insurance is is not available to the person who pays child support at a reasonable cost.

9. Information Required By Section 105.006

(Check one.)

I will include in the final Order, the social security and driver's license numbers, current addresses, and phone numbers for each party and child who is subject to this suit, as required by section 105.006 of the Texas Family Code.

I ask the Court's permission not to disclose the social security and driver's license numbers, current address, and telephone numbers in the Final Order because providing that information is likely to cause the child or a conservator harassment, abuse, serious harm, or injury.

10. Prayer

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

I ask for general relief.

Respectfully submitted,

Petitioner, Pro Se *(Sign your name on the line.)*

(PRINT your name and information.):

Name: _____ Telephone: _____

Mailing Address: _____

Email Address: _____

Petitioner's Fax #
(if available): _____

Attachment(s) included with this Petition *(Check all that apply):*

- Exhibit Out-of-State Party Affidavit
- Exhibit Petitioner's Supporting Affidavit Modification of Home (Custodial) Parent in Less than One Year of Order

Exhibit: Out-of-State Party Affidavit

Required by Texas Family Code, Section 152.209

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

- Fill out this form – *Do not sign it until you are in front of the notary!*
- After signing, file it in the Clerk's Office.
- Keep a copy for your records.

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

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

"My name is _____. I am above the age of eighteen (18) years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

1. Personal Information

My name is: _____
First Middle Last

I am the: Petitioner Respondent

I am representing myself in this case.

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

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

2. Children in this case (under 18)

First Child's Name: _____

Present Address: _____

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

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

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

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? _____

2nd Child's Name: _____

Check here if this child has always lived with the 1st child and skip to next question.

Present Address: _____

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

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

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

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? _____

3rd Child's Name: _____

Check here if this child has always lived with the 1st child and skip to next question.

Present Address: _____

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

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

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

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:

County, State and Country of Court Case	Case #	Type of case
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Warning: You must tell the court if you later find out about a court case about these children, in Texas or in any other state or country.

4. Other People Who Claim Custody or Visitation

“Do you know of any other person who has physical possession of the children or claims the right to legal or physical custody or visitation with the children? Yes No

If **Yes**, complete the following for each person.

Name: _____

Address: _____

Relationship to child: _____

Name: _____

Address: _____

Relationship to child: _____

Do not sign until you are in front of a notary.



Signature _____

Date _____

Notary fills out below.

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

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

By (Print name of person who is signing this affidavit.): _____

(Notary's seal here)



Notary's Signature _____

Ruled lines for text entry.

"I am the Home (Custodial) Parent, the person who has the exclusive right to designate the primary residence of the following children:

I agree to the changes requested in this suit. The requested changes are in the best interest of the children because: _____

"The Home (Custodial) Parent, the person who has the exclusive right to designate the primary residence of the following children: _____

has voluntarily relinquished, or given up, the primary care and possession of the children for at least six months. The requested change is in the best interest of the children because:

[SIGN your name]

[PRINT your first and last names.]

Notary fills out below

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

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

By *(Print name of person signing this affidavit):* _____.

(Notary's seal here)



Notary's signature

In the interest of *(List children)*:

- 1 Name: _____
- 2 Name: _____
- 3 Name: _____
- 4 Name: _____
- 5 Name: _____
- 6 Name: _____

Cause No:

In the _____ District County Court of:
_____ County, Texas

Respondent's Answer to Petition to Modify the Parent-Child Relationship

(Print your answers.)

1. My name is: _____
First *Middle* *Last*

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 am the Respondent in this case. I enter a general denial.

I request notice of all hearings in this case.

If the Petitioner and I can reach an agreement, I will sign the Final Order in Suit to Modify the Parent-Child relationship. If I sign the Final Order, I agree the judge can finalize the case without me and without my receiving notice of the hearing.


2. My mailing address is: _____
street address *city* *state* *zip*

3. My phone number is: (_____) _____ - _____. Fax # (if available) is: _____

4. My email address is: _____

5. **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

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

Print court information exactly as it appears on the Original Petition to Modify the Parent-Child Relationship.

Cause Number: _____

IN THE INTEREST OF:

In the _____
Court Number

- District Court
- County Court at Law

_____ County, Texas

Waiver of Service Only (Specific Waiver) – Modification Case

INSTRUCTIONS to Respondent: Talk to an attorney if you have questions. If you decide to use this form:

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

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

“I am a Respondent in this modification case.”

“My name is: _____
First Middle Last

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

“My phone number is: (_____) _____ - _____ Fax # (if available) is: _____

“My email address is: _____

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

Or I do not have a driver’s license number.

"The last three numbers of my social security number are: ____ ____ ____.

Or I do not have a social security number.

"I have been given a copy of the *Original Petition to Modify the Parent-Child Relationship* filed in this case.

"I have read the *Original Petition to Modify the Parent-Child Relationship* and understand what it says. I do not give up my right to review a different *Petition to Modify the Parent-Child Relationship* if it gets changed (amended).

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

"I enter my appearance in this case for all purposes.

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

"If the Petitioner and I reach an agreement and I sign an *Order in Suit to Modify the Parent-Child Relationship*, the Court can enter the *Order* without me being present and without giving me notice. If I sign an agreed *Order*, I do not want a court reporter to make a record of the testimony.

"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 changes during this case. If I don't, I understand that 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."

Military Status *(Check only one.)*

I am not in the military.

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



Signature of Respondent

Date

Notary fills out below.

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

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

Sworn to and subscribed before me, the undersigned notary, on this date: _____ / ____ / 20____
Month day year

at _____ a.m./p.m.
time circle one

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

[Notary Stamps Here]



Notary's Signature

(Fill in Cause number and court information exactly as it is written on the orders you want to change.)

In the interest of (List children):

- 1 Name: _____
- 2 Name: _____
- 3 Name: _____
- 4 Name: _____
- 5 Name: _____
- 6 Name: _____

Cause No:

In the _____ District County

Court of:

_____ County, Texas

Order in Suit to Modify The Parent-Child Relationship

Today, this case came before the Court for a hearing.

1. Appearances

Petitioner

The Petitioner's name is: _____
First *Middle* *Last*

(Check one.)

- The Petitioner was present, representing him/herself, and has agreed to the terms of this Order.
- The Petitioner was not present but has signed below, agreeing to the terms of this Order.

Respondent A

Respondent A's name is _____
First *Middle* *Last*

(Check one.)

- Respondent A was present, representing him/herself, and agrees to the terms in this Order.
- Respondent A was not present but was served, filed an Answer, or signed a Waiver of Citation, and:

(Check all that apply.)

- has signed below, agreeing to the terms in this Order.
- agreed in the Waiver that the judge can finalize the case, without giving the Respondent notice of this hearing.
- has defaulted. The Petitioner has filed a Certificate of Last Known Address and an Affidavit of Non-Military Status. (Ask the Judge to have a court reporter record your testimony.)

Respondent B: Check this box if there is no Respondent B, and skip to section 2.

Respondent B's name is _____
First *Middle* *Last*

(Check one.)

- Respondent B was present, representing him/herself, and agrees to the terms in this Order.
- Respondent B was not present but was served, filed an Answer, or signed a Waiver of Citation, and:

(Check all that apply.)

- has signed below, agreeing to the terms in this Order.
- agreed in the Waiver that the judge can finalize the case, without giving the Respondent notice of this hearing.
- has defaulted. The Petitioner has filed a Certificate of Last Known Address and an Affidavit of Non-Military Status. (Ask the Judge to have a court reporter record your testimony.)

Respondent C: Check this box if there is no Respondent C, and skip to section 2.

Respondent C's name is _____
First Middle Last

(Check one.)

- Respondent C was present, representing him/herself, and agrees to the terms in this Order.
- Respondent C was not present but was served, filed an Answer, or signed a Waiver of Citation, and:

(Check all that apply.)

- has signed below, agreeing to the terms in this Order.
- agreed in the Waiver that the judge can finalize the case, without giving the Respondent notice of this hearing.
- has defaulted. The Petitioner has filed a Certificate of Last Known Address and an Affidavit of Non-Military Status. (Ask the Judge to have a court reporter record your testimony.)

2. Jurisdiction

The Court finds that it has jurisdiction of this case and all of the parties. All persons entitled to citation were properly cited.

3. Jury

(Check one.)

- A jury was waived, and all questions of fact and of law were submitted to the Court.
- A jury was selected, questions of fact were submitted to the jury, and a verdict was returned and filed.

4. Record

A Court reporter:

(Check one.)

- did not record today's hearing because the parties and judge agreed not to make a record.
- recorded today's hearing.

5. Children

The following children are the subject of this case.

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

6. Consent by Person with Right to Designate Primary Residence

(Check one.)

- _____, who has the exclusive right to designate the primary residence of the children, has consented to the terms of this order as evidenced by his/her signature below.
- _____, who has the exclusive right to designate the primary residence of the children, has **not** consented to the terms of this order.
- No one in this case has the exclusive right to designate the primary residence of the children.

7. Findings

(Check one.)

- The Court finds that the petition to modify should be denied.
- The Court finds that the material allegations in the petition to modify are true and that the requested modification is in the best interest of the children.
- The Court finds that the parties have entered into an agreement regarding the requested modification and that the agreement is in the best interest of the children.

8. Orders

(Check one.)

- IT IS ORDERED that all relief requested in the petition to modify is DENIED.
- IT IS ORDERED that the orders listed below **are modified** as set out below.

	Title of Order	Date signed by Court
1.	_____	____/____/____
2.	_____	____/____/____

8a. Conservatorship (Custody)

(Check one.)

- The orders concerning conservatorship are **not** modified.
- The orders concerning conservatorship are modified as set out in Exhibit: Conservatorship (Custody), Rights and Duties Order, which is attached to and incorporated into this order for all purposes. *(Attach Exhibit: Conservatorship (Custody), Rights and Duties Order.)*

8b. Rights And Duties

(Check one.)

- The orders concerning rights and duties are **not** modified.
- The orders concerning rights and duties are modified as set out in Exhibit: Conservatorship (Custody), Rights and Duties Order, which is attached to and incorporated into this order for all purposes. *(Attach Exhibit: Conservatorship (Custody), Rights and Duties Order.)*

8c. Possession And Access (Visitation)

(Check one.)

- The orders concerning possession or access (visitation) are **not** modified.
- The orders concerning possession or access (visitation) are modified set out in Exhibit: Possession and Access (Visitation) Order, which is attached and incorporated into this order for all purposes. *(Attach Exhibit: Possession and Access (Visitation) Order.)*

8d. Child Support

(Check one.)

- The orders concerning child support are **not** modified.
- The orders concerning child support are modified as set out in Exhibit: Child Support Order, which is attached to and incorporated into this order for all purposes. *(Attach Exhibit: Child Support Order.)*

8e. Medical Support

(Check one.)

- The orders concerning medical support are **not** modified.
- The orders concerning medical support are modified as set out in Exhibit: Medical Support Order, which is attached and incorporated into this order for all purposes. *(Attach Exhibit: Medical Support Order.)*

9. Court Costs

All court costs shall be paid by the person who incurred the costs.

10. Clarifying Orders

Without affecting the finality of this Order in Suit to Modify the Parent-Child Relationship, this Court expressly reserves the right to make orders necessary to clarify and enforce this order

11. Relief Not Granted

IT IS ORDERED AND DECREED that all relief requested in this case and not expressly granted is denied.

THIS IS A FINAL ORDER.

12. Date Of Judgment

Signed on _____

JUDGE PRESIDING

The following exhibits are attached to and fully incorporated into this Order:

(CHECK and attach all that apply.)

- Exhibit: Conservatorship (Custody) Order
- Exhibit: Rights and Duties Order
- Exhibit: Possession and Access (Visitation) Order
- Exhibit: Child Support Order
- Exhibit: Medical Support Order
- Exhibit: Family Information

I AGREE TO THE TERMS OF THIS ORDER:

Petitioner _____
Petitioner's Signature

Respondent A: _____
Respondent A's Signature

Respondent B: _____
Respondent A's Signature

Respondent C: _____
Respondent A's Signature

Exhibit: Conservatorship (Custody), Rights and Duties Order

The Court makes the following orders:

1. Conservatorship (Custody) and Primary Home

The Court ORDERS that the parties in this case are (*check one*):

- Joint Managing Conservators, One Party Chooses Child's Primary Home, Geographic Limit on Child's Primary Home:**

Both parties share legal custody. One party decides where the child's primary home is located. There is a geographic limit on the location of the child's primary home.

The party who has the exclusive right to decide where the child's primary home is located is: _____

(Print the name of the parent who has the exclusive right to decide where the child's home is located.)

There is a geographic limit on the location of the child's primary residence. The child's primary home will be located: (*Check one*)

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

OR

- Joint Managing Conservators, One Party Chooses Child's Primary Home, No Geographic Limit on Child's Primary Home:**

Both parties share legal custody. One party decides where the child's primary home is located. There is no geographic limit on the location of the child's primary home.

The party who has the exclusive right to decide where the child's primary home is located is:

(Print the name of the parent who has the exclusive right to decide where the child's home is located.)

OR

- Separate Conservators, One Party Chooses Child's Primary Home, No Geographic Limit on Child's Primary Home:**

One party decides where the child's primary home is located and makes the major decisions about the child's health, education, and welfare. There is no geographic limit on the location of the child's primary home.

The **Sole Managing Conservator** is (*name*): _____.

The Sole Managing Conservator has the exclusive right to decide where the child's primary home is located.

The **Possessory Conservator** is (*name*): _____.

OR

- THIS OPTION CAN BE SELECTED ONLY IF THE PARTIES AGREE TO IT.**
Joint Managing Conservators, No Party Chooses Child's Primary Home, Geographic Limit on Child's Primary Home:

Both parties share legal custody. Neither party has the right to decide where the child's primary home is located.

There is a geographic limit on the location of the child's primary home. BY AGREEMENT, the child's primary home will be located: *(Check one)*

- in the school district of _____.
- in this county. in this county or in counties adjacent to this county.
- in Texas. Other _____.

2. Rights and Duties At All Times

The Court ORDERS that both parents *always* have the following rights:
(Texas Family Code, Section 153.073)

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

The Court ORDERS that both parents *always* have the following duties:
(Texas Family Code, Section 153.076)

1. To inform the other parent or conservator, in a timely manner, about significant information concerning the child/ren's health, education and welfare.
2. Each parent has a duty to inform the other parent or conservator if the parent:
 - resides with for at least 30 days,
 - marries, or
 - intends to marry

a person who the parent knows is a registered sex offender under Chapter 62 of the Texas Code of Criminal Procedure, or who 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.

3, Rights and Duties During Periods of Possession

The Court ORDERS that both parents have the following rights and duties *when the child/ren are with them:* (Texas Family Code, Section 153.074)

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

4. Other Rights and Duties

The Court ORDERS the parties shall share the following rights and duties as marked below:
(Texas Family Code, Section 153.132)

	Mom alone	Dad alone	Mom and Dad together	Either Mom or Dad	Other person*
1.Consent to invasive medical, dental, and surgical treatment for the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.Consent to psychiatric or psychological treatment for the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.Right to receive and give receipt for child support payments, and to hold or disburse these funds for the child/ren's benefit	<input type="checkbox"/>	<input type="checkbox"/>	No	No	<input type="checkbox"/>
4.Represent the child/ren in a legal action and make important legal decisions that affect the child/ren	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.Consent to a child's marriage, or to a child enlisting in the U.S. Armed Forces	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.Make decisions concerning the child/ren's education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.Manage or control the earnings or services of a child who works	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.Make decisions for the child/ren about their estates if required by law (unless the child/ren have a <i>guardian ad litem</i> or guardian of the estate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.Manage the child/ren's estates if any were created by the parents' community or joint property.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*If you checked "Other person," explain below:

Name of other person: _____

Relationship to child/ren: _____

Exhibit: Standard Possession (Visitation) and Access Order

The Court ORDERS that each conservator shall comply with all terms and conditions of this standard possession (visitation) order.

The Court ORDERS that this standard possession (visitation) order is effective immediately and applies to all periods of possession occurring on and after the date the Court signs the order to which this exhibit is attached.

Designation of Conservators

The Court ORDERS that the conservators are designated in this exhibit as Home Parent and Co-parent.

The conservator known as the 'Home Parent' is: (name) _____

The conservator known as the 'Co-Parent' is: (name) _____

Mutual Agreement

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

In the absence of mutual agreement, the Court ORDERS that Home Parent and Co-Parent shall have possession of the child/ren as ordered below.

Undesignated Times

The Home Parent shall have the right to possession of the child/ren at all times not specifically ordered for Co-Parent.

Definitions

“**School**” means the primary or secondary school where a child is enrolled, or if the child is not enrolled in a primary or secondary school, the public school district where the child primarily resides.

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

A “**weekend**” begins on the 1st, 3rd, and 5th Friday of each month at 6pm, and ends on the following Sunday at 6 pm, except when:

- The box “After school**” is checked, then during the regular school year, the weekend begins at the time the child/ren’s school is dismissed before the 1st, 3rd, or 5th weekend of each month.
- The box “Next school day***” is checked, then during the regular school year, the weekend ends at the time the child/ren’s school starts on the next school day after the 1st, 3rd, or 5th weekend of each month (if Co-Parent cannot return the children to school on time, s/he must notify the school and the other parent).
- The 1st, 3rd, or 5th weekend coincides with a student holiday or teacher’s in-service day or federal, state or local holiday that falls on a Monday, then the weekend begins on Friday, and ends on Monday; if the holiday falls on a Friday, then the weekend begins on Thursday, and ends on Sunday.
- If a weekend or midweek visit conflicts with the holiday or summer schedule, you must follow the holiday or summer schedule.

Schedules

1A. Co-Parent's Local Schedule When the Co-Parent lives within 100 miles of the primary residence of the child/ren, the Co-Parent shall have the right to possession of the child/ren as follows:		Co-parent's right to possession shall begin at:	Co-parent's right to possession shall end at:
Weekends*	On the 1 st , 3 rd , and 5 th weekend of each month. See definition above	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	<input type="checkbox"/> Next school day*** <input type="checkbox"/> 6 pm
Mid-Week Visit	On Thursday of each school week	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	<input type="checkbox"/> School starts on Friday <input type="checkbox"/> 8 pm
Thanksgiving <i>Odd-Numbered Years</i>	Starts last day of school before Thanksgiving and ends on Sunday.	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	6 pm
Christmas Break <i>Even-Numbered Years</i>	Starts the last day of school before Christmas Break and ends December 28 th .	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	noon
Christmas Break <i>Odd-Numbered Years</i>	Starts on December 28 th and ends the day before school starts after Christmas Break.	noon	6 pm
Spring Break <i>Even-Numbered Years</i>	Starts the last day of school before Spring Break and ends the day before school starts after Spring Break.	<input type="checkbox"/> After school** <input type="checkbox"/> 6 pm	6 pm
Standard Summer	Starts on July 1 st and ends on July 31 st .	6 pm	6 pm
Different Summer <i>Co-Parent must notify Home Parent of the dates, in writing, by April 1.</i>	If Co-Parent gives Home Parent written notice by April 1 of each year, Co-Parent may choose a different 30-day summer schedule. The schedule must be: after school is dismissed for summer break, only 1 or 2 blocks of time, each at least 1 week long, and not during the last week of the summer break	6 pm	6 pm
1B. Home Parent's Local Schedule Notwithstanding the weekend and midweek periods of possession ordered for Co-Parent above, it is expressly ORDERED that Home parent shall have a superior right to possession of the children as follows:		Home-parent's right to possession shall begin at:	Home-parent's right to possession shall end at:
Thanksgiving <i>Even-Numbered Years</i>	Starts the last day of school before Thanksgiving and ends Sunday.	6 pm	6 pm
Christmas Break <i>Odd-Numbered Years</i>	Starts the last day of school before Christmas Break and ends December 28 th .	6 pm	noon
Christmas Break <i>Even-Numbered Years</i>	Starts on December 28 th and ends the day before school starts after Christmas Break.	noon	6 pm
Spring Break <i>Odd-Numbered Years</i>	Starts the last day of school before Spring Break and ends the day before school starts after Spring Break.	6 pm	6pm
Extended Summer <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th</i>	If the Home Parent gives the Co-parent written notice by April 15 of each year, the Home-parent may designate 21 days beginning not earlier than the day after the child's school is dismissed for the summer. The dates must be exercised in not more than 2 separate periods of at least 7 consecutive days each. The dates must not be: <ul style="list-style-type: none">during the last week of the summer breakduring days when the Co-Parent has a scheduled summer, or Father's/Mother's Day visitation	6 pm	6 pm
Summer Weekend During Co-Parent's Summer Visitation <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th</i>	If the Home Parent gives the Co-parent written notice by April 15 of each year, the Home-parent shall have possession of the child/ren on 1 weekend during the child/ren's summer break, when the Co-Parent would otherwise be entitled to weekend possession of the child/ren. The weekend: <ul style="list-style-type: none">Cannot interfere with the Co-Parent's Father's or Mother's Day weekendCannot be the last weekend of summer	6 pm	6 pm

2A. Co-Parent's Long Distance Schedule		Co-parent's right to possession shall begin at:	Co-parent's right to possession shall end at:
When Co-Parent lives more than 100 miles from the primary residence of the child/ren, the Co-Parent shall have the right to possession of the child/ren as follows:			
Weekends*	On the 1 st , 3 rd , and 5 th weekend of each month. A weekend starts Friday and ends Sunday. OR Alternate Weekend Possession** If Co-Parent gives Home Parent written notice within 90 days after residing more than 100 miles apart , Co-Parent shall have possession of the child/ren for any one weekend per month that the Co-Parent chooses. The Co-Parent must give the Home Parent at least 14 days notice (by phone or in writing), and the weekend cannot interfere with the holiday schedule.	6 pm	6 pm
Thanksgiving Odd-Numbered Years	Starts the last day of school before Thanksgiving and ends on Sunday.	6 pm	6 pm
Christmas Break Even-Numbered Years	Starts the last day of school before Christmas Break and ends December 28 th .	6 pm	noon
Christmas Break Odd-Numbered Years	Starts on December 28 th and ends the day before school starts after Christmas Break.	noon	6 pm
Spring Break (Every year)	Starts the last day of school before Spring Break and ends the day before school starts after Spring Break.	6 pm	6 pm
Standard Summer	Starts on June 15 th and ends on July 27 th	6 pm	6 pm
Different Summer <i>Co-Parent must notify Home Parent of the dates, in writing, by April 1.</i>	If Co-Parent gives Home Parent written notice by April 1 of each year, the Co-Parent may choose a different 42-day summer schedule, but it must be: <ul style="list-style-type: none">• Only 1 or 2 blocks of time, each at least 1 week long,• Not during the last week of the summer break	6 pm	6 pm
2B. Home Parent's Long Distance Schedule		Home Parent's Right to Possession shall begin at:	Home parent's right to Possession shall end at:
Notwithstanding the weekend periods of possession ORDERED for Co-parent above, it is expressly ORDERED that Home parent shall have a superior right to possession of the children as follows:			
Thanksgiving <i>Even-numbered years</i>	Starts last day of school before Thanksgiving and ends Sunday.	6 pm	6 pm
Christmas Break <i>Odd-Numbered Years</i>	Starts the last day of school before Christmas Break and ends December 28 th .	6 pm	noon
Christmas Break <i>Even-Numbered Years</i>	Starts on December 28 th and ends the day before school starts after Christmas Break.	Noon	6 pm
Extended Summer <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th, or give at least 14 days written notice of the dates, after April 15th.</i>	The Home Parent may choose 21 days during the summer when the child/ren will stay with the Home Parent. The Home Parent's schedule must be: <ul style="list-style-type: none">• Not during the last week of the summer break• Not during days when the Co-Parent has a scheduled summer, or Father's/Mother's Day visitation.• Only 1 or 2 blocks of time, each at least 1 week long	6 pm	6 pm
Summer Weekend During Co-Parent's Summer Visitation <i>Home Parent must notify Co-Parent of the dates, in writing, by April 15th</i>	If the Co-Parent's summer visitation is 31 days or more, the Home Parent may choose to have the children for two weekends during the Co-Parent's summer visitation (or one weekend if the Co-Parent's summer visitation is 30 days or less). The weekends: <ul style="list-style-type: none">• Cannot be consecutive weekends during the Co-Parent's summer visitation schedule• Cannot interfere with the Co-Parent's Father's or Mother's Day weekend• Cannot be the last weekend of summer	6 pm	6 pm

3. Child's Birthday, Mother's Day and Father's Day

Home Parent and Co-Parent shall also have the right to possession of the child/ren as follows, notwithstanding the weekend and midweek periods of possession ordered for Co-parent and regardless of the distance between the residence of a parent and the child:

Child's Birthdays

The Parent who does not already have a scheduled visit on the child's birthday shall have the right to possession of the child on the child's birthday, from 6 p.m. to 8 p.m., provided he or she picks up the child from the residence of the parent entitled to possession, and returns the child to the same place.

(Check here only if you want to include the child's minor siblings for this birthday visit.)

This visit shall include the child's minor siblings.

Father's Day

If a conservator, the Father shall have possession of the child/ren on Father's Day weekend, provided he picks up the child/ren from the residence of the parent entitled to possession, and returns the child/ren to the same place.

The weekend starts Friday before Father's Day at 6 p.m. and ends at:

6 p.m. Sunday **or** 8 a.m. on the Monday after Father's Day

Mother's Day

If a conservator, the Mother shall have possession of the child/ren on Mother's Day weekend, provided she picks up the child/ren from the residence of the parent entitled to possession, and returns the child/ren to the same place.

The weekend starts Friday before Mother's Day at 6 p.m. and ends at:

6 p.m. Sunday **or** 8 a.m. on the Monday after Mother's Day

4. 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:

Exchange of Children at Start of Co-parent's Possession

The Court ORDERS the Home Parent to surrender the child/ren to the Co-Parent at the beginning of Co-parent's possession at: *(Check one.)*

Home parent's residence.

Co-Parent's residence.

The following location: _____

If a period of possession begins at the time the child/ren's school is regularly dismissed, the Court ORDERS the Home parent to surrender the child to Co-parent at the beginning of each such period of possession at the school in which the child is enrolled.

If the child is not in school, Co-parent shall pick up the child at the location designated above and the Court ORDERS the Home parent to surrender the child to Co-parent at the location designated above at 6 pm.

If the children will not be in school, the Home-Parent shall immediately notify the Co-Parent.

Exchange of Children at End of Co-Parent's Possession

The Court ORDERS the Co-Parent to surrender the child/ren to the Home Parent at the end of Co-Parent's possession at: *(Check one.)*

Home parent's residence.

Co-Parent's residence.

The following location: _____

However, if the Home Parent and Co-Parent live in the same county when the order is signed and the Co-Parent remains in the county, but the Home Parent moves out of the county, then beginning on the date Home Parent moves, Co-Parent shall return the child/ren to the Home parent at: *(Check one.)*

- Co-Parent's residence.
- the location designated above.

If a period of possession ends at the time the child/ren's school resumes, the Court ORDERS the Co-Parent to surrender the child/ren to Home Parent at the end of each such period of possession at the school in which the child is enrolled or, if the child is not in school, at the residence of Home Parent at 7 a.m.

If the child/ren will not be delivered to school on that day, Co-Parent shall immediately notify the school and Home Parent that the child/ren will not or has not been returned to school.

Child/ren's Personal Effects

The Court ORDERS each conservator to return with the child/ren the personal effects that the child brought at the beginning of the period of possession.

Designation of Competent Adult

Each conservator may designate any competent adult to pick up and return the child/ren, as applicable. The Court ORDERS that a conservator or designated competent adult be present when the child/ren is/are picked up or returned.

Notice if Unable to Exercise Possession

The Court ORDERS each conservator to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

Written Notice

Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due.

5. Warnings —

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.

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EVERY OTHER PARTY, THE COURT, AND THE STATE CHILD SUPPORT REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO THE OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO GIVE NOTICE OF THE CHANGE TO PROVIDE 60-DAYS NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE 5TH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

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

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

NOTICE SHALL BE GIVEN TO EVERY OTHER PARTY BY DELIVERING A COPY OF THE NOTICE TO EACH PARTY BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED. NOTICE SHALL BE GIVEN TO THE COURT AND THE STATE CASE REGISTRY 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 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 LAW 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.

This concludes the Possession (Visitation) Order.

Exhibit: Child Support Order

1. Person Ordered to Pay Child Support (Obligor)

IT IS ORDERED that _____ is the Obligor, the person
(Name of person to pay support)

ordered to pay child support for the children listed in the Decree or Order, and that he or she is obligated to and shall pay child support in the amount and manner described below, until one of the following **events that terminate child support** occurs for each child.

2. Events that Terminate Child Support

(See Texas Family Code Sections 154.006 and 154.002.)

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

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

3. Child Support Amount Ordered

If there is only one child who will receive support, fill out 3a below and cross out 3b.

If there is more than one child who will receive support, fill out 3b below and cross out 3a.

3a. For a Single Child Write in the child support amount for the single child on the line below.

There is ONLY ONE child for whom child support is ordered in this Order. The person ordered to pay child support is ORDERED to pay:

\$ _____ child support per month. The 1st payment is due on the 1st day of the 1st month after this order is signed by the Court. A like payment is due on the 1st day of each month after that **until** child support terminates for the child. Support for the child terminates when one of the events listed in section 2 "Events that Terminate Child Support" occurs.

3b. For Multiple Children Write in the total child support amount for all of the children on the 1st line below. On each additional line, write in the child support amount for one less child. Note: Child support based on the guidelines set out in Texas Family Code Chapter 154, Subchapter C decreases each time child support terminates for one of the children.

There is MORE THAN ONE child for whom child support is ordered. The person ordered to pay child support is ORDERED to pay:

\$ _____ child support per month. The 1st payment is due on the 1st day of the 1st month after this order is signed by the Court. A like payment is due on the 1st day of each month after that **until** child support terminates for one child.

After that, the person ordered to pay child support 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 that, the person ordered to pay child support 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 that, the person ordered to pay child support 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 that, the person ordered to pay child support 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.

4. Person Ordered to Receive Child Support (Obligee)

IT IS ORDERED that child support is payable to _____,
(Name of person to receive child support)
but must be sent to the **place of payment** listed below.

5. Place of Payment

The person ordered to pay child support is ORDERED 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.

Include the following information with each payment:

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

6. No Credit for Informal Payments

IT IS ORDERED that money paid by the person ordered to pay child support directly to the person ordered to receive child support or spent while in possession of the children does NOT count as child support and shall be deemed in addition to and not instead of the support ordered in this order.

7. Guideline or Non-Guideline Support

Check *Guideline Support* if the child support amount or amounts listed are based on the guidelines set out in Texas Family Code, Chapter 154, Subchapter C.

Check and complete *Non-Guideline Support*, if the child support amount or amounts listed are not based on the statutory guidelines.

Guideline Support: The amount of child support is approximately the amount recommended in the Texas Family Code Guidelines, Chapter 154.

Non-Guideline Support: The amount of child support differs significantly from the amount recommended in the Texas Family Code Guidelines, Chapter 154. The court finds that guideline support would be unjust or inappropriate under the circumstances because *(explain)*:

The net monthly income (from all sources) of the **person paying** child support is \$ _____.

The net monthly income (from all sources) of the **person receiving** child support is \$ _____.

Actual monthly child support is \$ _____, which is _____ % of the *paying person's* net monthly income.

8. Child Support Account / Fees

Each party 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 party by the state disbursement unit and any other agency authorized by law to a charge a fee.

9. Income Withholding

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

If an income withholding for support order is served on the employer of the person ordered to pay child support, the employer shall withhold child support payments from the employee's pay, and send it to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payments shall be recorded, and forwarded to the person ordered to receive child support. All child support withheld and paid in accordance with this order shall be credited against the child support obligation.

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

If an income withholding for support order is not served on the employer, or if the person paying child support is self-employed or unemployed, the person ordered to pay child support is ORDERED to send all child support payments to the **Texas Child Support State 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 the person ordered to pay child support, if asked to do so by the person ordered to pay or receive child support, a prosecuting attorney, the title IV-D agency, a friend of the Court, or a domestic relations office.

10. 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 the person ordered to receive child support. The person ordered to pay child support is ORDERED to send all child support payments to the **Texas Child Support State Disbursement Unit, PO Box 659791, San Antonio, TX 78265**, where the payment will be recorded, and forwarded to the person ordered to receive child support.

11. Child Support After Death

If the person ordered to pay child support dies before this child support order ends, any unpaid child support shall become the obligation of his or her estate.

12. Life Insurance Policy

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

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

13. Required Notices

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

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

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

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

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

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

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

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

14. 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.

Exhibit: Medical Support Order

Warning! If you disobey a Court order to pay for or provide health insurance for the children, the law says you will have to pay for ALL needed and reasonable health costs, even if those costs would not have been covered by an insurance policy.

The Court makes the following orders:

1. Insuring Parent

IT IS ORDERED that _____
(Name of person to pay health insurance/ medical support, Insuring Parent)

must pay for and provide health insurance / medical benefits for the children listed in the attached Decree or Order, in the manner described below, until one of the following **conditions** is met for each child, or one of the following **events** occurs:

Conditions

- The child turns 18 and graduates from high school, **or**
- The child has turned 18, and is not meeting the attendance requirements of a high school or other secondary school leading toward a high school diploma, **or**
- The child marries, dies, or is emancipated by court order, **or**
- The child begins active duty in the US armed forces, **or**

Events

- The child's parents marry each other and live with the child, or
- The court changes this order.

The medical benefits **must** include doctor services, office visits, hospitalization, laboratory, X-ray, and emergency services.

2. Insurance / Medical Benefits

The Insuring Parent IS ORDERED to pay for and enroll the children in a health insurance policy offered through either parent's work or membership in a union or organization, if it is available at a reasonable cost (not more than 9% of his/her annual resources), and it provides doctor services, office visits, hospitalization, laboratory, X-ray, and emergency services.

If the Insuring Parent obtains health insurance through the other parent's work or membership in an organization, that other parent is ordered to include the child in his or her health insurance. The Insuring Parent is ordered to reimburse the other parent for the **actual cost** of insuring the children in this case, as described below.

If insurance is **not** available through either parent's work or membership in a union or organization at a reasonable cost, the Insuring Parent IS ORDERED to get insurance / medical benefits for the children using any of these options:

1. Buy an individual policy to cover the children, and give the other parent the required health insurance information listed below, **or**
2. Get public health insurance. (For information, contact TexCare Partnership: 1-800-647-6558, www.texcarepartnership.com), **or**
3. Give the other parent \$ _____ / per month in medical support for the children's health expenses. Payments must be (check one):
 - Mailed to the Child Support State Disbursement Unit on the 1st day each month, or
 - Withheld by the Insuring Parent's Employer.

The Insuring Parent is not required to make these payments if he or she obtains health insurance for the child and provides proof of insurance to the other parent, and any other party to the case.

3. Information to be Provided

The Insuring Parent must give the other parent the following information, **within 30 days** of the date of this Order:

- Name of the health insurance company, policy number, copy of the policy, and a list of covered benefits,
- Proof that the children are covered under this policy,
- A health insurance membership card, claim forms, and any other information needed to submit a claim, if applicable,
- The Insuring Parent's Social Security Number and name and address of the Insuring Parent's employer and the type of insurance available through his/her employment.

4. Notice of Changes to Insurance / Medical Benefits

1. If the insurance benefits are renewed, cancelled, or changed in any way, the Insuring Parent must send the new information to the other parent **within 15 days of the change**.
2. If the Insuring Parent is no longer eligible for coverage, s/he must provide other health insurance within 10 days of losing coverage. The new insurance must provide as much, or more, coverage for the children.

5. Reimbursement for Actual Cost to Insure Children in this Case

If the Insuring Parent obtains health insurance for the children through the other parent's employment, the Insuring Parent must reimburse the other parent the **actual cost** of insuring the children in this case (*but not more than 9% of the Insuring Parent's annual resources*).

*If the other parent has other children covered by the same health insurance plan, determine the **actual cost** of insuring the children in this case by doing this: Divide the total cost of insuring all children covered by the plan by the total number of children insured. Then, multiply that number by the number of children in this case.*

The Insuring Parent is ORDERED to pay the actual cost of the health insurance for the children as additional child support, with the first payment of \$ _____ due on the first day of the first month after this Decree is signed, and a like payment due on the first day of each month thereafter, until there is a change in the actual cost of the health insurance for the children in this case.

Starting on the first day of the month after each change in the actual cost of health insurance for the children in this case, the Insuring Parent is ordered to pay the other parent the actual cost of insuring the children, and must continue to make like monthly payments on the first day of each month thereafter until there is another change in the actual cost of health insurance for the children in this case.

IT IS ORDERED that these additional payments for reimbursement of health insurance expenses shall be made through the **Child Support State Disbursement Unit, PO Box 659791, San Antonio, Texas, 78265**, and thereafter promptly remitted to the other parent for support of the children.

IT IS FURTHER ORDERED that payments made by the Insuring Parent for the reimbursement of health insurance premiums to the other parent shall stop if the Insuring Parent enrolls the children in a health insurance or medical benefits program, as described above, and the Insuring Parent provides the other parent or the IV-D agency, if needed, the information listed in paragraph III, above.

If the insurance company sends reimbursement for services, it must be given to the parent who made the expense, within 3 days. If payment is not in that parent's name, the other parent will endorse the check and forward the payment.

6. **Filing Claims**

Either parent may file a claim. If claim forms or other information are needed for reimbursement, the parents must provide that information within 10 days of the request.

7. **Additional Insurance**

Either parent may get additional health insurance for the children, at his/her own cost. If the additional insurance expands coverage for the children, the parents are ordered to make the benefits available.

8. **Costs not covered by Insurance**

A. If the insurance does not cover all of the health care costs, the parents must each pay half (50%) of the health care costs not covered by the insurance, including:

- Annual deductibles
- Co-pays
- Charges for dental, vision, and orthodontic care
- Charges for prescription drugs

(Travel costs and the cost of over-the-counter drugs are NOT included.)

B. **Notify the other parent about health care costs:** Each parent must notify the other parent of the health care costs incurred within 10 days. After being notified, the other parent has 10 days to pay his/her portion of the health care cost. The court considers all health care costs to be reasonable, even if denied by the health insurance company.

9. **For Paternity Cases and Suits Affecting the Parent-Child Relationships**

Check here if the Father will pay for 50% of the mother's pregnancy-related health care expenses. *(You can only ask for this if this is the first Health Insurance Order for the child/ren in this case.)*

The father IS ORDERED to pay 50% of the mother's pregnancy-related health care expenses for the child/ren listed below:

	Child's Name	Date of Birth
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____

Simplified Income Withholding Order (IWO) Instructions

The *Income Withholding for Support Order (IWO)* form approved by the Office of Management and Budget (OMB) must now be used in **all** cases in which child support, cash medical support, or spousal support/maintenance is ordered withheld from an employee's paycheck. *No other IWO form can be used.* These simplified instructions are intended to help Texas self-represented litigants fill out the required IWO form.* These instructions should be used with the fillable IWO form and sample IWO form available on www.TexasLawHelp.org.

The red circle numbers below correspond to the red circle numbers on the sample IWO.

- 1 Check the box that describes your IWO.
 - Check the "Original Income Withholding Order/Notice for Support (IWO)" box if this is the first IWO.
 - Check the "Amended IWO" box if this IWO changes a prior IWO. (Any changes to an IWO must be done through an Amended IWO.)
 - Check the "One-Time Order/Notice for Lump Sum Payment" box if the IWO is being sent for a one-time, lump sum payment.
 - Check the "Termination of IWO" box if the IWO is being sent to the employer to stop withholding on an IWO from an employee's paycheck.

- 2 Leave the date blank. The Judge will fill in the date when he or she signs your IWO.

- 3 The box for "Court" is checked. The IWO will be issued by the Court after the Judge signs it.

- 4 For "City/County/Dist/Tribe" type in the county of the court that ordered, or will order, support.
For "Order Identifier" type in the cause number that is at the top of your support order.
For "CSE Agency Case Identifier" type in your Attorney General case number, if the Office of the Attorney General has been involved in your case, OR type in your State Disbursement Unit case identification number (if you already have an account set up). Leave blank if the neither applies.

- 5 The Employer/Income Withholder's information is prefilled as "Any Employer/Income Withholder of Employee Named in Order." If you would rather fill in the specific name of the Employer, simply delete the prefilled information and type in the Employer's name and address. Either way, bring the Employer's name and address with you to court. (Note: The Employer's official address may be different from the Employee's worksite. Call the Employer to find out where the IWO should be sent.) After the judge signs the IWO, you may ask the clerk's office to send the IWO to the Employer.

The Employer's FEIN is its 9 digit Federal Employer Identification Number. If possible, call the Employer to get the Employer's FEIN.

- 6 The "Employee/Obligor" is the person ordered to pay support. It's important to include the Employee/Obligor's full social security number.

The "Custodial Party/Obligee" is the person ordered to receive support.

*For the official instructions go to: http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154_instructions.pdf.

- 7 List the children for whom child support is ordered. If there are more than 6 children, list the additional children's names and birthdates on page 3 under "Additional Information."
- 8 If your IWO terminates (tells the employer to stop) withholding, insert \$0 for the amount of support ordered.

If your IWO orders child support withheld, read your child support order to determine the monthly amount of child support ordered. Type that amount in the first blank. The following blanks are additional types of payments that may or may not have been ordered. Read your order to determine if past-due child support (also called "child support arrearage") has been ordered. Do the same to determine if current or past-due cash medical support or spousal support (also called "spousal maintenance") has been ordered. Type in the monthly amount ordered, if any, for each type of support. In the last line, add up all the monthly support ordered, and type in the total amount ordered paid each month.

- 9 The Employer will withhold a portion of the monthly support amount from each paycheck, depending on how often the Employee is paid. Calculate and insert the correct amount in each blank, regardless of the Employee's actual pay schedule.
- Calculate the weekly amount by multiplying the monthly amount by 12, then dividing by 52.
 - Calculate the biweekly amount by multiplying the monthly amount by 12, then dividing by 26.
 - Calculate the semimonthly amount by dividing the monthly amount by 2.

If the IWO is being sent for a one-time, lump sum payment fill in the lump sum amount ordered. (Note: Additional IWOs must be issued to collect additional payments.)

- 10 The Court fills in this section.

- 11 Fill in this section with the requested information.

- 12 The correct "Contact Information" depends on who is managing, or will manage, your support account.

- If you already have a support account, write in the contact information for the office that manages your account.

For example, if your child support account is being managed by the Office of the Attorney General (OAG) fill in the 1st part of the "Contact Information" addressed to the "Employer/Income Withholder" as follows:

To Employer/Income Withholder: If you have any questions, contact the Office of the Attorney General Employer Call Center by phone at 1-800-850-6442 or website at: <http://employer.oag.state.tx.us>.

Send termination/income status notice and other correspondence to: **Office of the Attorney General Child Support Division, Central File Maintenance, PO Box 12048, Austin, Texas, 78711-2048** OR you may submit the termination notice online at <http://employer.oag.tx.us>.

Contact the OAG field office in your area to get the information needed to fill in the 2nd part of the "Contact Information" addressed to the "Employee/Obligor." For a list of field offices go to www.oag.state.tx.us/cs/fieldoffices.php.

- If you don't already have a support account, contact your local District Clerk's Office. Ask for the name of the office that administers child support and/or spousal support/maintenance accounts in your county. Contact that office to get the information needed to fill in the "Contact Information" section.

INCOME WITHHOLDING FOR SUPPORT

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

Date: (Leave blank)

Child Support Enforcement (CSE) Agency Court Attorney Private Individual/Entity (Check One)
NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154_instructions.pdf). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

State/Tribe/Territory Texas
City/County/Dist./Tribe Name of County
Private Individual/Entity (Leave blank)

Remittance Identifier (include w/payment) (Blank if unknown)
Order Identifier Cause number of your child support order
CSE Agency Case Identifier AG Case # or SDU case # if known

Any Employer/Income Withholder of Employee Named Order
Employer/Income Withholder's Name
Employer/Income Withholder's Address
Employer/Income Withholder's FEIN (Blank if unknown)

RE: Name of person ordered to pay support, last name 1st
Employee/Obligor's Name (Last, First, Middle)
Full social security number of person ordered to pay support
Employee/Obligor's Social Security Number
Name of person ordered to receive support, last name 1st
Custodial Party/Obligee's Name (Last, First, Middle)

Child(ren)'s Name(s) (Last, First, Middle) Last, First, Middle names of children
for whom child support will be paid.
*Be sure to write last name 1st.
Child(ren)'s Birth Date(s) Birthdate of each child

ORDER INFORMATION: This document is based on the support or withholding order from Texas (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.
\$ Amount ordered Per month current child support
\$ Amount, if ordered Per month past-due child support - **Arrears greater than 12 weeks?** Yes No
\$ Amount, if ordered Per month current cash medical support
\$ Amount, if ordered Per month past-due cash medical support
\$ Amount, if ordered Per month current spousal support
\$ Amount, if ordered Per month past-due spousal support
\$ _____ Per _____ other (must specify) _____
for a **Total Amount to Withhold** of \$ (add above amounts for total) per month.

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

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

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is Texas, you must begin withholding no later than the first pay period following the date this Order/Notice was delivered to the employer. Send payment on the same day as the pay date/date of withholding. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to 50% of disposable income for all orders. If the employee/obligor's principal place of employment is not Texas, obtain withholding limitations, time requirements, and any allowable employer fees at http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm for the employee/obligor's principal place of employment.

Document Tracking Identifier (Leave blank)

OMB 0970-0154

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit [SDU]), see http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm.

Include with payment: the pay date, Remittance Identifier (if known), Order Identifier, CSE Agency Case Identifier (if known), county identified on page 1, Employee/Obligor's name and social security number, Custodial Party/Obligee's name and social security number (if known), and this FIPS code: 48000.

Make payments payable in the name of the Custodial Party/Obligee identified on page 1.

Remit payment to Texas Child Support State Disbursement Unit (SDU) (SDU/Tribal Order Payee)
at PO BOX 659791 San Antonio, TX, 78265-9791 (SDU/Tribal Payee Address)

Return to Sender [Completed by Employer/Income Withholder]. Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): (Leave blank)

Print Name of Judge/Issuing Official: (Leave blank)

Title of Judge/Issuing Official: (Leave blank)

Date of Signature: (Leave blank)

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm

Priority: Withholding for support has priority over any other legal process under State law against the same income (USC 42 §666(b)(7)). If a Federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or Tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a Tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a Court, Attorney, or Private Individual/Entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the State (or Tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, State, or Tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the State or Tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Lump Sum Payments: You may be required to notify a State or Tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by State or Tribal law/procedure.

Anti-discrimination: You are subject to a fine determined under State or Tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

OMB Expiration Date – 05/31/2014. The OMB Expiration Date has no bearing on the termination date of the IWO; it identifies the version of the form currently in use.

11 Employer's Name: (Blank if unknown) Employer FEIN: (Blank if unknown)
Employee/Obligor's Name: Full name of person ordered to pay child support
CSE Agency Case Identifier: AG Case # or SDU case # if known Order Identifier: cause number of your child support order

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see *REMITTANCE INFORMATION*). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For Tribal orders, you may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employers/income withholders who receive a State IWO, you may not withhold more than the lesser of the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the CCPA (15 U.S.C. 1673 (b)).

Depending upon applicable State or Tribal law, you may need to also consider the amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears greater than 12 weeks? If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the Employer should calculate the CCPA limit using the lower percentage.

Additional Information:

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

This person has never worked for this employer nor received periodic income.

This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: _____ Last known phone number: _____

Last known address: _____

Final payment date to SDU/ Tribal Payee: _____ Final payment amount: _____

New employer's name: _____

New employer's address: _____

12 **CONTACT INFORMATION:**

To Employer/Income Withholder: If you have any questions, contact _____ (Issuer name) by phone at _____, by fax at _____, by email or website at: _____.

Send termination/income status notice and other correspondence to: _____ (Issuer address).

To Employee/Obligor: If the employee/obligor has questions, contact _____ (Issuer name) by phone at _____, by fax at _____, by email or website at: _____.

IMPORTANT: The person completing this form is advised that the information may be shared with the employee/obligor.

INCOME WITHHOLDING FOR SUPPORT

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

Date: _____

Child Support Enforcement (CSE) Agency Court Attorney Private Individual/Entity (Check One)
NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions http://www.acf.hhs.gov/programs/cse/forms/OMB-0970-0154_instructions.pdf). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

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

Employer/Income Withholder's Name	RE: _____
Employer/Income Withholder's Address	Employee/Obligor's Name (Last, First, Middle)
Employer/Income Withholder's FEIN _____	Employee/Obligor's Social Security Number
Child(ren)'s Name(s) (Last, First, Middle)	Custodial Party/Obligee's Name (Last, First, Middle)
Child(ren)'s Birth Date(s)	

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

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

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

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

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is Texas, you must begin withholding no later than the first pay period following the date this Order/Notice was delivered to the employer. Send payment on the same day as the pay date/date of withholding. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to 50% of disposable income for all orders. If the employee/obligor's principal place of employment is not Texas, obtain withholding limitations, time requirements, and any allowable employer fees at http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm for the employee/obligor's principal place of employment.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit [SDU]), see http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm.

Include with payment: Pay date, Remittance Identifier (if known), Order Identifier, CSE Agency Case Identifier (if known), County identified on page 1, Employee/Obligor's name and social security number, Custodial Party/Obligee's name and social security number (if known), and this FIPS code: 48000.

Make payments payable in the name of the Custodial Party/Obligee identified on page 1.

Remit payment to Texas Child Support State Disbursement Unit (SDU) (SDU/Tribal Order Payee)
at PO BOX 659791 San Antonio, TX, 78265-9791 (SDU/Tribal Payee Address)

Return to Sender [Completed by Employer/Income Withholder]. Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): _____
Print Name of Judge/Issuing Official: _____
Title of Judge/Issuing Official: _____
Date of Signature: _____

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm

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Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a Tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a Court, Attorney, or Private Individual/Entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the State (or Tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, State, or Tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the State or Tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Lump Sum Payments: You may be required to notify a State or Tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by State or Tribal law/procedure.

Anti-discrimination: You are subject to a fine determined under State or Tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO.

Employer's Name: _____ Employer FEIN: _____

Employee/Obligor's Name: _____

CSE Agency Case Identifier: _____ Order Identifier: _____

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see *REMITTANCE INFORMATION*). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For Tribal orders, you may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employers/income withholders who receive a State IWO, you may not withhold more than the lesser of the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the CCPA (15 U.S.C. 1673 (b)).

Depending upon applicable State or Tribal law, you may need to also consider the amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears greater than 12 weeks? If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the Employer should calculate the CCPA limit using the lower percentage.

Additional Information:

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

This person has never worked for this employer nor received periodic income.

This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: _____ Last known phone number: _____

Last known address: _____

Final payment date to SDU/ Tribal Payee: _____ Final payment amount: _____

New employer's name: _____

New employer's address: _____

CONTACT INFORMATION:

To Employer/Income Withholder: If you have any questions, contact _____ (Issuer name)

by phone at _____, by fax at _____, by email or website at: _____.

Send termination/income status notice and other correspondence to: _____ (Issuer address).

To Employee/Obligor: If the employee/obligor has questions, contact _____ (Issuer name)

by phone at _____, by fax at _____, by email or website at: _____.

IMPORTANT: The person completing this form is advised that the information may be shared with the employee/obligor.

Exhibit: Family Information

Required by Texas Family Code, sections 105.006 and 105.007

Important! If giving this information to the other parent (or other person involved in this case) is likely to cause you or your children to be harassed, abused, seriously harmed or injured, you may ask the court to order, after notice and hearing, that the information not be given to the other parent (or other person involved in this case). Find an *Order on Request to Keep Family Information Confidential* at www.FreeTexasForms.org.

If any family information requested on this form changes while a custody or support order is in effect, you **must** notify:

- each person named as a party in this case,
- the Court, and
- the State Child Support Registry

Notification must be at least *60 days before* the change. If you did not know about the change 60 days before it happened, notification must be *on or before the 5th day* after you know of the change.

You must send written notice of any change to each person named as a party in this case by registered or certified mail, return receipt. Notify the Court by delivering a copy of the notice either in person to the clerk of this Court or by registered or certified mail addressed to the District Clerk's Office of this County. Notify the State Child Support Registry by mailing a copy of the notice to State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

Print your answers.

Name of person completing this form: _____

1. Mother's Information

Name: _____

Home Address: _____

Mailing Address: _____

Home phone # () _____ Work phone #: () _____

FULL Social Security #: _____

Driver's License #: _____ Issuing state: _____

Employer: _____

Work address: _____

2. Father's Information

Name: _____

Home Address: _____

Mailing Address: _____

Home phone #: () _____ Work phone #: () _____

FULL Social Security #: _____

Driver's License #: _____ Issuing state: _____

Employer: _____

Work address: _____

3. Other Person Named as a Party in this Case (If Applicable)

Name: _____ Relationship to Children: _____
Home Address: _____
Mailing Address: _____
Home phone #: () _____ Work phone #: () _____
FULL Social Security #: _____ -- _____ -- _____
Driver's License #: _____ Issuing state: _____
Employer: _____
Work address: _____

4. Child (under 18)

Name _____
Home Address: _____
Home phone #: () _____ FULL Social Security #: _____ - _____ - _____
School: _____ School Address: _____

5. Child (under 18)

Name _____
Home Address: _____
Home phone #: () _____ FULL Social Security #: _____ - _____ - _____
School: _____ School Address: _____

6. Child (under 18)

Name _____
Home Address: _____
Home phone #: () _____ FULL Social Security #: _____ - _____ - _____
School: _____ School Address: _____

7. Child (under 18)

Name _____
Home Address: _____
Home phone #: () _____ FULL Social Security #: _____ - _____ - _____
School: _____ School Address: _____

8. Child (under 18)

Name _____
Home Address: _____
Home phone #: () _____ FULL Social Security #: _____ - _____ - _____
School: _____ School Address: _____

If more than 5 children, list their information on another sheet and attach it to this form.

9. Warnings

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EVERY OTHER PARTY, THE COURT, AND THE STATE CHILD SUPPORT REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER.

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

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

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

NOTICE SHALL BE GIVEN TO EVERY OTHER PARTY BY DELIVERING A COPY OF THE NOTICE TO EACH PARTY BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

NOTICE SHALL BE GIVEN TO THE COURT AND THE STATE CASE REGISTRY 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.