TEXAS FAMILY LAW PRACTICE MANUAL

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2022

Forms
volume 1

Texas Family Law Practice Manual
2022 Edition

Forms

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2022 Edition

Forms

Volume 1

A project of the
Council of the Family Law Section
of the
State Bar of Texas

Austin

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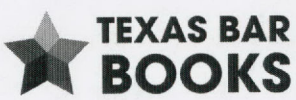

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Introduction

The forms in this manual were prepared by members of a committee of the Council of the Family Law Section of the State Bar of Texas, and great care has gone into their preparation. The forms represent the best thinking of the practicing lawyers and judges on the committee. Perfection, however, is hard to achieve, and each lawyer using these materials must depend on his or her own expertise and knowledge of the law. The alternative situations that occur most often are covered in the forms. There is, however, no substitute in a particular case for the legal mind, and there is no end to the variations of human problems. Thus, care should be taken to ensure that any form used fits the case and treats the problems of that case.

A substantial debt of gratitude is owed to the more than one hundred members of the family bar who have given thousands of hours of their volunteer time over the years—fifty and counting—to maintain the manual as the most up-to-date, comprehensive, and user-friendly publication of its kind available anywhere.

§ 1 Digital Versions

The *Texas Family Law Practice Manual* is available in two digital versions: online and downloadable. The online version, available by subscription, is accessible on a variety of platforms including PC, mobile phones, and tablets. The downloadable version contains the entire text of the manual as two Adobe Acrobat PDF files (practice notes and forms).

Features of both versions include downloadable State Bar of Texas-copyrighted forms from the manual as editable Word files (and, in some cases, as PDF files) as well as printable or downloadable PDF files of forms available from various state and federal agencies. In both versions, applicable Texas and federal case and statute citations in the practice notes and forms instructions are linked to case reports and main code sections cited via Fastcase online. Both versions are searchable and hyperlinked to allow for easy, rapid navigation to topics of interest.

For more information about the online version, visit **www.texasbarpractice.com/texas-bar-books-online/**. For more information about the digital download including usage notes, see the material at the end of this introduction titled "How to Download This Manual."

§ 2 Format and Content

1. Marginal notes and numbers

Longer forms contain marginal notes, which are provided to facilitate the use of the forms and to help in finding the applicable code section, statute, or rule to make the proper legal decision.

Family Code section numbers are used extensively in the petitions and occasionally in other forms; if no other identification accompanies a section number in a marginal note, it refers to a section in the Family Code. Citations to other sources employ the following abbreviations:

CFR	=	C.F.R.
TCPRC	=	Tex. Civ. Prac. & Rem. Code
TGC	=	Tex. Gov't Code
TIC	=	Tex. Ins. Code
TPenC	=	Tex. Penal Code
TRCP	=	Tex. R. Civ. P.
USC	=	U.S.C.

The numbers and letters above each marginal note provide a rough outline of the contents of the form, often including alternative paragraphs.

2. Optional content

Within major sections of the text of forms, optional paragraphs or items are usually identified by boxed instructions. Further, however, entire major sections of form language

may be inappropriate in a particular case (for example, orders pertaining to children in a case in which no child is involved, or orders pertaining to court-ordered spousal maintenance in a case in which no maintenance is ordered). These major sections are not specifically identified as optional. Because the manual can cover only relatively common situations confronted in family law cases, language needed to address an atypical issue in a particular case may not appear in the form. The user must take care to ensure both that language appearing in the form that is not appropriate for the particular case is eliminated and that any language needed for the particular case that does not appear in the form is added.

3. Typeface conventions

Two typefaces are used in the forms. Material in Times Roman (like most of this page) is appropriate for inclusion in a finished form. In contrast, Arial type is used for marginal notes and for instructions. When the Arial type is used within the form itself (rather than in a marginal note or instruction box), it appears in **boldface** for emphasis.

4. Bracketed material

Several types of bracketed material appear in the forms.

Choice of terms. In a bracketed statement such as "[Petitioner/Respondent]," the user must choose between the terms or phrases within the brackets. The choices are separated by forward slash marks. Alternative letters or phrases may also be indicated by the use of brackets. The most frequent example that appears in the forms is "child[ren]," indicating a choice between the words "child" and "children."

Optional words. In a phrase such as "[no] termination," the user must determine whether to include the word "no."

Substitution of terms. In a bracketed statement such as "[**name of former spouse**]," the user is to substitute the name of the spouse rather than typing the bracketed material verbatim.

Instructions for use. Material such as "[**include if applicable:** . . .]" and "[**describe portion of order being appealed from**]" provides instructions for completing the finished form and should not be typed verbatim in the document. Bracketed instructions at the beginning of almost all the forms refer the user to section 3 of this introduction for instructions about composing the caption of the form.

Subtitles. The titles of some forms are followed by a bracketed subtitle that is not to be typed as part of the form title. In the title "Respondent's Original Answer [to Petition to Annul Marriage]," for example, the bracketed words simply distinguish the form from another similarly titled form in the same chapter for ease of reference.

5. Blank lines

Signature lines appear as blank lines. Spaces for dates, times, and amounts that would be filled in *after* the document is prepared also appear as blank lines. (If an actual date, time, or amount should be inserted in the form when it is prepared, "[**date**]," "[**time**]," or "$[**amount**]" appears instead.)

6. Language in boxes

Language in boxes is not to be typed in the finished document but constitutes instructions, usually either telling the user whether to use the form language following the box, describing what information should be included at that point in the finished document or attached to it, or providing cautionary reminders about use of the form language.

7. Paragraph numbers

To conform to the requirements of the Texas Rules of Civil Procedure, form petitions have arabic paragraph numbers. In some instances, the pleading will not require any language of a numbered paragraph in the form, and in such cases the user must take care to renumber the paragraphs appropriately.

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8. Requests for relief

The requests for relief in the forms do not include any request for relief for the other party. The petitioner for divorce, for instance, when requesting to be appointed sole managing conservator, does not also request that the other party be made possessory conservator. It was felt that one party's pleading probably would not support any relief granted to the other party, and so the relief should not be requested.

9. Form numbers

Forms are numbered in sequence within each chapter. All forms begin with the number of the chapter, which is followed by a hyphen and the number of the form within the chapter. This system is used to permit future expansion of any chapter without requiring the rearrangement of the entire manual.

10. Captions

An example of the caption that should precede the form title is not reprinted in most forms. Typical case styles are discussed in section 3 below.

11. Temporary restraining orders and temporary injunctions

Sometimes it is advisable to request a temporary injunction that includes more than a previously granted temporary restraining order or that has not been preceded by a temporary restraining order. There are situations in which sufficient facts are not available to support a temporary restraining order without a hearing, and facts may develop at the hearing on the temporary injunction that will support the injunction. The forms for relevant petitions and temporary orders are devised to accommodate such situations. The alternatives are such that the petitioner may request, and the court may grant, any of these alternatives:

a. A temporary restraining order to be continued as a temporary injunction.

b. A temporary restraining order to be continued as a temporary injunction *and* a temporary injunction on other matters.

c. A temporary injunction without a temporary restraining order.

12. Marriage equality

Wording of the forms is designed to accommodate same-sex, as well as opposite-sex, marriage and conservatorship, reflecting the ruling of the Supreme Court of the United States in *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), and other recent case law.

§ 3 Captions of Forms

1. In a title 1 suit

Pleadings in a divorce or annulment suit shall be entitled, "In the Matter of the Marriage of _____ and _____." Tex. Fam. Code § 6.401(a). Pleadings in a suit to declare marriage void shall be styled, "A Suit to Declare Void the Marriage of _____ and _____." Tex. Fam. Code § 6.401(b).

Many suits under title 1 also include a suit affecting the parent-child relationship. In those cases, the caption should read "In the Matter of the Marriage of _____ and _____ and In the Interest of _____, a Child," as explained below.

While there is no rule addressing the issue, a suit brought to enforce a divorce decree or annulment order brought under chapter 8 (Maintenance) or subchapter A (Suit to Enforce Decree) of chapter 9 should have the same caption as the original suit.

Similarly, a suit brought under subchapter C (Post-Decree Division of Property) of chapter 9 should be styled like an ordinary civil lawsuit, "_____ v. _____," with the plaintiff's name appearing first and the defendant's name appearing second.

2. In a suit to change name

There is no rule addressing how a suit under Family Code chapter 45 should be captioned. If the petition to change name is brought as part of

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a larger suit, such as a paternity suit, the suit should have the caption appropriate for the other actions brought.

3. In a title 5 suit

With two exceptions, the petition and all other documents in a proceeding filed under title 5 shall be entitled "In the Interest of _____, a Child." Tex. Fam. Code § 102.008(a). If more than one child is involved, list the name of each child as follows: "In the Interest of _____, _____, and _____, Children."

In a suit in which adoption of a child is requested, the style shall be "In the Interest of a Child." Tex. Fam. Code § 102.008(a). In a suit for adoption of an adult, the petition shall be entitled "In the Interest of _____, an Adult." Tex. Fam. Code § 162.503(a).

4. Suggested format of first page of all pleadings and orders

Many practitioners have experienced the frustration of having the district clerk's file stamp superimposed on the printing of the first page of a pleading or order, making it difficult to read the clerk's file stamp. A block in the upper right hand corner of the first page of all pleadings and orders may avoid this problem. The space within this block would be reserved for the clerk to file-mark the document.

§ 4 E-Filing

Generally, all documents must be e-filed, except wills. Tex. R. Civ. P. 21(f)(4). The clerk may designate an electronically filed document as the official court record and is generally not required to keep both paper and electronic versions. Tex. R. Civ. P. 21(f)(13).

E-filed documents may be signed with either (1) an electronic or scanned digital image of the signature or (2) "/s/" and name typed in the space where the signature would otherwise appear. Tex. R. Civ. P. 21(f)(7).

Some documents must still be signed by hand. Even if e-filing, "/s/" and a typed name do not suffice for notarized or sworn documents. Tex. R. Civ. P. 21(f)(7)(A).

Documents e-filed before midnight in the court's time zone are considered filed that day, except, if transmitted on a Saturday, Sunday, or legal holiday, the document is deemed filed on the next business day. Tex. R. Civ. P. 21(f)(5).

E-filed documents must be in PDF format, text searchable, and, if possible, printed to PDF rather than scanned. Tex. R. Civ. P. 21(f)(8).

See section 6 of this Introduction concerning the treatment of sensitive data when e-filing.

§ 5 Unsworn Declarations

The Civil Practice and Remedies Code provides that in many instances an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or rule. *See* Tex. Civ. Prac. & Rem. Code § 132.001. (Note that this provision does not apply to a waiver of the issuance or service of citation in a suit for dissolution of marriage, for change of name of a child, or in a suit affecting the parent-child relationship; these waivers must be sworn before a notary public who is not an attorney in the suit unless the party executing the waiver is incarcerated. (Tex. Fam. Code §§ 6.4035(c), 45.0031, 102.0091). This provision also does not apply in certain other circumstances specified in Tex. Civ. Prac. & Rem. Code § 132.001(b) or to acknowledgments.)

If a form, or a portion of a form, in this manual calling for signature before a notary is converted to an unsworn declaration, rewording of the text will often be necessary. For example, in form 3-2, the petitioner's supporting affidavit in a divorce case, the first paragraph (referring to the petitioner's appearance before the notary) should be omitted, the quotation marks on the remaining paragraphs should be omitted, and the word "affidavit" should be changed to "declaration."

Except for an inmate or a government employee in the performance of the employee's job duties, the following should be used to replace the notary's jurat:

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My name is [**name**], my date of birth is [**date**], and my address is [**address, city, state, zip code, country**]. I declare under penalty of perjury that the foregoing is true and correct.

Executed in [**county**] County, [**state**], on_____.

_____
[**Name**], Declarant

For an inmate, the following should be used to replace the notary's jurat:

My name is [**name**], my date of birth is [**date**], and my inmate identifying number, if any, is [**number**]. I am presently incarcerated in [**name of corrections unit**] in [**city, county, state, zip code**]. I declare under penalty of perjury that the foregoing is true and correct.

Executed on_____.

_____
[**Name**], Declarant

For an employee of a state agency or a political subdivision in the performance of the employee's job duties, the following should be used to replace the notary's jurat:

My name is [**name**], and I am an employee of the following governmental agency: [**name of agency**]. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.

Executed in [**county**] County, [**state**], on_____.

_____
[**Name**], Declarant

These jurats are also found in Word in form 8-27.

§ 6 Sensitive Data in Filed Documents

The Texas Rules of Civil Procedure and the Texas Rules of Appellate Procedure, as amended effective January 1, 2014, provide privacy protection for sensitive data in filed documents. The comments below cite Tex. R. Civ. P. 21c, but similar provisions for appellate proceedings are found in Tex. R. App. P. 9.9.

"Sensitive data" consists of a government-issued personal identification number, a financial account number, a birth date, a home address, and the name of any person who was a minor when the underlying suit was filed. *See* Tex. R. Civ. P. 21c(a). Any part of such an identification or account number is considered sensitive data.

Unless the inclusion of sensitive data is specifically required by a statute, court rule, or administrative regulation, a document containing sensitive data may not be filed with a court unless the sensitive data is redacted. Tex. R. Civ. P. 21c(b). Redaction must be by using the letter "X" in place of each omitted digit or character or removing the data in a manner indicating that it has been redacted. The filing party must retain an unredacted version of the filed document during pendency of the case and any related appellate proceedings filed within six months after the judgment is signed. Tex. R. Civ. P. 21c(c).

If a document must contain sensitive data, the clerk must be notified of that fact. A document that is not electronically filed must contain, on the upper left-hand side of the first page, the phrase "NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA." Tex. R. Civ. P. 21c(d). If the document is electronically filed, it must be designated as containing sensitive data when it is filed. Practitioners have reported difficulties in designating these e-filed documents in such a way that court clerks actually become aware of the designation. For this reason it is recommended that the notice be placed on the first page of the document even if it is e-filed. Although the clerk may not refuse to file a document containing sensitive data in violation of rule 21c, the clerk may identify the error and state a deadline for the party to resubmit a redacted document. Tex. R. Civ. P. 21c(e). Documents containing sensitive data in violation of rule 21c must not be posted on the Internet. Tex. R. Civ. P. 21c(f).

Most instances of sensitive data in the forms in this manual are required by statute. For example, the Civil Practice and Remedies Code requires

each party to include in its initial pleading the last three numbers of the party's driver's license number and of the party's Social Security number, if those numbers have been assigned. *See* Tex. Civ. Prac. & Rem. Code § 30.014. The Family Code requires the names and birth dates of children in the petition in a suit affecting the parent-child relationship, and it requires parties' driver's license and Social Security numbers and residence addresses in final orders in such suits. *See* Tex. Fam. Code §§ 102.008, 105.006. Take care to identify and redact sensitive data that is not required by statute, court rule, or administrative regulation. Remember that, even if sensitive data is required to be included, the clerk must be notified that the document contains such sensitive data.

§ 7 Digitized Signatures

A digitized signature on an original petition or any other pleading or order in a proceeding under title 1, 2, 4, or 5 of the Family Code satisfies the requirements for and imposes the duties of signatories to pleadings, motions, and other papers identified under rule 13 of the Texas Rules of Civil Procedure. A digitized signature may be applied only by, and must remain under the sole control of, the person whose signature is represented. Tex. Fam. Code §§ 1.109, 47.001, 81.011, 102.014. "Digitized signature" means a graphic image of a handwritten signature having the same legal force and effect for all purposes as a handwritten signature. Tex. Fam. Code § 101.0096.

A party may not use a digitized signature to sign a waiver of the issuance or service of citation in a suit for dissolution of marriage, for change of name of a child, or in a suit affecting the parent-child relationship. Tex. Fam. Code §§ 6.4035(e), 45.0031(b), 102.0091(b).

§ 8 Recital of Appearances in Orders

If a party, attorney, or court-appointed advocate appears at a hearing, consider stating for each whether the appearance was in person, by videoconference, or by teleconference. While traditionally parties have made in-person court appearances, appearances by videoconference (e.g., Zoom) or by teleconference have become more common, particularly with the Texas Supreme Court emergency orders regarding the COVID-19 State of Disaster, the first of which the court issued on March 13, 2020. Those emergency orders permitted courts to consider as evidence sworn statements made out of court or sworn testimony given remotely, out of court, such as by teleconferencing, videoconferencing, or other means. Some courts prefer the orders submitted to them accurately reflect how the parties and attorneys actually appeared. The information may be helpful for the parties and the trial court during the suit or in future suits involving the parties.

§ 9 Corrections and Updates

In drafting the manual, the members of the committee devoted a great deal of effort to making it error free, but it undoubtedly contains some errors. We would appreciate your pointing out to us any errors you find in the manual, as well as any revisions you believe are advisable. Please mail any corrections or suggestions to the following address:

Director, Texas Bar Books
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711-2487
books@texasbar.com

Periodic updating of the manual is planned to reflect changes in the law. It is also expected that, over time, additional topics will be covered and the scope of coverage of existing topics will be expanded. We welcome your suggestions about new topics that you would find helpful. Please send your suggestions to the address shown above.

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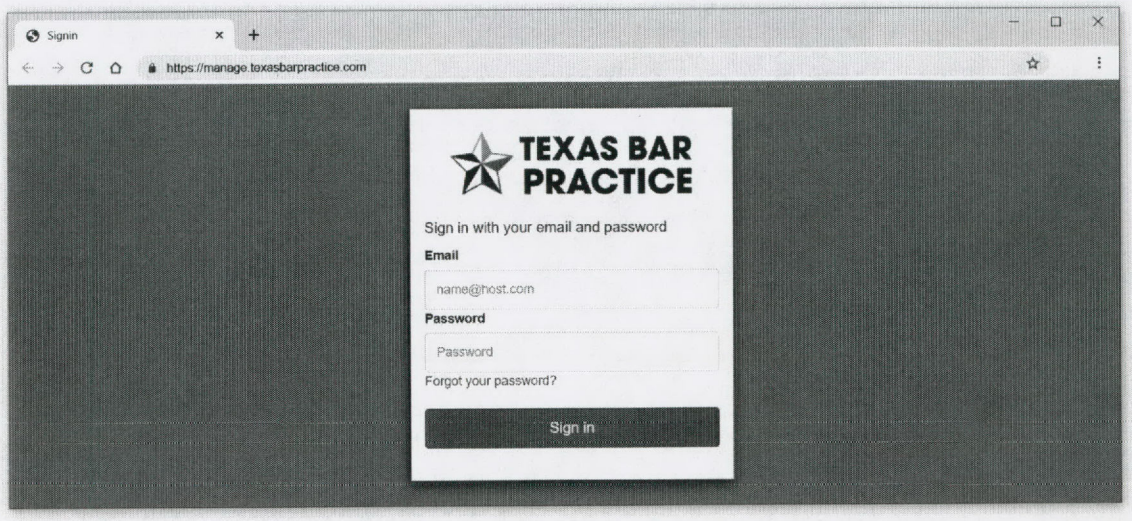
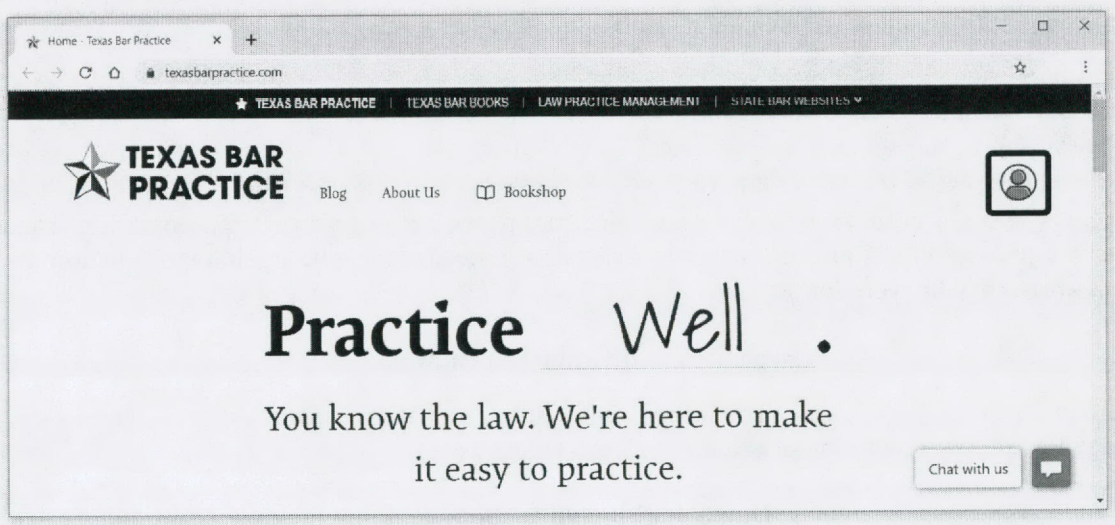


   Once logged in, you should see the user icon in the upper right-hand corner of the page.



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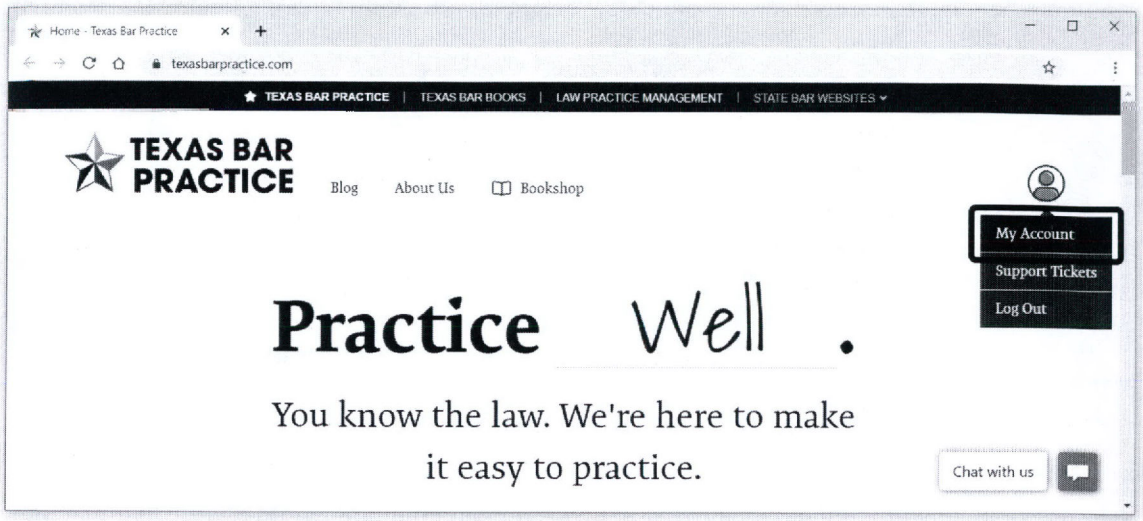
2. Go to your account:



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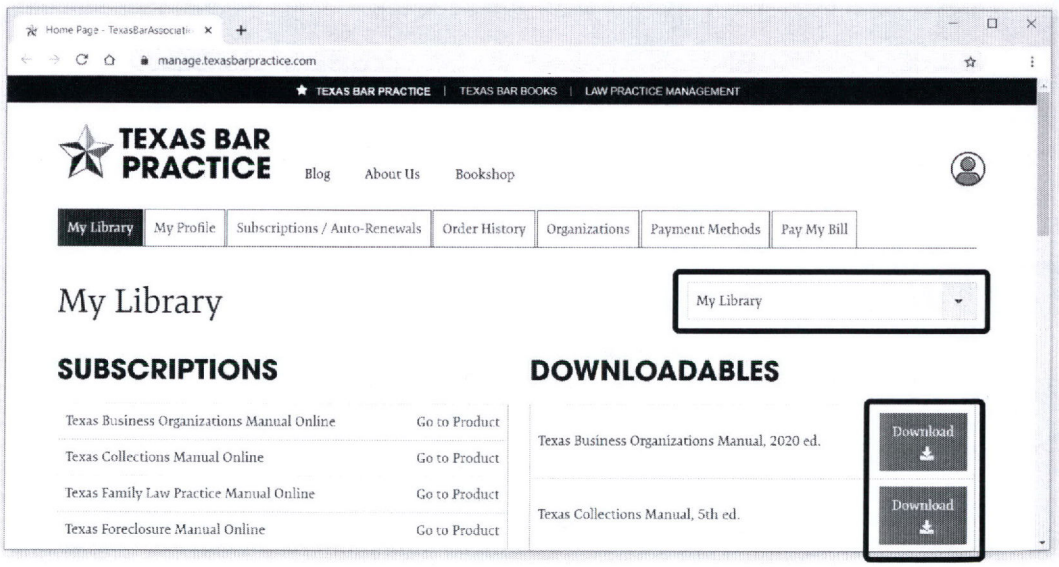

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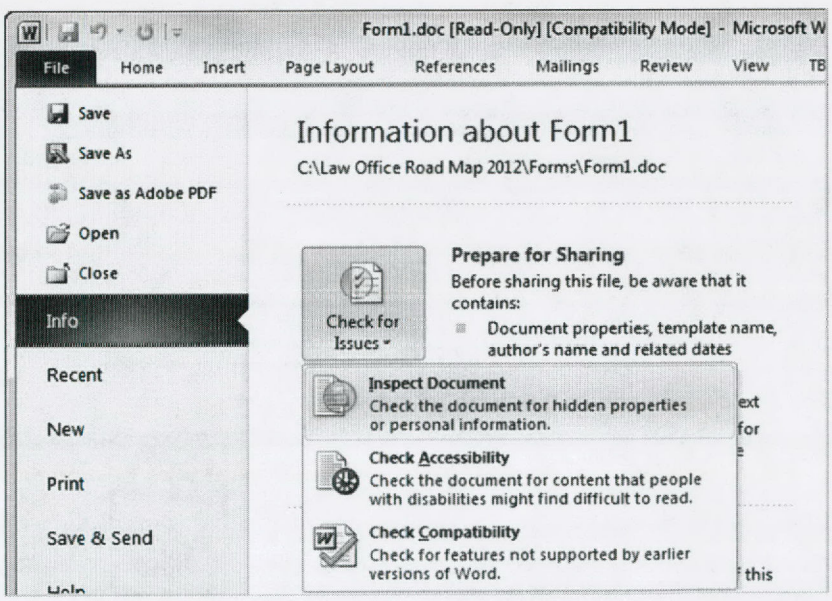
Preparing Word Forms for E-Filing (Windows)

Notes for Other Software

- *Word for Macintosh:* See the section titled "Remove Metadata" in the document named "Macintosh--How to Use the Word Forms" included with the digital download.
- *WordPerfect:* To remove metadata from forms saved as WordPerfect files (version X3 or later), launch the "Save Without Metadata" tool (File > Save Without Metadata, or Alt + F + M).

Using Word version 2007 or later, to remove personal information, hidden text, and other metadata before filing or sharing a document electronically, launch the "Inspect Document" tool.

1. Go to File > Info > Check for Issues > Inspect Document (Alt + F + I + I + I).



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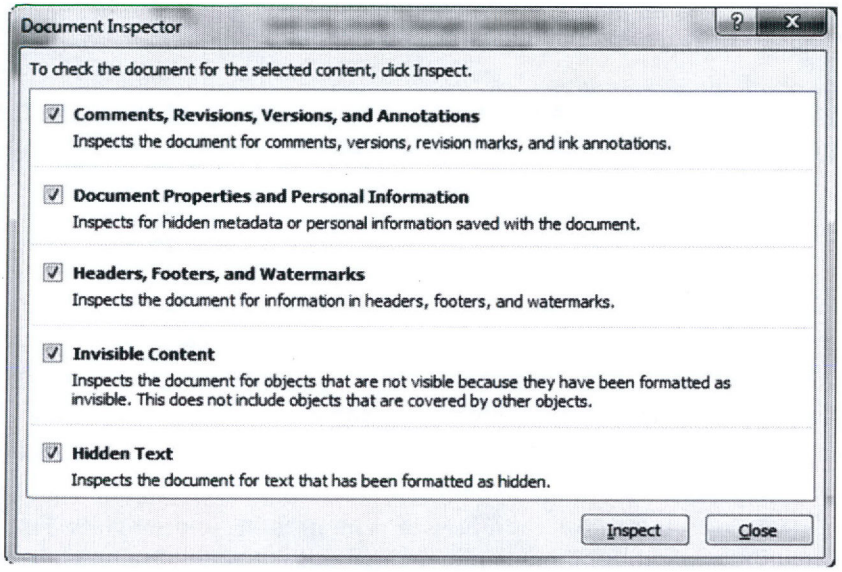
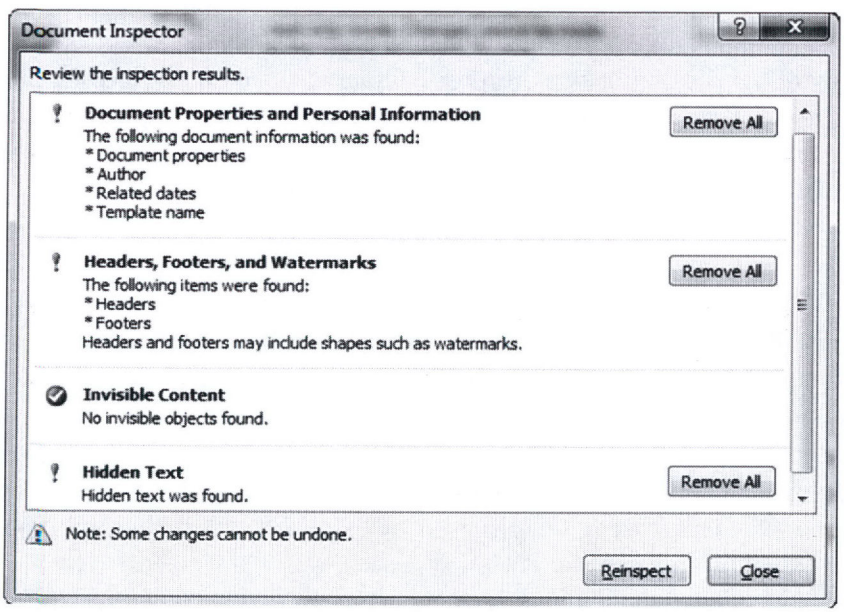
2. In the "Document Inspector" window that opens, select the categories desired by checking the appropriate boxes (be certain to check the "Hidden Text" box to ensure that any remaining red, hidden instructional text in the document will be also be detected) and click the "Inspect" button.



3. In the second "Document Inspector" window that opens, review and remove any metadata found as desired.



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Chapter 1

Ethics and Malpractice Considerations

There are no forms for chapter 1.

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Chapter 2

Attorney-Client Relationship and Communications

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Form 2-1

Information for Initial Consultation

In your initial consultation, you and the attorney will discuss the nature of your case, the key issues, and the options you may have under law. You and the attorney may also discuss whether the [attorney/firm] will represent you, the terms of the representation, and the amount of the initial deposit that would be required.

The [attorney/firm] charges $[**amount**] for an initial consultation. You may pay [**select as applicable:** in cash/by check/by credit card]. We accept [**specify credit card[s]**]. You must sign this agreement and pay the initial consultation fee at the time services are rendered.

At the conclusion of the initial consultation, the attorney may provide you with a contract for legal services and with client information questionnaires.

Privacy Policy: Attorneys are bound by stringent professional standards of confidentiality. All communications during the initial consultation are protected by the attorney-client privilege. To maintain the attorney-client privilege, other persons should not participate in the initial consultation.

_____
Your printed name

_____
Your signature

Today's date: _____

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Form 2-2

Employment Contract

[**Date**]

[**Name and address of client**]

Re: [**specify**]

[**Salutation**]

This letter is written to confirm your engagement of [**name of attorney or firm**] [**include if firm:** ("we" or the "firm")] to represent you, the client, with respect to [**specify family law matter, e.g., divorce, modification, etc.**]

I. Legal Matter and Scope of Services

[My/Our] representation is strictly limited to the matter described in this letter. [My/Our] services will consist of court appearances, telephone conferences, e-mails, travel, investigation, research, review and organization of documents, preparation of pleadings and correspondence, negotiations and settlement conferences, and other necessary professional services.

This engagement includes services through the entry of a final order at the trial court level. This engagement does not include presentation of this case to any appellate court. If an appeal is necessary, it is a separate and distinct representation requiring the services of an appellate lawyer.

With respect to this engagement, please understand that [I/we] do not provide tax or accounting advice. Any information that [I/we] provide concerning federal income taxes or the potential tax consequences of any transactions constitutes nothing more than a starting

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point for discussions between you and your certified public accountant or other tax advisor. You are strongly encouraged to review the tax language contained in any mediated or informal settlement agreement and any documents finalizing your divorce with a certified public accountant or other tax advisor before you sign any such documents.

[I/We] do not provide advice relating to intellectual property or regulatory matters.

[I/We] are not being retained to value the marital estate, as [I/we] do not have expertise in this area. You must determine, based on the information obtained through the proceeding, which assets you would like to receive, the value of those assets, and the economic ramifications concerning the property division. [I/We] may advise you to retain appropriate experts, such as accountants, financial advisors, or real estate or business appraisers, to assist in this regard.

[I/We] do not automatically search property titles, determine the validity of income and expense figures supplied by your spouse or other opposing party, or attempt to verify other underlying data provided as part of our representation. If there are questions in your mind concerning any of these issues, you should discuss them with [me/us] and authorize [me/us] to retain appropriate experts to provide assistance on your behalf.

If you receive real estate as part of the division of assets in this case, you have the right to have a title policy issued with regard to each such conveyance or to have a title search or abstract letter issued. This office does not issue title policies, nor do [I/we] prepare abstracts or conduct title searches related to the conveyance of real estate or to secure obligations created in divorce documents. If you desire that [I/we] prepare any real estate documents, [I/we] rely solely on information you provide [me/us] about the ownership of property, legal descriptions, existing liens, encumbrances, or other restrictions that may affect the conveyance of title. If you wish to have a title policy issued or a title search performed or abstract prepared, please advise this office in writing and [I/we] will be happy to refer this aspect of the closing

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documents relating to your case to a title company. You may also consult with a title company of your choice or an abstract attorney at your expense. Please advise this office, in writing, if you desire to have a title search, abstract letter, or title policy issued or any other research done with regard to the real estate closing documents that may need to be prepared to conclude your case.

In cases involving retirement plans, a domestic relations order or a qualified domestic relations order (QDRO) may be required to effectuate a division of the benefits. If your case involves a QDRO or a domestic relations order, [I/we] will suggest persons with the appropriate skills to assist [me/us] with this matter at your expense. You will be expected to make a separate arrangement with the specialist and pay the fees associated with the drafting of any domestic relations orders or QDROs.

II. Retainer (Initial Fee Deposit)

As consideration for [my/our] acceptance of your case, you have agreed to pay a [refundable/nonrefundable] retainer in the amount of [**number**] dollars ($[**amount**]). The retainer should be delivered to [me/us] with a signed copy of this letter before [I/we] can commence work on your case.

Include the following provision for a nonrefundable retainer if applicable.

You have agreed to pay a nonrefundable retainer to secure [my/our] services and to compensate [me/this firm] for the likelihood of lost employment opportunities.

Include the following provision for a refundable retainer if applicable.

[The initial fee deposit will be deposited into [my/our] trust account and applied toward the professional services rendered and expenses advanced by [me/the firm] as incurred each month./The initial fee deposit will be held and applied to the last invoice in this matter.]

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Continue with the following as applicable.

At [my/our] discretion, the initial fee deposit may also be applied to any past-due invoices, in which case you agree, on [my/our] request, to replenish the retainer in the amount of your original payment. If you fail to replenish the retainer, then with written notice to you, [I/we] may cease work on your case as soon as ethically possible.

The initial fee deposit is *not* an estimate of the total legal expenses you may incur. The total fee may be less than or exceed the retainer depending on the circumstances of your case and subsequent developments.

All funds deposited in [my/our] trust account earn interest paid by the financial institution to the Texas Equal Access to Justice Foundation by order of the Texas Supreme Court.

III. Fees and Expenses

I will serve as lead attorney. You agree to pay an hourly rate of $[**amount**] for professional services performed by the lead attorney. [**Include if applicable:** For services performed by other attorneys in the firm, you will be charged at the hourly rate of $[**amount**].] For services performed by legal assistants, you will be charged at the hourly rate of $[**amount**]. These hourly rates may change during [my/our] representation. If such changes are necessary, you will be notified in writing [**number**] days before the change. All services, including telephone calls and e-mails, are billed in [**number**]-minute increments regardless of the actual time spent.

You will also be charged all incidental costs and expenses incurred by [me/the firm] in connection with your case, including the following: court costs and filing fees; deposition expenses; transcript costs; travel expenses; long-distance telephone calls; postage; services of other professionals, accountants, expert witnesses, and private investigation firms; document reproduction at $[**amount**] per page; fax transmissions at $[**amount**] per page; and Westlaw/

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Nexis legal research fees. [My/Our firm] policy requires a client to pay in advance or directly to the provider any expense exceeding $[**amount**].

Although I may request that the opposing party pay attorney's fees and court costs as authorized by the Texas Family Code and other statutes, neither the request for fees nor a judgement for attorney's fees will excuse your obligation to pay fees as required by this contract.

IV. Billing

You will be invoiced generally on a monthly basis for services and expenses rendered during the prior thirty-day period. Payments for [my/our] invoices are due on receipt and are past due after thirty days. If the initial fee deposit is exceeded, any balance is due and payable on receipt of the monthly statement. You may be requested to make an additional deposit when the initial fee deposit is less than $[**amount**].

V. Confidentiality

Conversations between an attorney and a client are protected by law. An attorney cannot be compelled to reveal confidential communications of a client with certain exceptions involving child or elder abuse. To enable [me/us] to efficiently render legal services to you, you agree to disclose fully and accurately all facts and keep [me/us] apprised of all developments relating to your case. You further agree to cooperate fully with [me/us] and to attend hearings and meetings [I/we] may advise you to attend. You further agree to promptly provide any documents you have received pertinent to this matter.

From time to time [I/we] may use e-mail without encryption to communicate with you or others about your case. There are related privacy and security issues with this means of communication. You have agreed that [I/we] may use e-mail as an economical, convenient form of communication.

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Please understand that to protect your interests in the event of my death, disability, or retirement, it may be necessary or appropriate for another lawyer or a staff member of this or another firm, a personal representative (including someone acting under a power of attorney), or another lawyer who is retained by any such person, to have access to your file and records in order to contact you to determine appropriate handling of your matters and of your files and to make an appropriate referral (subject to your approval) to other attorneys for future handling. In that regard, you grant permission and waive all privileges solely to the extent necessary or appropriate for this purpose.

VI. Management of Engagement

You have the right to be informed about the status of your case, and [I/this firm] will do [my/our] best to keep you advised as the case progresses. You hereby authorize [me/the firm] to take such action and to prepare, sign, and deliver such documents and filings as may be necessary or appropriate to represent you. Because of the nature of legal representation in general, [I have/this firm has] made no promises or guarantees to you concerning the outcome of the engagement, and [I/we] cannot do so.

You agree that [I/this firm] may withdraw from representation in the event you—

1. insist on presenting a claim or defense not warranted under existing law and that cannot be supported by a good-faith argument for extension or reversal of such law;

2. personally seek to pursue an illegal course of conduct;

3. request that [I/the firm] pursue a course of conduct that is illegal or prohibited under the disciplinary rules;

4. by other conduct render it unreasonably difficult for [me/the firm] to carry out employment;

5. insist that [I/the firm] engage in conduct that is contrary to [my/our] judgment or advice; or

6. disregard an agreement with [me/the firm] as to fees, services, or costs or expenses rendered.

You further agree that in order for [me/this firm] to effectively represent you, it is imperative that you—

1. communicate with [me/the firm] by returning telephone calls and responding to written correspondence;

2. cooperate with [me/the firm] by complying with requests for information or documents; and

3. timely pay for services rendered as provided herein.

VII. Retention of File

[I agree/The firm agrees] to assert a diligent effort, subject to causes beyond [my/our] control, to retain and maintain all major and significant components of [my/our] files pertaining to this engagement for [**number**] years. [I reserve/This firm reserves] the right to destroy the file [**years (not less than five)**] years from the date the file is closed.

VIII. General Provisions

The Texas Supreme Court and courts of appeals have adopted the Texas Lawyer's Creed as a mandate to the legal profession in Texas. A copy of the Texas Lawyer's Creed is attached to this employment agreement for your review.

The Texas Government Code requires that you be advised that the State Bar of Texas investigates and prosecutes professional misconduct committed by Texas attorneys. Although

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not every complaint against or dispute with a lawyer involves professional misconduct, the State Bar will provide you with information about how to file a complaint. For more information call 1-800-932-1900.

Include the following if there will be an arrangement for division of the fee covered by the agreement with an attorney who is not in the firm.

The fee specified in this agreement will be divided with [**name**], an attorney who is not in this firm. The fee will be divided [in proportion to the professional services performed by each attorney/between attorneys who assume joint responsibility for the representation]. You have consented to all the terms of the arrangement, particularly (1) the identity of the attorneys or firms who will participate in the fee-sharing agreement, (2) the manner in which the fee will be divided as specified above, and (3) [the share of the fee that each attorney or firm will receive/the basis on which the division will be made].

Continue with the following.

[I am/We are] privileged to assist you and value your trust and confidence. If you approve this agreement, please date and sign the original of this letter where indicated and return it to this office by [**date**]. The enclosed copy is for your file. On receipt of this signed agreement and payment of your retainer, [I/we] will begin work on your case.

Sincerely yours,

[**Name of law firm**]

By:_____
[**Name of attorney**]

ACCEPTED AND AGREED TO ON _____.

_____
[**Name of client**]

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Notice of Privacy Policy Regarding Social Security Numbers

Social Security numbers will be divulged only with the client's consent and when necessary during the course of the representation.

- Social Security numbers are collected from various sources, including income tax returns and other financial documents we receive.
- Social Security numbers are used to prepare documents in connection with child support; prepare reports filed with the state of Texas; and obtain information about your finances, employment, and retirement benefits.
- Only employees of the firm who have a need to know will have access to Social Security numbers.

The Texas Lawyer's Creed

I am a lawyer. I am entrusted by the People of Texas to preserve and improve our legal system. I am licensed by the Supreme Court of Texas. I must therefore abide by the Texas Disciplinary Rules of Professional Conduct, but I know that professionalism requires more than merely avoiding the violation of laws and rules. I am committed to this Creed for no other reason than it is right.

Our Legal System

A lawyer owes to the administration of justice personal dignity, integrity, and independence. A lawyer should always adhere to the highest principles of professionalism.

1. I am passionately proud of my profession. Therefore, "My word is my bond."

2. I am responsible to assure that all persons have access to competent representation regardless of wealth or position in life.

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3. I commit myself to an adequate and effective pro bono program.

4. I am obligated to educate my clients, the public, and other lawyers regarding the spirit and letter of this Creed.

5. I will always be conscious of my duty to the judicial system.

Lawyer to Client

A lawyer owes to a client allegiance, learning, skill, and industry. A lawyer shall employ all appropriate means to protect and advance the client's legitimate rights, claims, and objectives. A lawyer shall not be deterred by any real or imagined fear of judicial disfavor or public unpopularity, nor be influenced by mere self-interest.

1. I will advise my client of the contents of this Creed when undertaking representation.

2. I will endeavor to achieve my client's lawful objectives in legal transactions and in litigation as quickly and economically as possible.

3. I will be loyal and committed to my client's lawful objectives, but I will not permit that loyalty and commitment to interfere with my duty to provide objective and independent advice.

4. I will advise my client that civility and courtesy are expected and are not a sign of weakness.

5. I will advise my client of proper and expected behavior.

6. I will treat adverse parties and witnesses with fairness and due consideration. A client has no right to demand that I abuse anyone or indulge in any offensive conduct.

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7. I will advise my client that we will not pursue conduct which is intended primarily to harass or drain the financial resources of the opposing party.

8. I will advise my client that we will not pursue tactics which are intended primarily for delay.

9. I will advise my client that we will not pursue any course of action which is without merit.

10. I will advise my client that I reserve the right to determine whether to grant accommodations to opposing counsel in all matters that do not adversely affect my client's lawful objectives. A client has no right to instruct me to refuse reasonable requests made by other counsel.

11. I will advise my client regarding the availability of mediation, arbitration, and other alternative methods of resolving and settling disputes.

Lawyer to Lawyer

A lawyer owes to opposing counsel, in the conduct of legal transactions and the pursuit of litigation, courtesy, candor, cooperation, and scrupulous observance of all agreements and mutual understandings. Ill feelings between clients shall not influence a lawyer's conduct, attitude, or demeanor toward opposing counsel. A lawyer shall not engage in unprofessional conduct in retaliation against other unprofessional conduct.

1. I will be courteous, civil, and prompt in oral and written communications.

2. I will not quarrel over matters of form or style, but I will concentrate on matters of substance.

3. I will identify for other counsel or parties all changes I have made in documents submitted for review.

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4. I will attempt to prepare documents which correctly reflect the agreement of the parties. I will not include provisions which have not been agreed upon or omit provisions which are necessary to reflect the agreement of the parties.

5. I will notify opposing counsel, and, if appropriate, the Court or other persons, as soon as practicable, when hearings, depositions, meetings, conferences or closings are canceled.

6. I will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided legitimate objectives of my client will not be adversely affected.

7. I will not serve motions or pleadings in any manner that unfairly limits another party's opportunity to respond.

8. I will attempt to resolve by agreement my objections to matters contained in pleadings and discovery requests and responses.

9. I can disagree without being disagreeable. I recognize that effective representation does not require antagonistic or obnoxious behavior. I will neither encourage nor knowingly permit my client or anyone under my control to do anything which would be unethical or improper if done by me.

10. I will not, without good cause, attribute bad motives or unethical conduct to opposing counsel nor bring the profession into disrepute by unfounded accusations of impropriety. I will avoid disparaging personal remarks or acrimony towards opposing counsel, parties and witnesses. I will not be influenced by any ill feeling between clients. I will abstain from any allusion to personal peculiarities or idiosyncrasies of opposing counsel.

11. I will not take advantage, by causing any default or dismissal to be rendered, when I know the identity of an opposing counsel, without first inquiring about that counsel's intention to proceed.

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12. I will promptly submit orders to the Court. I will deliver copies to opposing counsel before or contemporaneously with submission to the Court. I will promptly approve the form of orders which accurately reflect the substance of the rulings of the Court.

13. I will not attempt to gain an unfair advantage by sending the Court or its staff correspondence or copies of correspondence.

14. I will not arbitrarily schedule a deposition, court appearance, or hearing until a good faith effort has been made to schedule it by agreement.

15. I will readily stipulate to undisputed facts in order to avoid needless costs or inconvenience for any party.

16. I will refrain from excessive and abusive discovery.

17. I will comply with all reasonable discovery requests. I will not resist discovery requests which are not objectionable. I will not make objections nor give instructions to a witness for the purpose of delaying or obstructing the discovery process. I will encourage witnesses to respond to all deposition questions which are reasonably understandable. I will neither encourage nor permit my witness to quibble about words where their meaning is reasonably clear.

18. I will not seek Court intervention to obtain discovery which is clearly improper and not discoverable.

19. I will not seek sanctions or disqualification unless it is necessary for protection of my client's lawful objectives or is fully justified by the circumstances.

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Lawyer and Judge

Lawyers and judges owe each other respect, diligence, candor, punctuality, and protection against unjust and improper criticism and attack. Lawyers and judges are equally responsible to protect the dignity and independence of the Court and the profession.

1. I will always recognize that the position of judge is the symbol of both the judicial system and the administration of justice. I will refrain from conduct that degrades this symbol.

2. I will conduct myself in Court in a professional manner and demonstrate my respect for the Court and the law.

3. I will treat counsel, opposing parties, the Court, and members of the Court staff with courtesy and civility.

4. I will be punctual.

5. I will not engage in any conduct which offends the dignity and decorum of proceedings.

6. I will not knowingly misrepresent, mischaracterize, misquote or miscite facts or authorities to gain an advantage.

7. I will respect the rulings of the Court.

8. I will give the issues in controversy deliberate, impartial and studied analysis and consideration.

9. I will be considerate of the time constraints and pressures imposed upon the Court, Court staff and counsel in efforts to administer justice and resolve disputes.

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Form 2-3

Letter to Prospective Client Declining Employment

[**Date**]

[**Name and address of prospective client**]

Re: [**style or description of case**]

[**Salutation**]

This letter is in response to your [telephone call requesting/letter requesting/initial visit to our office requesting/[**other applicable wording**]] representation by [me/this law firm] on the above matter.

[I/We] [respectfully decline employment/cannot represent you/[**other applicable wording**]] because [**state reasons**].

> **Warning:** Inform the prospective client specifically of any applicable statute of limitations and recommend prompt employment of other counsel.

Sincerely yours,

_____

[**Name of attorney**]

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Form 2-4

Letter to Client Confirming Request to Take No Action on Case

[**Date**]

[**Name and address of client**]

Re: [**style of case**]

[**Salutation**]

This letter confirms your request on [**date**] that I take no further action in the referenced cause of action. Accordingly, until I receive other instructions from you, I will do no additional work on this matter.

Sincerely yours,

_____

[**Name of attorney**]

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Form 2-5

Letter to Client Advising against Settlement

[**Date**]

[**Name and address of client**]

Re: [**style of case**]

[**Salutation**]

The attached settlement proposal has been received in this matter and previously communicated to you. The decision to settle and under what terms is yours alone. My obligation is to inform you of alternatives to settlement so that you may make an informed decision.

If a settlement cannot be reached in your case, it must be presented to the court for determination. The decision made by the court will be binding, subject to the right of appeal. The court's ruling may be different from any proposed settlement, and there can be no guarantee that the court's decision will be more favorable.

I cannot recommend that you accept the proposed settlement for several reasons. [**Optional: enumerate items unacceptable in the offer.**] I believe the proper way to resolve your case is by further negotiations or trial.

Notwithstanding this advice, you have indicated your desire to accept the settlement offer and I will respect your decision and will begin work on the settlement documents. I am asking that you sign a copy of this letter to confirm the legal advice I have given.

Sincerely yours,

_____

[**Name of attorney**]

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I acknowledge the advice given and wish to proceed with settlement of my case against the advice of my attorney.

_____

[**Name of client**]

Attachment

Form 2-6

When a party, the child, or potential party resides outside Texas, other information may be required. See form 2-7 for an additional questionnaire to obtain that information.

Client Name: _____

Client Information

Please provide the information requested and return it as soon as possible. It is important that you answer each question candidly and completely so that we can understand and assess your case.

If a question does not apply to your particular situation, please indicate by marking the question "N/A." If the answer to any question requires more space than has been provided on the form, please complete your answer on a separate sheet. Refer to the question number to which your answer applies and attach your answer to this form.

NOTICE OF CONFIDENTIALITY

The information provided is subject to the attorney-client privilege and attorney work product privileges and will be held in strict confidence. However, if a professional, including an attorney or an employee of an attorney, has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected or that a child is a victim of an offense under Tex. Penal Code § 21.11, the professional is required to make disclosure to the appropriate agency. A person or professional who has reasonable cause to believe that an adult was the victim of abuse or neglect as a child and determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person with a statutorily defined disability must also make such a disclosure. Tex. Fam. Code § 261.101.

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1. CLIENT

Full name: _____

Date of birth: _____ Place of birth: _____

Social Security number: _____

Driver's license number and state: _____

Maiden name, if applicable: _____

Citizenship/Immigration Status: _____

2. CONTACT INFORMATION

Current Address: _____

City: _____ County: _____ State: _____

Zip: _____ Cell phone: _____

How long have you lived at this address? _____

How long have you lived in Texas? _____

How long have you lived in this county? _____

Who else lives in your household? _____

How do you prefer that we contact you?

Address: _____

Phone: _____ Fax: _____

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Cell phone: _____

E-mail: _____

(e-mail communications may not be confidential)

Do you use social media? If so, indicate which sites are used and the account name:

Facebook: _____

Instagram: _____

Twitter: _____

LinkedIn: _____

Other: _____

If you believe that the health, safety, or liberty of you or the children would be jeopardized by disclosure of your address or that of the children, please disclose the reason for that belief. _____

_____

_____

3. EMERGENCY CONTACT

Name: _____

Relationship: _____

Cell phone: _____

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E-mail: _____

4. EMPLOYMENT

Employer: _____

Job title: _____

Street address: _____

City, state, zip: _____

Phone: _____ May we call you at work? _____

E-mail: _____ May we e-mail you at work? _____

Monthly gross salary: _____

Annual gross salary: _____

Length of employment: _____

Education/training: _____

5. OPPOSING PARTY

Full name: _____

Date of birth: _____ Place of birth: _____

Social Security number: _____

Driver's license number and state: _____

Maiden name, if applicable: _____

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Citizenship/Immigration Status: _____

6. OPPOSING PARTY'S CONTACT INFORMATION

Address: _____

City: _____ County: _____ State: _____

Zip: _____ Cell phone: _____

E-mail: _____

Who else lives in the opposing party's household? _____

Does the opposing party use social media? If so, indicate which sites are used and the account name:

Facebook: _____

Instagram: _____

Twitter: _____

LinkedIn: _____

Other: _____

7. OPPOSING PARTY'S EMPLOYMENT

Employer: _____

Job title: _____

Street address: _____

City, state, zip: _____

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Phone: _____ Fax: _____

E-mail: _____

Monthly gross salary: _____

Annual gross salary: _____

Length of employment: _____

Education/training: _____

8. MARRIAGE AND SEPARATION

Date of marriage: _____ Place: _____

Are you now separated? If so, please state date of separation: _____

_____

Have you seen a marriage counselor? _____

If so, please state name: _____

Do your marital issues involve any of the following:

____ drug/alcohol	____ financial dispute	____ sexual issues
____ physical/emotional abuse	____ sexual infidelity	____ religious difference
____ confinement in mental institution ____ how long	____ noncohabitation ____ how long	____ other:

Have you and your spouse attempted reconciliation? _____

If not, would you like to attempt reconciliation? _____

What is your religious preference? _____

What is your spouse's religious preference? _____

9. CHILDREN OF THIS MARRIAGE

Name: _____ Sex: _____

Date of birth: _____ Age: ____ Place of birth (city and state): _____

Name of school child attends: _____ Grade: _____

Social Security number: _____

Driver's license number: _____

Disability, if any: _____

Name: _____ Sex: _____

Date of birth: _____ Age: ____ Place of birth (city and state): _____

Name of school child attends: _____ Grade: _____

Social Security number: _____

Driver's license number: _____

Disability, if any: _____

Name: _____ Sex: _____

Date of birth: _____ Age: ____ Place of birth (city and state): _____

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Name of school child attends: _____ Grade: _____

Social Security number: _____

Driver's license number: _____

Disability, if any: _____

Will there be a dispute concerning the children? _____

If not, with whom will the children primarily reside? _____

With whom are the children now residing? _____

Does any child suffer a chronic illness or disability? If so, please describe. _____

_____

Do the children own significant property (other than furniture, clothing, etc.)? _____

_____

If a child, a party, or a potential party lives outside Texas, see the attached questionnaire on jurisdictional information for additional questions.

10. PRIOR MARRIAGE

Have you or your spouse ever filed for divorce? _____

If so, when and where? _____

Have you ever been married before? _____

If so, how many times? _____

Has your spouse been married before? If so, how many times? _____

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Do you have children by a previous marriage? _____

If so, please give the following information for each such child.

Name: _____

Sex: _____ Date of birth: _____ Age: _____

Disability, if any: _____

Where and with whom do these children live? _____

_____

Do you pay/receive child support? _____

If so, how much? $_____ per _____

Does your spouse pay/receive child support? _____

If so, how much? $_____ per _____

11. HEALTH INSURANCE INFORMATION

Do you have health insurance? _____

Does your spouse have health insurance? _____

Is private health insurance in effect for a child? If so, please give the following information:

Name of insurance company: _____

Policy number: _____

Party responsible for premium: _____

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Monthly cost of premium: _____

Is the insurance coverage provided through a parent's employment? _____

If so, which parent? _____

Is dental insurance in effect for a child? If so, please give the following information:

Name of insurance company: _____

Policy number: _____

Party responsible for premium: _____

Monthly cost of premium: _____

Is the insurance coverage provided through a parent's employment? _____

If so, which parent? _____

Is vision insurance in effect for a child? If so, please give the following information:

Name of insurance company: _____

Policy number: _____

Party responsible for premium: _____

Monthly cost of premium: _____

If private health insurance is not in effect for the children, please answer the following questions:

Are the children receiving Medicaid benefits under chapter 32, Human Resources Code? ___

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Are the children receiving health benefits coverage under the Children's Health Insurance Program under chapter 62, Health and Safety Code? _____

If so, what is the cost of the premium? _____

Do you have access to private health insurance at reasonable cost to you? _____

Does the other parent of your children have access to private health insurance at reasonable cost to [him/her]? _____

Has anyone applied for Medicaid benefits for the children or for coverage for the children under the Children's Health Insurance Program? _____

If so, who applied? _____

What is the status of the application? _____

12. GENERAL

Do you and your spouse have a premarital or marital agreement? _____

Have you or your spouse sued or been sued in the last ten years? _____

Have you filed an income tax return for each year of your marriage? _____

Do you have tax problems? _____

Do you have a tax preparer or accountant who prepares your returns? _____

If so, whom? _____

Have you or your spouse ever utilized the services of the Office of the Attorney General? ___

Have you or your spouse ever sought or been subject to a protective order? _____

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Have you or your spouse ever contacted or been contacted by child protective services? ____

Have you or your spouse ever been arrested for or convicted of a crime? _____

Do you own or possess firearms or ammunition? _____

If so, please describe the items and state their location. _____

_____

_____

Do you have a license to carry a firearm? _____

Issuing State: _____

Are there firearms or ammunition in your spouse's possession or subject to your spouse's control? _____

If so, please describe the items and state their location. _____

_____

_____

13. ESTATE PLANNING

Do you have a will? _____

Have you signed a medical or financial power of attorney or other estate planning documents authorizing your spouse to act on your behalf? _____

Have you executed a transfer on death deed in favor of your spouse? If so, please provide us a copy of the deed. _____

14. OTHER INFORMATION

Have you consulted or retained any other attorneys on this matter before coming to this office? _____

When a divorce is granted, a wife's maiden name or prior name may be restored. If this is desired, what name should be used? _____

Who referred you to this office? _____

_____
Signature of Client

_____
Date

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Form 2-7

This questionnaire may be used in a divorce case with children or in a suit affecting the parent-child relationship that is independent of a divorce when a party, the child, or potential party resides outside of Texas.

Client Name: _____

Client Information—Additional Jurisdictional Information

If a child, a party, or a potential party resides outside Texas, please provide the information requested and return it as soon as possible. It is important that you answer each question candidly and completely so that we can understand and assess your case.

If a question does not apply to your particular situation, please indicate by marking the question "N/A." If the answer to any question requires more space than has been provided on the form, please complete your answer on a separate sheet. Refer to the question number to which your answer applies and attach your answer to this form.

Information Requested

1. Please provide a list of the places where the children have lived during the past five years and the names and present addresses of the persons with whom the children have lived during that period. _____

_____

_____

_____

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2. If you have participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with the children, identify the court, the case number, and the date of the child custody determination, if any. _____

_____

_____

_____

3. If you know of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions, involving you, your (ex-)spouse, or the children, identify the court, the case number, and the nature of the proceeding. _____

_____

_____

_____

4. Please provide the name and address of any person not a party to the current proceeding who has physical custody of the children or claims rights of legal custody or physical custody of, or visitation with, the children. _____

_____

_____

_____

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Form 2-8

Client Document Checklist for Divorce

PERSONAL AND CONFIDENTIAL—ATTORNEY/CLIENT PRIVILEGE

Instructions:

To accurately assess your case, information about you and your property and debt is critical. Please review the list below and provide those documents to which you have access at your initial consultation or as soon thereafter as possible. If you do not have access to a particular document, do not enlist your spouse's help without advising your attorney.

The attached list is comprehensive, and not all documents may apply to your circumstances. Similarly, you may have documents that are not listed. Please provide a copy of, or bring to the lawyer's attention, any document you feel is important to your case as early as possible.

Except where indicated, the most current statement for a financial account is sufficient.

Documents for a lengthier period may be necessary and will be requested as the case is prepared.

Description:		**Provided:**
(1)	Any documents with which you were served or provided by your spouse relating to this suit;	☐
(2)	Any prior court orders to which you, your spouse, or a child is party;	☐
(3)	Individual income tax returns (last three years);	☐
(4)	Company tax returns (last three years);	☐

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(5) Bank statements; ☐

(6) Brokerage statements; ☐

(7) Annuity statements; ☐

(8) IRA statements; ☐

(9) Pension statements; ☐

(10) Retirement account statements (i.e., 401k, thrift plan, savings plan, etc.); ☐

(11) Certificate of deposit statements; ☐

(12) Personal financial statements; ☐

(13) Company financial statements; ☐

(14) Company formation documents; ☐

(15) Deeds, deeds of trust, and closing statements for property you or your spouse own; ☐

(16) Mortgage company payment slip (usually 1 page is enough); ☐

(17) Certificates of title to motor vehicles; ☐

(18) Most recent statement for each debit and credit card; ☐

(19) A recent market analysis or appraisal for all real property; ☐

(20) Appraisal district values for property taxes; ☐

(21) Other documents that may reveal other assets or liabilities; ☐

(22) All documents supporting a claim of separate property; ☐

(23) A recent pay statement; ☐

(24) A list of your monthly expenses; ☐

(25) Life insurance policies; ☐

(26) Your will and estate planning documents; and ☐

(27) Your spouse's will and estate planning documents. ☐

Forms 2-9 through 2-14 are reserved.

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Form 2-15

Include the following notice if a minor is named in the caption or if the notice of current address contains the home address. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Current Address of [party designation]

To the Clerk of the Court:

[**Name**], [**party designation**], provides this notice of [his/her] current address in accordance with section 30.015 of the Texas Civil Practice and Remedies Code.

[**Name**]'s current address is [**address, city, state**].

This notice is an [original/amended] notice.

_____

[**Name**]

Or

_____

[**Name**]
Attorney for [**party designation**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**party designation**]

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Form 2-16

Letter to Client Regarding Settlement Discussions with Spouse

[Date]

[Name and address of client]

Re: [style of case]

[Salutation]

Please be advised that the parties to a divorce case may participate in settlement negotiations without their lawyers present. If you feel that you and your spouse can speak in a civil manner with each other, maintain your composure, and remain respectful, I encourage settlement discussions with your spouse. To prevent unintended consequences, please allow me to review any document you are asked to approve, before you sign it.

Please understand that by signing a document, you may permanently surrender rights and claims you may otherwise have under Texas law.

_____

[Name of attorney]

I acknowledge the advice given by my attorney.

_____

[Name of client]

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Form 2-17

Letter to Client Regarding Firearms

[Date]

[Name and address of client]

Re: [style of case]

[Salutation]

The Gun Control Act at 18 U.S.C. § 922 makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms or ammunition, including any person—

- convicted in any court of a crime punishable by imprisonment for a term exceeding one year;
- who is a fugitive from justice;
- who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802);
- who has been adjudicated as a mental defective or has been committed to any mental institution;
- who is in the United States illegally;
- who has been discharged from the Armed Forces under dishonorable conditions;
- who has renounced his or her United States citizenship;
- who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner or engaging in other

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conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; or

- who has been convicted of a misdemeanor crime of domestic violence.

It is routine practice for a court in a family law case such as this to enter an order prohibiting a party from "threatening the other party in person, by telephone, or in writing to take unlawful action against any person," "intentionally, knowingly, or recklessly causing bodily injury to the other party or to a child of either party," or "threatening the other party or a child of either party with imminent bodily injury." If an order with similar language is entered in your case, or if a domestic violence protective order is entered against you, you may be subject to prosecution for a federal felony if you possess a firearm or ammunition. If you own firearms or ammunition, please place them with a third party away from your residence for safekeeping pending divorce. When a final order is signed by the judge in this case, you may be permitted to possess these items again unless the final order expressly prohibits your possession of firearms or ammunition.

If you are convicted of the misdemeanor crime of domestic violence, you may be subject to prosecution for a federal felony if you possess any firearm or ammunition. In this circumstance, your right to possess a firearm or ammunition could be forfeited for life.

Please sign below to acknowledge my advice.

Sincerely yours,

_____

[Name of attorney]

I acknowledge the advice given by my attorney.

_____

[Name of client]

Form 2-18

Letter to Client Regarding Inadvertent Agreements

[**Date**]

[**Name and address of client**]

Re: [**style of case**]

[**Salutation**]

For your protection, I want to make you aware of the following information so that you may avoid entering into a *binding* agreement unintentionally.

Rule 11 of the Texas Rules of Civil Procedure provides that an agreement that is (1) *in writing*, (2) *signed*, and (3) *filed with the court* may be enforced as a binding agreement, resolving the issues contained in that written document and precluding further discussion or litigation regarding those issues.

This description would specifically include any document, handwritten or otherwise, that you and your spouse sign that purports to contain settlement terms. Further, recent decisions of the Supreme Court of Texas greatly increase the likelihood that this sort of informal document could, regardless of your intent, be deemed a final and binding settlement by the court.

Additionally, if you choose to communicate by e-mail with a party to the lawsuit or others, you may say something that could form the basis of a contract. When communicating by e-mail it is often difficult to avoid making admissions or otherwise including something that you will later regret.

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I therefore advise that you *do not sign any document* until it has been reviewed by your attorney.

If you have any questions regarding this matter, please feel free to ask.

Sincerely yours,

_____

[Name of attorney]

I acknowledge the advice of my attorney.

_____

[Name of client]

Form 2-19

Letter to Client Regarding Initial Disclosure Requirements

[**Date**]

[**Name and address of client**]

Re: [**style of case**]

[**Salutation**]

I am writing to inform you of your obligation to produce documents and other information regarding your case without awaiting a discovery request under the Texas Rules of Civil Procedure. [Your husband/Your wife/The other party] has the same obligation to produce these documents to you.

Discovery is an important and potentially dangerous part of the lawsuit because failure to timely disclose the required information to the other party could result in the court's imposing sanctions on you, including not allowing you to present witnesses and other evidence in support of your claims and ordering you to pay the other side's attorney's fees. As such, it is something that must be taken very seriously.

Include the following in suits for divorce, annulment, or to declare a marriage void.

Under the discovery rules, without awaiting a request, you are required to produce to the other party, within thirty days of [your/the other party's] answer, the following documents for the past two years, or since the date of marriage, whichever is less:

1. all deed and lien information on any real property owned and all lease information on any real property leased;

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2. all statements for any pension plan, retirement plan, profit-sharing plan, employee benefit plan, and individual retirement plan;

3. all statements or policies for each current life, casualty, liability, and health insurance policy; and

4. all statements pertaining to any account at a financial institution, including banks, savings and loans institutions, credit unions, and brokerage firms.

Include the following in suits in which child support or spousal support is at issue.

Because your case involves [child support/spousal support/child support and spousal support], you must [also] provide to the other party the following information within thirty days of [your/the other party's] answer without awaiting a discovery request:

1. information regarding all policies, statements, and the summary description of benefits for any medical and health insurance coverage that is or would be available for [the child[ren]/the spouse/the child[ren] or the spouse];

2. income tax returns for the previous two years or, if no return has been filed, your Form W-2, Form 1099, and Schedule K-1 for such years; and

3. your two most recent payroll check stubs.

Continue with the following for all suits.

You are [also] required to provide to the other party the following information within thirty days of [your/the other party's] answer:

1. *The correct names of the parties to the lawsuit.* In most family law cases, this is simply the correct legal names of the petitioner and the respondent.

2. *The names, addresses, and telephone numbers of any potential parties.* Unless we are contemplating making a legal claim against a third party in the lawsuit, the usual answer to this question is that there are no potential parties.

3. *The legal theories and, in general, the factual bases of the claims and defenses.* This question is essentially a legal question, and our firm will prepare the majority of the response. However, it is helpful to have a listing of the facts and circumstances that you believe to be most important in your case. Please provide those to us in your draft answers.

4. *The amount and any method of calculating economic damages.* In most family law cases, there is no specific claim for economic damages. If you claim that assets have been wasted or transferred out of your estate, or if any assets of one estate (for example, a separate estate) were used to pay a debt upon or to benefit another estate (for example, the community estate), this could be considered as a claim for economic damages, and we would need to work with you to respond to this question.

5. *Persons with knowledge of relevant facts.* You are required to identify every person who knows anything about the facts (good or bad) that relate to your case. We must list each such person's name, address, and telephone number. Further, we must make a short one-sentence statement identifying the relationship of each person to your case. Please err on the side of disclosing more people, rather than fewer people.

6. *Production of documents and electronically stored information.* You are required to produce a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that you have in your possession, custody, or control and may use to support your claims or defenses.

7. *Indemnity and insuring agreements.* This requirement is primarily addressed to litigation cases other than family law. Accordingly, unless we are making a personal injury

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claim in your family law case (which is unusual), then the answer is generally that no such documents exist.

8. *Settlement agreements.* This requirement is primarily addressed to the scenario where there are multiple defendants in a personal injury case, and parties have the right to know whether there have been undisclosed settlements made with other parties.

9. *Witness statements.* You are required to produce any witness statements that are in your possession, custody, or control. A witness statement is (a) a written statement signed or otherwise adopted or approved in writing by the person making it or (b) a stenographic, mechanical, electrical, or other type of recording of a witness's oral statement or any substantially verbatim transcription of such a recording. Notes taken during a conversation or interview with a witness are not a witness statement. If you have any such witness statements, please provide them to us so that we can produce the witness statements to opposing counsel.

10. *Medical records and bills for asserted injuries.* This requirement is primarily relevant in personal injury litigation cases. Unless there is a component of your case involving a claim that one party or the other physically or mentally injured the other party, then it is generally not applicable. If such allegations are possible, then it is important to produce the medical records that you possess.

11. *Medical records obtained by respondent.* This requirement seeks medical records and bills obtained by virtue of an authorization signed by the other party. As stated above, unless there is a component of your case involving a claim that one party or the other physically or mentally injured the other party, then it is generally not applicable. If such allegations are possible, it is important to produce the medical records that you possess, including records that you might have obtained as a result of an authorization provided by the other party.

12. *Responsible third party.* You are required to identify every person who may be designated as a responsible third party. We must list each person's name, address, and telephone number. This requirement is primarily applicable to personal injury cases. However, if you believe there are third parties who may be considered responsible for certain damages in your case, please identify them.

We must receive the required materials by [**date**] so that we have sufficient time to review, organize, and prepare the responses and documents for production to the other party.

Thank you for your attention to this matter.

Sincerely yours,

_____

[**Name of attorney**]

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Form 2-20

Letter to Client Regarding Spoliation of Evidence

[Date]

[Name and address of client]

Re: [style of case]

[Salutation]

I am writing to inform you of your duty to preserve and protect from loss or destruction all material and relevant evidence, including text messages, e-mails, voicemails, videos, recordings, pictures, and social media information, whether the loss or destruction is intentional or negligent through the normal use of your computer or other electronic devices.

You are required to preserve all material and relevant evidence even if it may have been your usual practice before the litigation to routinely delete such information. If, before you received this notice, you routinely deleted any such information, please immediately cease all such practices.

If you suffer a hardware loss or failure that results in the loss or destruction of material and relevant evidence, please let my office know immediately so that we can promptly take the appropriate actions, including notifying the court and opposing counsel. This applies to any cell phone, computer, tablet, or other electronic devices that may be lost or stolen. If you decide to replace your cell phone, computer, tablet, or other electronic device, please do not return or discard your old device. You will need to preserve the old device until the case is resolved.

Please speak with me before you delete or dispose of any data or documents. The penalties that the court can impose on you for what the court deems to be the intentional or negli-

gent destruction of material and relevant evidence can be severe. This includes the court's potentially prohibiting you from presenting certain evidence, deciding issues without any input from you, or making you pay to replicate the lost evidence.

Thank you for your attention to this matter.

Sincerely yours,

_____

[Name of attorney]

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Form 2-21

Letter to Client Before Mediation

[**Date**]

[**Name and address of client**]

Re: [**style of case**]

[**Salutation**]

I am writing regarding our mediation with [**name**] on [**date**] at [**time**]. Please contact the mediator's office at [**address**] twenty-four hours before mediation to pay the mediation fee of $[**amount**].

Mediation is an informal process by which an impartial third party, the mediator, helps people facilitate a mutually acceptable agreement, rather than going to court and having a judge or jury decide the case. Mediation is confidential, which generally means that any communications made during mediation are not subject to disclosure and may not be used as evidence if the case is resolved in court. This means that no one who participates in the mediation, including the mediator, can be required to testify in court about what was said or offered during the mediation. You have the right to ask the mediator to keep specified information confidential until you give the mediator the authority to share that specific information with the opposing party.

If the mediation results in a settlement, the mediator will put the settlement agreement into a written legal document called a mediated settlement agreement, often referred to as an "MSA." An MSA is a powerful legal document that, once signed, is generally irrevocable and cannot be changed. Therefore, it is important for the MSA to be comprehensive and to fully resolve all issues in your case. Once you sign an MSA, you cannot change the agreement if

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you later decide that you no longer like the terms or realize that something was accidentally left out of the agreement. Accordingly, please read the MSA carefully to be certain that it addresses all issues related to your case before you sign it.

No one can force you to settle your case in mediation. Your case will not be settled and an MSA will not be signed at mediation unless you agree and choose to sign the MSA voluntarily. Please understand that family law mediation can be stressful and emotional, and it often requires parties to make difficult decisions quickly and under challenging circumstances.

The mediator may speak bluntly to both parties about the strengths and weaknesses of their cases to expose weakness and facilitate a settlement without going to court. I will also give you my objective assessment and advice during the mediation, including my opinion of the settlement terms that I believe are reasonable based on the facts, law, and other circumstances applicable to your case. During the mediation, I or the mediator will assess the ranges of possible outcomes that could happen if the case does not settle and whether settlement at mediation is the best option for you. You may feel pressured; however, as we have discussed, you always have the right not to settle your case at mediation and to let your case be decided in court, which could result in either a better or a worse outcome than what you could have agreed to at mediation.

Confirm case analysis, ranges of outcomes, settlement goals, and so forth.

Sincerely yours,

_____

[Name of attorney]

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Chapter 3

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Form 3-1

To adapt this form for use as an original counterpetition, change the term *Petition* to *Counterpetition*, the term *Petitioner* to *Counterpetitioner*, and the term *Respondent* to *Counterrespondent*.

When using this form, exercise caution if there is a marital-property agreement in existence, as portions of this form may violate the terms of the agreement. See *In re Marriage of I.C. & Q.C.*, 551 S.W.3d 119 (Tex. 2018).

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Original Petition for Divorce

1. Discovery Level
TRCP 190.1

1. Discovery Level

Discovery in this case is intended to be conducted under [level 1/level 2/level 3] of rule 190 of the Texas Rules of Civil Procedure. [**Include if level 1:** No children are involved in this divorce case, and the value of the marital estate is more than zero but not more than $250,000.] [**If level 3, see form 5-1.**]

Include 2. if applicable.

2. Objection to Assignment of Case to Associate Judge
§ 201.005

2. Objection to Assignment of Case to Associate Judge

Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

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3. Parties
TCPRC § 30.014

3. Parties

This suit is brought by [**name of petitioner**], Petitioner. [The last three numbers of Petitioner's driver's license number are [**numbers**]./Petitioner has not been issued a driver's license.] [The last three numbers of Petitioner's Social Security number are [**numbers**]./Petitioner has not been issued a Social Security number.]

[**Name of respondent**] is Respondent.

4. Residence Requirement

4. Domicile

4.A. General Requirement
§ 6.301

[Petitioner/Respondent] has been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

Or

4.B. Suit by Nonresident Spouse
§ 6.302

Petitioner is domiciled in another state or nation. Respondent has been a domiciliary of Texas for at least the last six months and is a resident of this county.

5. Service

5. Service

Select one of the following.

5.A. Personal

Process should be served on Respondent [**include if applicable:** at [**address, city, state, zip code**]].

5.B. Waiver

No service on Respondent is necessary at this time.

5.C. Substituted

Citation of Respondent by publication or other substituted service is necessary for the reasons stated in the affidavit attached as Exhibit [**exhibit number/letter**].

Include 5.D. with 5.C. if applicable.

5.D. No Attorney Ad Litem
§ 6.409(e)

There is no child under eighteen years of age who was born or adopted of this marriage by the spouses, and no appreciable amount of property was accumulated by the spouses during the marriage. Therefore, Petitioner requests that the Court dispense with the appointment of an attorney ad litem.

6. Long-Arm Jurisdiction

6. Long-Arm Jurisdiction

6.A. Divorce Jurisdiction

Select 6.A.1. or 6.A.2. or both.

6.A.1. Statutory Ground
§ 6.305(a)(1)

Respondent is a nonresident of Texas. Petitioner is a resident or a domiciliary of Texas at the commencement of this suit. Texas is the last state in which marital residence between Petitioner and Respondent occurred, and this

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suit is filed before the second anniversary of the date on which marital residence ended.

6.A.2. Other Long-Arm Jurisdiction Facts
§ 6.305(a)(2)

State other facts for long-arm jurisdiction.

Include 6.B. if separate long-arm personal jurisdiction is required with respect to the suit affecting the parent-child relationship.

6.B. Parent-Child Suit Jurisdiction

Select one or more of 6.B.1.–6.B.8.

6.B.1. Child[ren] Reside[s] in Texas
§ 102.011(b)(3)

The child[ren] the subject of this suit reside[s] in Texas as a result of the acts or directives of the nonresident person.

6.B.2. Former Resident
§ 102.011(b)(4)

The nonresident person has resided in Texas with the child[ren] the subject of this suit.

6.B.3. Payment of Prenatal Expenses or Support
§ 102.011(b)(5)

The nonresident person has resided in Texas and provided prenatal expenses or support for the child[ren] the subject of this suit.

6.B.4. In-State Intercourse
§ 102.011(b)(6)

The nonresident person engaged in sexual intercourse in Texas, and the child[ren] the subject of this suit may have been conceived by that act of intercourse.

6.B.5. Personal Service of Citation
§ 102.011(b)(1)

The nonresident person was or will be personally served with citation in Texas.

6.B.6. Submission to Jurisdiction
§ 102.011(b)(2)

The nonresident person has submitted or will submit to the jurisdiction of Texas by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction.

6.B.7. Paternity Registry/AOP
§ 102.011(b)(7)

The nonresident person [registered with the paternity registry maintained by the vital statistics unit/signed an acknowledgment of paternity of a child born in Texas who is the subject of this suit] as provided by chapter 160 of the Texas Family Code.

6.B.8. Other Long-Arm Jurisdiction Facts
§ 102.011(b)(8)

State other facts for long-arm jurisdiction.

7. *Protective Order Statement*
§ 6.405

7. Protective Order Statement

Select 7.A. if no order is in effect and no application is pending. Include 7.B. if one or more orders are in effect. Include 7.C. if one or more applications are pending.

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7.A. No Order or Pending Application

No protective order under title 4 of the Texas Family Code, protective order under subchapter A of chapter 7B of the Texas Code of Criminal Procedure, or order for emergency protection under article 17.292 of the Texas Code of Criminal Procedure is in effect in regard to a party to this suit or a child of a party to this suit, and no application for any such order is pending.

7.B. Order Issued

[**Include as applicable:** A protective order under title 4 of the Texas Family Code/A protective order under subchapter A, chapter 7B, of the Texas Code of Criminal Procedure/An order for emergency protection under article 17.292 of the Texas Code of Criminal Procedure] in regard to [a party/[a] child[ren] of a party/a party to this suit and [a] child[ren] of a party] to this suit was issued by the [**designation**] Court in Cause No. [**number**] and was entered on [**date**]. A copy of the order is [attached to this petition as Exhibit [**exhibit number/letter**]/ not available at this time, but a copy of the order will be filed with the Court before any hearing]. [**Repeat as applicable if more than one order is in effect.**]

7.C. Application Pending

An application for [**include as applicable:** a protective order under title 4 of the Texas Family Code/a protective order under subchapter A, chapter 7B, of the Texas Code of Criminal Procedure/an order for emergency protection under article 17.292 of the Texas Code of Criminal Procedure] is pending with regard to [a party/[a] child[ren] of a party/a party to this suit and [a] child[ren] of a party] to this suit. The application for [protective order/order for emergency protection] was filed on [**date**] in the [**designation**] Court in Cause No. [**number**]. [**Repeat as applicable if more than one application is pending.**]

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Include 8. if applicable.

8. Waiver of Waiting Period
§ 6.702

8. Waiver of Waiting Period

Petitioner requests that this Court grant a divorce prior to the sixtieth day after the date of filing of this Original Petition for Divorce based on a finding that [Respondent has been finally convicted of or received deferred adjudication for an offense involving family violence, as defined by section 71.004 of the Texas Family Code, against [Petitioner/a member of Petitioner's household]/Petitioner has an active [protective order under title 4 of the Texas Family Code/magistrate's order for emergency protection under article 17.292 of the Texas Code of Criminal Procedure], based on a finding of family violence, against Respondent because of family violence committed during the marriage].

9. Marriage and Separation

9. Dates of Marriage and Separation

The parties were married on or about [**date**] and ceased to live together as spouses on or about [**date**].

10. Grounds

10. Grounds for Divorce

Select one or more of 10.A. through 10.G.
If pleading grounds in addition to insupportability, consider pleading those grounds first and insupportability in the alternative.

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10.A. Insupportability
§ 6.001

The marriage has become insupportable because of discord or conflict of personalities between Petitioner and Respondent that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

10.B. Cruelty
§ 6.002

Respondent is guilty of cruel treatment toward Petitioner of a nature that renders further living together insupportable.

10.C. Adultery
§ 6.003

Respondent has committed adultery.

10.D. Felony Conviction
§ 6.004

Since the marriage, Respondent has been convicted of a felony; has been imprisoned for at least one year in the Texas Department of Criminal Justice, a federal penitentiary, or the penitentiary of another state; and has not been pardoned. Respondent was not convicted on the testimony of Petitioner.

10.E. Abandonment
§ 6.005

Respondent has left Petitioner with the intention of abandonment and has remained away for at least one year.

10.F. Living Apart
§ 6.006

Petitioner and Respondent have lived apart without cohabitation for at least three years.

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10.G. Respondent's Confinement in Mental Hospital
§ 6.007

Respondent has been confined in a mental hospital in Texas or another state for at least three years, and it appears that Respondent's mental disorder is of such a degree and nature that adjustment is unlikely or that, if adjustment occurs, a relapse is probable. A guardian ad litem should be appointed for Respondent.

11. Child[ren]

11. Child[ren] of the Marriage

Select 11.A., 11.B., 11.D., or 11.E.

11.A. No Child

There is no child born or adopted of this marriage, and none is expected.

Or

11.B. No Child under 18 or Otherwise Entitled to Support

There is no child under eighteen years of age or otherwise entitled to support who was born or adopted of this marriage, and none is expected.

Include 11.C. if applicable.

11.C. Denial of Paternity
§§ 160.602, 160.607, 160.608, 160.621(c)

Petitioner denies [he/[**name of husband**]] is the father of [**name of child**] and requests genetic testing under chapter 160 of the Texas Family Code. [**Include if denial is filed more than four years after child's birth:** [He/[**name of husband**]] [did not live or engage in sexual relations with [**name of wife**] during the probable period of conception/was precluded from commencing a proceed-

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ing to adjudicate the parentage of the child within four years after the child's birth because of the mistaken belief that he was the child's biological father based on misrepresentations that led him to that conclusion].]

Or

11.D. Child[ren] under 18 or Otherwise Entitled to Support under Jurisdiction of Another Court
§§ 154.306, 154.001(a)(4), 155.201(a)

Petitioner and Respondent are parents of [a] child[ren] of this marriage who [is/are] under the continuing jurisdiction of the [**designation**] Court of [**county**] County, Texas.

Or

11.E. Child[ren] under 18 or Otherwise Entitled to Support Not under Jurisdiction of Another Court
§§ 154.306, 154.001(a)(4)

Petitioner and Respondent are parents of the following child[ren] of this marriage who [is/are] not under the continuing jurisdiction of any other court:

Name:

Sex:

Birth date:

Repeat above information for each additional child.

Include 11.F. if applicable.

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11.F. Gestational Agreement
§ 6.406(a–1)

Petitioner and Respondent have entered into a gestational agreement establishing a parent-child relationship between them as intended parents and an unborn child on the birth of the child. The gestational mother under the agreement [is/is not] pregnant. [A/No] child who is the subject of the agreement has been born. The agreement [has/has not] been validated under section 160.756 of the Texas Family Code.

If 11.E. was used, continue with 11.G., 11.H., 11.I., 11.J., and 11.K.

11.G. Court-Ordered Relationships

Select 11.G.1. or 11.G.2.

11.G.1. None Existing

There are no court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships affecting the child[ren] the subject of this suit.

11.G.2. Court-Ordered Relationships
§ 102.008(b)(5)–(7)

Persons having a court-ordered relationship with the child[ren] the subject of this suit are:

Name:

Relationship:

- *Service*
  § 102.009

If 11.G.2. was used, select one of the following.

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a. Personal

Process should be served [**include if applicable:** at [**address, city, state, zip code**]].

b. Waiver

No service is necessary at this time.

c. Substituted
§ 102.010

Citation by publication or other substituted service is necessary for the reasons stated in the affidavit attached as Exhibit [**exhibit number/letter**].

Repeat for each additional person having a court-ordered relationship with the child(ren).

Include 11.H. if any party resides outside Texas.

11.H. UCCJEA Information
§ 152.209

Information required by section 152.209 of the Texas Family Code is provided in the affidavit attached as Exhibit [**exhibit number/letter**].

11.I. Insurance Information
§§ 154.181(b), 154.1815(c)

- *Required*

Information required by sections 154.181(b) and 154.1815(c) of the Texas Family Code is provided in the statement attached as Exhibit [**exhibit number/letter**].

11.J. Child[ren]'s Property
§ 102.008(b)(9)

11.J.1. No Property

No property of consequence is owned or possessed by the child[ren] the subject of this suit.

Or

11.J.2. Property

The following property is owned or possessed by the child[ren] the subject of this suit and is valued as stated: [**describe and state value of property for each child**].

11.K. Conservatorship and Support

Select 11.K.1., 11.K.2., 11.K.3., or 11.K.4.

11.K.1. Agreement
§ 153.007

Petitioner believes that Petitioner and Respondent will enter into a written agreement containing provisions for conservatorship of, possession of, access to, and support of the child[ren]. If such an agreement is made, Petitioner requests that the Court approve that agreement and adopt it as the Court's order. If such an agreement is not made, Petitioner requests the Court to make orders for conservatorship of, possession of, access to, and support of the child[ren].

Or

11.K.2. Petitioner and Respondent Permanent Joint Managing Conservators
§§ 153.005, 153.073, 153.074, 153.131, 153.132, 153.134, 154.001, 154.008

Petitioner and Respondent, on final hearing, should be appointed joint managing conservators. Petitioner requests the Court to apportion the rights and duties of a parent set out in section 153.132 of the Texas Family Code.

Include 11.K.2.a. if the petitioner seeks primary custody.

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11.K.2.a. Primary Residence; Support

Petitioner should be designated as the conservator who has the exclusive right to designate the primary residence of the child[ren]. [**Include if applicable:** The primary residence of the child[ren] should be restricted to [**geographic area**].] [**Include if applicable:** The Court should [award Petitioner the exclusive right to enroll the child[ren] in school/order the parties to enroll the child[ren] in the public schools for the attendance zone of Petitioner's residence/order the parties to enroll the child[ren] as follows: [**name of child**] in [**name and address of school**] as long as the child is eligible to attend that school [**repeat for each child if more than one**]].] Respondent should be ordered to provide support for the child[ren], including the payment of child support and medical and dental support in the manner specified by the Court. Petitioner requests that the payments for the support of the child[ren] survive the death of Respondent and become the obligations of Respondent's estate.

11.K.2.b. may be included if the petitioner does not seek primary custody.

11.K.2.b. Geographic Restriction Only

The primary residence of the child[ren] should be restricted to [**geographic area**]. [**Include if applicable:** The Court should [order the parties to enroll the child[ren] in the public schools for the attendance zone of Petitioner's residence/order the parties to enroll the child[ren] as follows: [**name of child**] in [**name and address of school**] as long as the child is eligible to attend that school [**repeat for each child if more than one**]].]

Or

11.K.3. Petitioner Permanent Sole Managing Conservator; Support
§§ 153.005, 153.131, 153.132, 154.001, 105.002

The appointment of Petitioner and Respondent as joint managing conservators would not be in the best interest of the child[ren]. Petitioner, on final hearing, should be appointed sole managing conservator, with all the rights and duties of a parent sole managing conservator, and Respondent should be ordered to provide support for the child[ren], including the payment of child support and medical and dental support in the manner specified by the Court. Petitioner requests that the payments for the support of the child[ren] survive the death of Respondent and become the obligation of Respondent's estate. [**Include if applicable:** There should be no restriction on the geographic area within which Petitioner may designate the primary residence of the child[ren]. Alternatively, if the primary residence of the child[ren] is restricted to a geographic area, that area should include [**geographic area**]].

Or

11.K.4. Petitioner Permanent Possessory Conservator
§§ 153.006, 153.192, 153.193, 153.073, 153.074

Petitioner should be appointed possessory conservator with all the rights and duties of a parent conservator. Petitioner requests the Court to make orders for the terms and conditions of Petitioner's conservatorship and possession of and access to the child[ren] [**include if applicable:** , including affording Petitioner alternative beginning and ending possession times pursuant to section 153.317 of the Texas Family Code]. [**Include if applicable:** The primary residence of the child[ren] should be restricted to [**geographic area**].]

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Include 11.K.5.–11.K.19. as applicable.

11.K.5. Election of Alternative Possession Times

If the Court renders the standard possession order set forth in chapter 153 of the Texas Family Code, Petitioner elects [all the alternative beginning and ending possession times set forth in section 153.317(a) of the Texas Family Code to which Petitioner is entitled/the alternative beginning and ending possession times set forth in section 153.317(a)([**specify subsection(s) of Code section 153.317(a) containing alternative time(s) being elected**]) of the Texas Family Code].

11.K.6. Declining Alternative Possession Times

If the Court renders the standard possession order set forth in chapter 153 of the Texas Family Code, Petitioner declines [all the alternative beginning and ending possession times provided in section 153.3171(a) of the Texas Family Code to which Petitioner is entitled/the alternative beginning and ending possession times provided in section 153.3171(a) that are set forth in section 153.317(a)([**specify subsection(s) of Code section 153.317(a) containing alternative time(s) being declined**]) of the Texas Family Code].

11.K.7. History or Pattern of Family Violence or Child Abuse or Child Neglect, or Final Protective Order against Respondent § 153.005(c)

Select 11.K.7.a., 11.K.7.b., and/or 11.K.7.c. as applicable.

11.K.7.a. Family Violence
§ 153.005(c)(1)

Preceding the filing of this suit, Respondent has engaged in a history or pattern of family violence, as defined by section 71.004 of the Texas Family Code.

And/Or

11.K.7.b. Child Abuse or Neglect
§ 153.005(c)(2)

Preceding the filing of this suit, Respondent has engaged in a history or pattern of [child abuse/child neglect/child abuse and child neglect].

And/Or

11.K.7.c. Final Protective Order
§ 153.005(c)(3)

Preceding the filing of this suit, a final protective order was rendered against Respondent.

Continue with 11.K.7.d.

11.K.7.d. Request

Petitioner requests that the Court consider this conduct in appointing Petitioner as sole managing conservator or the parties as joint managing conservators.

11.K.8. Electronic Communication
§ 153.015(b)

Petitioner requests the Court to order reasonable periods of electronic communication between the child[ren] and Petitioner to supplement Petitioner's periods of possession of the child[ren].

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11.K.9. Parenting Coordinator/ Facilitator
§§ 153.603(d), 153.605(a), (b), 153.6051(a), (b)

Petitioner requests the Court to appoint a parenting [coordinator/facilitator/coordinator or facilitator]. [This case is a high-conflict case./There is good cause for appointment of a parenting [coordinator/facilitator/coordinator or facilitator] in that [**specify good cause**], and the appointment would be in the best interest of the child[ren].]

11.K.10. Military Duty
§§ 153.701–.707

11.K.10.a. Military Duty of Petitioner
§§ 153.703–.704

Petitioner [has been/will be] ordered to [military deployment/military mobilization/temporary military duty] that involves moving a substantial distance from Petitioner's residence so as to materially affect Petitioner's ability to exercise Petitioner's rights and duties in relation to the child[ren].

If Petitioner is awarded the exclusive right to designate the primary residence of the child[ren], Petitioner requests the Court to render a temporary order appointing [**name**] the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Petitioner's [military deployment/military mobilization/temporary military duty]. If Respondent is appointed the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Petitioner's [military deployment/military mobilization/temporary military duty], Petitioner requests the Court to award to [**name**] the same visitation to which Respondent is entitled immediately before the temporary order.

If Petitioner is not awarded the exclusive right to designate the primary residence of the child[ren], in addition to a possession order for Petitioner,

Petitioner requests the Court to render a temporary order awarding to [**name**] the same visitation to which Petitioner would be entitled if not ordered to [military deployment/military mobilization/temporary military duty].

The requested orders are in the best interest of the child[ren].

Or

11.K.10.b. Military Duty of Respondent
§ 153.705

Respondent [has been/will be] ordered to [military deployment/military mobilization/temporary military duty] that involves moving a substantial distance from Respondent's residence so as to materially affect Respondent's ability to exercise Respondent's rights and duties in relation to the child[ren].

If Petitioner is not awarded the exclusive right to designate the primary residence of the child[ren], Petitioner requests the Court to render a temporary order appointing Petitioner the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Respondent's [military deployment/military mobilization/temporary military duty]. This appointment would be in the best interest of the child[ren].

Include 11.K.10.c. if applicable.

11.K.10.c. Testimony & Evidence by Electronic Means
§ 153.707(c)

Petitioner requests the Court, after reasonable advance notice and for good cause shown, to allow Petitioner to present testimony and evidence by electronic means, including by teleconference or through the Internet.

Include 11.K.10.d. if applicable.

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11.K.10.d. Expedited Hearing
§ 153.707(a)

Petitioner requests the Court to grant an expedited hearing.

11.K.11. Minor Disabled Child
§ 154.302

[**Name of child**], a child of this marriage, requires substantial care and personal supervision because of a mental or physical disability and will not be capable of self-support. Petitioner requests the Court to order that payments for the support of this child be continued after the child's eighteenth birthday and extended for an indefinite period.

11.K.12. Adult Disabled Child
§§ 154.302, 154.309

[**Name of child**], an adult child of this marriage, requires substantial care and personal supervision because of a mental or physical disability and will not be capable of self-support. The disability existed or its cause was known to exist before or on [**name of child**]'s eighteenth birthday. Petitioner requests the Court to order that payments for the support of this child be extended for an indefinite period.

Petitioner should be granted possession of or access to [**name of child**] as is appropriate under the circumstances.

11.K.13. Child in School beyond 18 Years
§§ 154.001, 154.002

Tex. Fam. Code § 154.002 may not provide for children in home schooling.

[**Name of child**], a child the subject of this suit, is enrolled [under chapter 25 of the Texas Education Code in an accredited secondary school in a program leading toward a high school diploma and is complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education

Code/under section 130.008 of the Texas Education Code in courses for joint high school and junior college credit and is complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education Code/ on a full-time basis in a private secondary school in a program leading toward a high school diploma and is complying with the minimum attendance requirements imposed by that school]. Petitioner requests the Court to order that payments for the support of this child be continued until the end of the month in which the child graduates from high school.

11.K.14. Security for Possession and Access
§ 153.011

Respondent may violate the Court's orders relating to Respondent's possessory interest in the child[ren]. Petitioner requests the Court to order Respondent to execute a bond or deposit security in a reasonable amount, conditioned on Respondent's compliance with the Court's orders concerning possession of and access to the child[ren].

11.K.15. International Abduction
§ 153.501

Petitioner requests the Court to determine whether there is a risk of international abduction of the child[ren] by Respondent and to take such measures as are necessary to protect the child[ren].

11.K.16. Security for Child Support
§ 157.109

[Respondent is employed by an employer not subject to the Court's jurisdiction./It is unworkable or inappropriate under existing circumstances for the Court to order withholding from Respondent's earnings for child support.] Petitioner requests the Court to order Respondent to execute a bond or post

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security payable through the registry of the Court to Petitioner, conditioned on Respondent's payment of child support.

11.K.17. Life Insurance
§ 154.016

Petitioner requests the Court to order Respondent to obtain and maintain a life insurance policy payable to Petitioner for the benefit of the child[ren] to be applied toward Respondent's support obligation under the child support order in the event of Respondent's death.

11.K.18. Respondent Committed Family Violence
§ 153.004(d)(1)

Respondent has a history or pattern of committing family violence during the two-year period preceding the date of filing of this suit. Petitioner requests the Court to deny Respondent access to the child[ren]. Alternatively, if the Court finds that awarding Respondent access to the child[ren] would not endanger the child[ren]'s physical health or emotional welfare and would be in the best interest of the child[ren], Petitioner requests that the Court render a possession order that is designed to protect the safety and well-being of the child[ren] and any other person who has been a victim of family violence committed by Respondent, including but not limited to ordering that the periods of access be continuously supervised by an entity or person chosen by the Court, ordering that the exchange of possession of or access to the child[ren] occur in a protective setting, [**include if applicable:** ordering Respondent to refrain from the consumption of alcohol or a controlled substance within the twelve hours before or during each of Respondent's periods of possession of or access to the child[ren],] and ordering Respondent to attend and complete a battering intervention and prevention program or, if such a program is not available, to com-

plete a course of treatment with a mental health professional in accordance with section 153.010 of the Texas Family Code.

> If respondent's conduct constituting a sexual offense resulting in the victim's pregnancy with the child (Tex. Fam. Code § 153.002(d)(2)) is alleged, see ¶ 11.N.2. in form 40-1.

11.K.19. History of Family Violence or Child Abuse or Neglect § 153.004(e), (f)

There is a history or pattern of [child neglect/child abuse/family violence/child neglect and abuse/child neglect and family violence/child abuse and family violence/child abuse, child neglect, and family violence] committed by [Respondent/[**name**], who [resides in Respondent's household/is permitted by Respondent to have unsupervised access to the child[ren] during Respondent's periods of possession of or access to the child[ren]]]. [**Include if applicable:** A protective order was rendered under chapter 85 of title 4 of the Texas Family Code against [Respondent/[**name**]] during the two-year period preceding the date of filing of this suit.] Petitioner requests the Court to deny Respondent access to the child[ren]. Alternatively, Petitioner requests that the Court render a possession order that provides that Respondent's periods of visitation be continuously supervised by an entity or person chosen by the Court.

12. Premarital Agreement
§§ 4.001–.006

12. Premarital Agreement

Petitioner and Respondent have entered into a premarital agreement altering their marital property rights in certain property on and during their marriage. [**Include if applicable:** A copy of the agreement is attached to this pleading as Exhibit [**exhibit number/letter**].] Petitioner requests the Court to enforce the agreement and divide the marital estate in accordance with its

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terms. Nothing in this petition should be construed as a challenge to the pre-marital agreement.

13. Marital-Property Agreement
§§ 4.101–.106

13. Marital-Property Agreement

Petitioner and Respondent have entered into a marital-property agreement defining their rights to all their property, both community and separate. [**Include if applicable:** A copy of the agreement is attached to this pleading as Exhibit [**exhibit number/letter**].] Petitioner requests the Court to enforce the agreement and divide the marital estate in accordance with its terms. Nothing in this petition should be construed as a challenge to the marital-property agreement.

14. Separate-Property Agreement
§§ 4.201–.206

14. Separate-Property Agreement

Petitioner and Respondent have entered into an agreement to convert all or part of the separate property owned by either or both of them to community property. [**Include if applicable:** A copy of the agreement is attached to this pleading as Exhibit [**exhibit number/letter**].] Petitioner requests the Court to enforce the agreement and divide the community estate in a manner that the Court deems just and right, as provided by law. Nothing in this petition should be construed as a challenge to the separate-property agreement.

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15. Parties' Property

15. Division of Community Property

15.A. Agreement

Petitioner believes Petitioner and Respondent will enter into an agreement for the division of their estate. If such an agreement is made, Petitioner requests the Court to approve the agreement and divide their estate in a manner consistent with the agreement. If such an agreement is not made, Petitioner requests the Court to divide their estate in a manner that the Court deems just and right, as provided by law.

Or

15.B. Division by Court

Petitioner requests the Court to divide the estate of Petitioner and Respondent in a manner that the Court deems just and right, as provided by law.

Include 15.C. if applicable.

15.C. Court—Equities Favoring Petitioner

Petitioner should be awarded a disproportionate share of the parties' estate for the following reasons, including but not limited to:

Select as applicable. This list is not intended to be comprehensive and is furnished only to illustrate possible equitable factors relevant to a property division.

a. fault in the breakup of the marriage;

b. benefits the innocent spouse may have derived from the continuation of the marriage;

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c. disparity of earning power of the spouses and their ability to support themselves;

d. health of the spouses;

e. the spouse to whom conservatorship of the child[ren] is granted;

f. needs of the child[ren] of the marriage;

g. education and future employability of the spouses;

h. community indebtedness and liabilities;

i. tax consequences of the division of property;

j. ages of the spouses;

k. earning power, business opportunities, capacities, and abilities of the spouses;

l. need for future support;

m. nature of the property involved in the division;

n. wasting of community assets by the spouses;

o. credit for temporary support paid by a spouse;

p. community funds used to purchase out-of-state property;

q. gifts to or by a spouse during the marriage;

r. increase in value of separate property through community efforts by time, talent, labor, and effort;

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s. excessive community-property gifts to the parties' child[ren];

t. reimbursement;

u. expected inheritance of a spouse;

v. attorney's fees to be paid;

w. creation of community property through the use of a spouse's separate estate;

x. the size and nature of the separate estates of the spouses;

y. creation of community property by the efforts or lack thereof of the spouses;

z. actual fraud committed by a spouse;

aa. constructive fraud committed by a spouse.

Include 15.D. if applicable.

15.D. Fraud on Community

Respondent has committed fraud on the community estate. Petitioner requests that the Court reconstitute the community estate to its full value prior to Respondent's depletion of the community estate by [his/her] fraudulent acts and divide the reconstituted community estate in a manner that the Court deems just and right, including awarding Petitioner an appropriate share of the community estate, a money judgment, or both.

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16. Separate Property
§ 3.001

16. Separate Property

Petitioner owns certain separate property that is not part of the community estate of the parties, and Petitioner requests the Court to confirm that separate property as Petitioner's separate property and estate.

17. Reimbursement

17. Reimbursement

> The claims for reimbursement that are specifically listed in Tex. Fam. Code § 3.402(a) are not exclusive. Claims listed in Tex. Fam. Code § 3.409 are not reimbursable.
>
> Include 17.A.–17.M. as applicable. 17.A., 17.B., and 17.C. state claims for reimbursement for funds or assets expended in general terms. 17.D. states a claim for reimbursement for community time, talent, toil, and effort. 17.E. through 17.M. state claims specifically listed in Tex. Fam. Code § 3.402(a).

17.A. General—Funds Expended by Community for Respondent's Separate Estate

Petitioner requests the Court to reimburse the community estate for funds or assets expended by the community estate for the benefit of Respondent's separate estate. Those expenditures resulted in a direct benefit to Respondent's separate estate. The community estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to the community estate will result in an unjust enrichment of Respondent's separate estate at the expense of the community estate.

17.B. General—Funds Expended by Petitioner's Separate Estate for Community

Petitioner requests the Court to reimburse Petitioner's separate estate for funds or assets expended by Petitioner's separate estate for the benefit of the community estate. Those expenditures resulted in a direct benefit to the community estate. Petitioner's separate estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to Petitioner's separate estate will result in an unjust enrichment of the community estate at the expense of Petitioner's separate estate.

17.C. General—Funds Expended by Petitioner's Separate Estate for Respondent's Separate Estate

Petitioner requests the Court to reimburse Petitioner's separate estate for funds or assets expended by Petitioner's separate estate for the benefit of Respondent's separate estate. Those expenditures resulted in a direct benefit to Respondent's separate estate. Petitioner's separate estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to Petitioner's separate estate will result in an unjust enrichment of Respondent's separate estate at the expense of Petitioner's separate estate.

17.D. Community Time, Talent, Toil, and Effort

> 17.D.1. is based on *Jensen v. Jensen*, 665 S.W.2d 107 (Tex. 1984). 17.D.2. is based on Tex. Fam. Code § 3.402(2). In an appropriate case, both standards should be pleaded and proved.

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17.D.1. Jensen *Ground*

Petitioner requests the Court to reimburse the community estate for the value of community time, talent, toil, and effort expended by Respondent to benefit or enhance Respondent's separate estate. The community estate was not adequately compensated for Respondent's use of community time, talent, toil, and effort beyond what was reasonably necessary to maintain, manage, and preserve Respondent's separate estate. The failure of the Court to allow and award such reimbursement to the community estate will result in the unjust enrichment of Respondent's separate estate at the expense of the community estate.

And/Or

17.D.2. Statutory Ground
§ 3.402(a)(2)

The community estate has not been adequately compensated for the time, toil, talent, and effort expended by Respondent on [**name of business entity**], a business entity under Respondent's control and direction and claimed by Respondent as separate property. Petitioner requests the Court to reimburse the community estate for the value of community time, talent, toil, and effort expended by Respondent on [**name of business entity**] in an amount that will adequately compensate the community estate. The failure of the Court to allow and award such reimbursement to the community estate will result in the unjust enrichment of Respondent's separate estate at the expense of the community estate.

17.E. Community Payment of Unsecured Separate Debt
§ 3.402(a)(1), (9)

Petitioner requests the Court to reimburse the community estate for funds or assets expended by the community estate for payment of unsecured

liabilities of Respondent's separate estate. Those expenditures resulted in a direct benefit to Respondent's separate estate. The community estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to the community estate will result in an unjust enrichment of Respondent's separate estate at the expense of the community estate.

17.F. Petitioner's Separate Estate Payment of Unsecured Community Debt
§ 3.402(a)(1)

Petitioner requests the Court to reimburse Petitioner's separate estate for funds or assets expended by Petitioner's separate estate for payment of unsecured liabilities of the community estate. Those expenditures resulted in a direct benefit to the community estate. Petitioner's separate estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to Petitioner's separate estate will result in an unjust enrichment of the community estate at the expense of Petitioner's separate estate.

17.G. Petitioner's Separate Estate Payment of Respondent's Unsecured Separate Debt
§ 3.402(a)(1)

Petitioner requests the Court to reimburse Petitioner's separate estate for funds or assets expended by Petitioner's separate estate for payment of unsecured liabilities of Respondent's separate estate. Those expenditures resulted in a direct benefit to Respondent's separate estate. Petitioner's separate estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to

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Petitioner's separate estate will result in an unjust enrichment of Respondent's separate estate at the expense of Petitioner's separate estate.

17.H. Capital Improvements by Community—Claim against Respondent's Separate Estate
§ 3.402(a)(8)

The community estate has expended funds or assets to make capital improvements on property claimed by Respondent as separate property, giving rise to a claim for reimbursement in favor of the community estate and against Respondent's separate estate. Those expenditures resulted in a direct benefit to Respondent's separate estate. The community estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to the community estate will result in an unjust enrichment of Respondent's separate estate at the expense of the community estate.

17.I. Capital Improvements by Separate Estate—Claim against Community Estate
§ 3.402(a)(8)

Petitioner's separate estate has expended funds or assets to make capital improvements on community property, giving rise to a claim for reimbursement in favor of Petitioner's separate estate and against the community estate. Those expenditures resulted in a direct benefit to the community estate. Petitioner's separate estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to Petitioner's separate estate will result in an unjust enrichment of the community estate at the expense of Petitioner's separate estate.

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17.J. Capital Improvements by Petitioner's Separate Estate—Claim against Respondent's Separate Estate
§ 3.402(a)(8)

Petitioner's separate estate has expended funds or assets to make capital improvements on property claimed by Respondent as separate property, giving rise to a claim for reimbursement in favor of Petitioner's separate estate and against Respondent's separate estate. Those expenditures resulted in a direct benefit to Respondent's separate estate. Petitioner's separate estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to Petitioner's separate estate will result in an unjust enrichment of Respondent's separate estate at the expense of Petitioner's separate estate.

17.K. Community Reduction of Secured Debt on Separate Property
§ 3.402(a)(3), (4), (6)

Respondent is or was obligated on [a] debt[s] [**include if applicable:** incurred during the marriage for the acquisition of, or capital improvements to, property and] secured by [a] lien[s] on property claimed by Respondent as separate property. The community estate has expended funds or assets for payment of [that/those] debt[s]. Those expenditures have resulted in the reduction of the principal of [that/those] debt[s], giving rise to a claim for reimbursement in favor of the community estate and against Respondent's separate estate. Those expenditures resulted in a direct benefit to Respondent's separate estate. The community estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to the community estate will result in an unjust enrichment of Respondent's separate estate at the expense of the community estate.

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17.L. Petitioner's Separate Estate's Reduction of Secured Debt on Community Property
§ 3.402(a)(5)

The community estate is or was obligated on [a] debt[s] incurred during the marriage for the acquisition of, or capital improvements to, property and secured by [a] lien[s] on community property. Petitioner's separate estate has expended funds or assets for payment of [that/those] debt[s]. Those expenditures have resulted in the reduction of the principal of [that/those] debt[s], giving rise to a claim for reimbursement in favor of Petitioner's separate estate and against the community estate. Those expenditures resulted in a direct benefit to the community estate. Petitioner's separate estate has not been adequately compensated for or benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to Petitioner's separate estate will result in an unjust enrichment of the community estate at the expense of Petitioner's separate estate.

17.M. Petitioner's Separate Estate's Reduction of Secured Debt on Respondent's Separate Property
§ 3.402(a)(3), (4), (6)

Respondent is or was obligated on [a] debt[s] [**include if applicable:** incurred during the marriage for the acquisition of, or capital improvements to, property and] secured by [a] lien[s] on property claimed by Respondent as separate property. Petitioner's separate estate has expended funds or assets for payment of [that/those] debt[s]. Those expenditures have resulted in the reduction of the principal of [that/those] debt[s], giving rise to a claim for reimbursement in favor of Petitioner's separate estate and against Respondent's separate estate. Petitioner's separate estate has not been adequately compensated for or

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benefited from the expenditure of those funds or assets, and a failure by the Court to allow reimbursement to Petitioner's separate estate will result in an unjust enrichment of Respondent's separate estate at the expense of Petitioner's separate estate.

18. Court-Ordered Maintenance
§§ 8.051, 8.054, 8.101

18. Postdivorce Maintenance

Petitioner requests the Court to order that Petitioner be paid postdivorce maintenance for a reasonable period in accordance with chapter 8 of the Texas Family Code. [**Include if applicable:** Petitioner requests the Court to issue an order for withholding from Respondent's wages for this maintenance.]

If no temporary restraining order is sought, skip to 21.

19. Combined TRO and Temporary Injunction

19. Request for Temporary Restraining Order

Petitioner requests the Court to dispense with the issuance of a bond, and Petitioner requests that Respondent be temporarily restrained immediately, without hearing, and after notice and hearing be temporarily enjoined, pending the further order of this Court, from:

The following are examples of some types of relief. Choose only relief that is applicable. Some suggested items of relief are inconsistent with others.

Caution: The federal Violence against Women Act prohibits the possession of a firearm or ammunition by a person prohibited by court order from committing family violence or threats of family violence. *See* 18 U.S.C. § 922(g)(8). The standard Texas injunction language set out in items 2., 4., and 5. below could subject a person subject to such an injunction to federal prosecution if the person is in possession of a firearm or ammunition.

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19.A. Ex Parte Orders for Parties and Property
§ 6.501

1. Communicating with Petitioner in Offensive Manner
§ 6.501(a)(1)

1. Intentionally communicating with Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm Petitioner.

And/Or

2. Threatening Petitioner
§ 6.501(a)(2)

2. Threatening Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm Petitioner.

And/Or

3. Harassing Petitioner by Telephone
§ 6.501(a)(3)

3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm Petitioner.

And/Or

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4. *Injuring Petitioner*
§ 6.501(a)(4)

4. Intentionally, knowingly, or recklessly causing bodily injury to Petitioner [**include if applicable:** or to a child of either party].

And/Or

5. *Threatening Bodily Harm*
§ 6.501(a)(5)

5. Threatening Petitioner [**include if applicable:** or a child of either party] with imminent bodily injury.

And/Or

6. *Destroying Property*
§ 6.501(a)(6)

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party [**include if applicable:** and the child[ren] of the marriage].

And/Or

7. *Falsifying Records*
§ 6.501(a)(7)

7. Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.

And/Or

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8. Concealing Property
§ 6.501(a)(8)

8. Intentionally misrepresenting or refusing to disclose to Petitioner or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

And/Or

9. Damaging Property
§ 6.501(a)(9)

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

And/Or

10. Tampering with Property
§ 6.501(a)(10)

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to Petitioner.

And/Or

11. Alienating Property
§ 6.501(a)(11)(A)

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real property, or intellectual property, and whether separate or community property, except as specifically authorized by order of this Court.

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And/Or

12. Incurring Debts
§ 6.501(a)(11)(B)

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by order of this Court.

And/Or

13. Withdrawing Funds
§ 6.501(a)(11)(C)

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by order of this Court.

And/Or

14. Spending Funds
§ 6.501(a)(11)(D)

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by order of this Court.

And/Or

15. Withdrawing Employee Benefits
§ 6.501(a)(11)(E)

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by order of this Court.

And/Or

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16. Brokerage and Investment Accounts

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by order of this Court.

And/Or

17. Withdrawing Insurance Value
§ 6.501(a)(11)(F)

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party [**include if applicable:** or a child of the parties], except as specifically authorized by order of this Court.

And/Or

18. Entering Safe-Deposit Box
§ 6.501(a)(12)

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

And/Or

19. Changing Life Insurance Beneficiary
§ 6.501(a)(13)

19. Changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party [**include if applicable:** or a child of the parties].

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And/Or

20. Affecting Insurance
§ 6.501(a)(14)

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons [**include if applicable:** , including a child of the parties].

And/Or

21. Opening or Diverting Mail
§ 6.501(a)(15)

21. Opening or diverting mail or e-mail or any other electronic communication addressed to Petitioner.

And/Or

22. Signing or Endorsing Petitioner's Name
§ 6.501(a)(16)

22. Signing or endorsing Petitioner's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to Petitioner without the personal signature of Petitioner.

And/Or

23. Terminating or Limiting Credit Cards
§ 6.501(a)(17)

23. Taking any action to terminate or limit credit or charge cards in the name of Petitioner.

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And/Or

24. Changing Tax Withholding
§ 6.501(a)(18)

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

And/Or

25. Destroying Financial Records
§ 6.501(a)(19)

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.

And/Or

26. Destroying Electronic Records
§ 6.501(a)(20)

26. Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

And/Or

27. Modifying Electronic Data
§ 6.501(a)(21)

27. Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

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And/Or

28. Deleting Social Network Data
§ 6.501(a)(22)

28. Deleting any data or content from any social network profile used or created by either party [**include if applicable:** or a child of the parties].

And/Or

29. Using Password or PIN
§ 6.501(a)(23)

29. Using any password or personal identification number to gain access to Petitioner's e-mail account, bank account, social media account, or any other electronic account.

And/Or

30. Affecting Utility Service and Deposits
§ 6.501(a)(24)

30. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at [**full address**] or in any manner attempting to withdraw any deposits for service in connection with any of those services.

And/Or

31. Excluding Petitioner from Residence
§ 6.501(a)(25)

31. Excluding Petitioner from the use and enjoyment of the residence located at [**address, city, state**].

And/Or

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32. Interfering with Motor Vehicle
§ 6.501(a)(26)

32. Entering, operating, or exercising control over the [**year, make, and model of motor vehicle**] [**include if applicable:** or any motor vehicle] in the possession of Petitioner.

Continue with the following if applicable.

19.B. Ex Parte Parent-Child Orders without Affidavit
§ 105.001(a)(3), (b)

1. Disturbing Child[ren] or Another Party
§ 105.001(a)(3)

33. Disturbing the peace of the child[ren] or of another party.

And/Or

2. Withdrawing Child[ren] from School or Day Care

34. Withdrawing the child[ren] from enrollment in the school or day-care facility where the child[ren] [is/are] presently enrolled.

And/Or

3. Hiding Child[ren] from Petitioner

35. Hiding or secreting the child[ren] from Petitioner.

And/Or

4. Disparaging Remarks

36. Making disparaging remarks regarding Petitioner [**include if applicable:** or Petitioner's family] in the presence or within the hearing of the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

5. Consumption of Alcohol

37. Consuming alcohol within the [**number**] hours before or during each of Respondent's periods of possession of or access to the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

6. Unrelated Adult in Residence Overnight

38. Permitting an unrelated adult with whom Respondent has an intimate or dating relationship to remain in the same residence with the child[ren] between the hours of [**time**] P.M. and [**time**] A.M.

19.C. Respondent's Authorizations

Petitioner requests that Respondent be authorized only as follows:

1. Spending for Living Expenses

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

2. Spending for Legal Fees

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

3. Withdrawing Funds

To make withdrawals from accounts in financial institutions only for the purposes authorized by the Court's order.

Include item 4. if applicable.

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4. Operating Business

To engage in acts reasonable and necessary to conduct Respondent's usual business and occupation.

20. Extraordinary Relief

20. Extraordinary Relief

As the basis for the extraordinary relief requested below, Petitioner would show that before the filing of this petition Respondent has engaged in the conduct set forth in the affidavit attached as Exhibit [**exhibit number/letter**]. Based on that affidavit, Petitioner requests the Court to grant the following relief:

20.A. Attaching Child[ren]
§ 105.001(c)(1)

Issue an order attaching the [body/bodies] of the child[ren], [**name[s]**].

And/Or

20.B. Taking Possession of Child[ren]
§ 105.001(c)(2)

Issue an order taking the child[ren], [**name[s]**], into possession of [Petitioner/the Court].

And/Or

20.C. Excluding Respondent from Child[ren]
§ 105.001(c)(3)

Issue an order excluding Respondent from possession of or access to the child[ren], [**name[s]**].

And/Or

20.D. Excluding Respondent from Residence
§§ 6.503, 83.006

Issue an order excluding Respondent from Respondent's residence at [**address, city, state**].

> 21. is required *only* if a temporary injunction is desired that requests relief in addition to the making of the TRO into a temporary injunction or if there is not a TRO and a temporary injunction is desired.

21. Temporary Orders and Injunction

21. Request for Temporary Orders and Injunction

Petitioner requests the Court, after notice and hearing, to dispense with the issuance of a bond, to make temporary orders and issue any appropriate temporary injunctions for the preservation of the property and protection of the parties [**include if applicable:** and for the safety and welfare of the child[ren] of the marriage] as deemed necessary and equitable. Petitioner requests that the Court enjoin Respondent from the following:

21.A. For Protection of Parties and Property
§ 6.501

> The following are examples of some types of relief. Choose only relief that is applicable. Some suggested items of relief are inconsistent with others.

> **Caution:** The federal Violence against Women Act prohibits the possession of a firearm or ammunition by a person prohibited by court order from committing family violence or threats of family violence. *See* 18 U.S.C. § 922(g)(8). The standard Texas injunction language set out in items 2., 4., and 5. below could subject a person subject to such an injunction to federal prosecution if the person is in possession of a firearm or ammunition.

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1. *Communicating with Petitioner in Offensive Manner*
§ 6.501(a)(1)

1. Intentionally communicating with Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm Petitioner.

And/Or

2. *Threatening Petitioner*
§ 6.501(a)(2)

2. Threatening Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm Petitioner.

And/Or

3. *Harassing Petitioner by Telephone*
§ 6.501(a)(3)

3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm Petitioner.

And/Or

4. *Injuring Petitioner*
§ 6.501(a)(4)

4. Intentionally, knowingly, or recklessly causing bodily injury to Petitioner [**include if applicable:** or to a child of either party].

And/Or

5. *Threatening Bodily Harm*
§ 6.501(a)(5)

5. Threatening Petitioner [**include if applicable:** or a child of either party] with imminent bodily injury.

And/Or

6. *Destroying Property*
§ 6.501(a)(6)

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party [**include if applicable:** and the child[ren] of the marriage].

And/Or

7. *Falsifying Records*
§ 6.501(a)(7)

7. Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.

And/Or

8. *Concealing Property*
§ 6.501(a)(8)

8. Intentionally misrepresenting or refusing to disclose to Petitioner or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

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And/Or

9. *Damaging Property*
§ 6.501(a)(9)

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

And/Or

10. *Tampering with Property*
§ 6.501(a)(10)

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to Petitioner.

And/Or

11. *Alienating Property*
§ 6.501(a)(11)(A)

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real property, or intellectual property, and whether separate or community property, except as specifically authorized by order of this Court.

And/Or

12. *Incurring Debts*
§ 6.501(a)(11)(B)

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by order of this Court.

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And/Or

13. Withdrawing Funds
§ 6.501(a)(11)(C)

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by order of this Court.

And/Or

14. Spending Funds
§ 6.501(a)(11)(D)

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by order of this Court.

And/Or

15. Withdrawing Employee Benefits
§ 6.501(a)(11)(E)

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by order of this Court.

And/Or

16. Brokerage and Investment Accounts

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether

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the accounts are self-managed or managed by a third party, except as specifically authorized by order of this Court.

And/Or

17. *Withdrawing Insurance Value*
§ 6.501(a)(11)(F)

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party [**include if applicable:** or a child of the parties], except as specifically authorized by order of this Court.

And/Or

18. *Entering Safe-Deposit Box*
§ 6.501(a)(12)

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

And/Or

19. *Changing Life Insurance Beneficiary*
§ 6.501(a)(13)

19. Changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party [**include if applicable:** or a child of the parties].

And/Or

20. *Affecting Insurance*
§ 6.501(a)(14)

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the

parties' property or persons [**include if applicable:** , including a child of the parties].

And/Or

21. Opening or Diverting Mail
§ 6.501(a)(15)

21. Opening or diverting mail or e-mail or any other electronic communication addressed to Petitioner.

And/Or

22. Signing or Endorsing Petitioner's Name
§ 6.501(a)(16)

22. Signing or endorsing Petitioner's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to Petitioner without the personal signature of Petitioner.

And/Or

23. Terminating or Limiting Credit Cards
§ 6.501(a)(17)

23. Taking any action to terminate or limit credit or charge cards in the name of Petitioner.

And/Or

24. Changing Tax Withholding
§ 6.501(a)(18)

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

And/Or

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25. Destroying Financial Records
§ 6.501(a)(19)

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.

And/Or

26. Destroying Electronic Records
§ 6.501(a)(20)

26. Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

And/Or

27. Modifying Electronic Data
§ 6.501(a)(21)

27. Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

And/Or

28. Deleting Social Network Data
§ 6.501(a)(22)

28. Deleting any data or content from any social network profile used or created by either party [**include if applicable:** or a child of the parties].

And/Or

29. *Using Password or PIN*
§ 6.501(a)(23)

29. Using any password or personal identification number to gain access to Petitioner's e-mail account, bank account, social media account, or any other electronic account.

And/Or

30. *Affecting Utility Service and Deposits*
§ 6.501(a)(24)

30. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at [**full address**] or in any manner attempting to withdraw any deposits for service in connection with any of those services.

And/Or

31. *Excluding Petitioner from Residence*
§ 6.501(a)(25)

31. Excluding Petitioner from the use and enjoyment of the residence located at [**address, city, state**].

And/Or

32. *Interfering with Motor Vehicle*
§ 6.501(a)(26)

32. Entering, operating, or exercising control over the [**year, make, and model of motor vehicle**] [**include if applicable:** or any motor vehicle] in the possession of Petitioner.

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Continue with the following if applicable.

21.B. For Child[ren]
§ 105.001(a)(3), (b)

1. *Disturbing Child[ren] or Another Party*
§ 105.001(a)(3)

33. Disturbing the peace of the child[ren] or of another party.

And/Or

2. *Withdrawing Child[ren] from School or Day Care*

34. Withdrawing the child[ren] from enrollment in the school or day-care facility where the child[ren] [is/are] presently enrolled.

And/Or

3. *Hiding Child[ren] from Petitioner*

35. Hiding or secreting the child[ren] from Petitioner.

And/Or

4. *Disparaging Remarks*

36. Making disparaging remarks regarding Petitioner [**include if applicable:** or Petitioner's family] in the presence or within the hearing of the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

5. *Consumption of Alcohol*

37. Consuming alcohol within the [**number**] hours before or during each of Respondent's periods of possession of or access to the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

6. Unrelated Adult in Residence Overnight

38. Permitting an unrelated adult with whom Respondent has an intimate or dating relationship to remain in the same residence with the child[ren] between the hours of [**time**] P.M. and [**time**] A.M.

If pleadings regarding authorizations are needed, see paragraph 19.C. above.

22. Temporary Orders for Use of Property
§ 6.502

22. Request for Temporary Orders Concerning Use of Property

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders and issue any appropriate temporary injunctions respecting the temporary use of the parties' property as deemed necessary and equitable, including but not limited to the following:

Select one or more of the following.

22.A. Exclusive Use and Possession of Residence
§ 6.502(6)

Awarding Petitioner the exclusive use and possession of the residence located at [**street address, city, state**], as well as the furniture, furnishings, and other personal property at that residence, while this case is pending, and enjoining Respondent from entering or remaining on the premises of the residence and exercising possession or control of any of this personal property, except as authorized by order of this Court.

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And/Or

22.B. Exclusive Use and Control of Motor Vehicle

Awarding Petitioner exclusive use and control of the [**year, make, and model of motor vehicle**] and enjoining Respondent from entering, operating, or exercising control over it.

And/Or

22.C. Exclusive Use of Other Property

Awarding Petitioner the exclusive use of the following property and enjoining Respondent from exercising possession or control of any of this property: [**list property**].

23. Temporary Orders Regarding Child[ren]

23. Request for Temporary Orders Regarding Child[ren]

Petitioner requests the Court, after notice and hearing, to dispense with the necessity of a bond and to make temporary orders and issue any appropriate temporary injunctions for the safety and welfare of the child[ren] of the marriage as deemed necessary and equitable, including but not limited to the following:

Select one or more of the following.

23.A. Temporary Joint Managing Conservators
§ 105.001(a)(1)

Appointing Petitioner and Respondent temporary joint managing conservators [**include if applicable:** , and designating Petitioner as the conservator who has the exclusive right to designate the primary residence of the

child[ren]]. Petitioner requests the Court to apportion the rights and duties of a parent set out in section 153.132 of the Texas Family Code.

Or

23.B. Temporary Sole Managing Conservator
§ 105.001(a)(1)

Appointing Petitioner temporary sole managing conservator.

And/Or

23.C. Payment of Child Support
§§ 105.001(a)(2), 101.0095, 101.020

Ordering Respondent to provide support for the child[ren], including the payment of child support and medical and dental support in the manner specified by the Court, while this case is pending.

And/Or

23.D. Temporary Possessory Conservator
§ 105.001(a)(1)

Appointing Petitioner temporary possessory conservator.

Include 23.E.–23.P. as applicable.

23.E. Electronic Communication
§ 153.015(b)

Ordering reasonable periods of electronic communication between the child[ren] and Petitioner to supplement Petitioner's periods of possession of the child[ren].

23.F. Military Duty
§§ 153.701–.707

23.F.1. Military Duty of Petitioner

If Petitioner is awarded the exclusive right to designate the primary resi-

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dence of the child[ren], appointing [**name**] the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Petitioner's [military deployment/military mobilization/temporary military duty] or, if Respondent is appointed the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Petitioner's [military deployment/military mobilization/temporary military duty], awarding to [**name**] the same visitation to which Respondent is entitled immediately before the temporary order.

If Petitioner is not awarded the exclusive right to designate the primary residence of the child[ren], in addition to a possession order for Petitioner, awarding to [**name**] the same visitation to which Petitioner would be entitled if not ordered to [military deployment/military mobilization/temporary military duty].

Or

23.F.2. Military Duty of Respondent

If Petitioner is not awarded the exclusive right to designate the primary residence of the child[ren], appointing Petitioner the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Respondent's [military deployment/military mobilization/temporary military duty].

Include 23.F.3. if applicable.

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23.F.3. Testimony & Evidence by Electronic Means

After reasonable advance notice and for good cause shown, allowing Petitioner to present testimony and evidence by electronic means, including by teleconference or through the Internet.

23.G. Residence Restriction
§§ 105.001(a)(1), (4), 153.134(b)(1)(A)

Restricting the primary residence of the child[ren] to [**geographic area**].

23.H. School Enrollment
§ 105.001(a)

[Awarding Petitioner the exclusive right to enroll the child[ren] in school./Ordering the parties to enroll the child[ren] in the public schools for the attendance zone of Petitioner's residence./Ordering the parties to enroll the child[ren] as follows: [**name of child**] in [**name and address of school**] as long as the child is eligible to attend that school [**repeat for each child if more than one**].]

23.I. Travel Restriction
§ 105.001(a)(4)

Enjoining Respondent from removing the child[ren] beyond [**geographic area**], acting directly or in concert with others.

23.J. Denial or Restriction of Possession or Access
§ 153.004(d), (d–1), (e)

Denying Respondent access to the child[ren] or, alternatively, rendering a possession order [in accordance with section 153.004(d–1)(2) of the Texas Family Code/providing that Respondent's periods of visitation be continuously supervised]. [**If Tex. Fam. Code §§ 153.501–.503 (international abduction risk) apply, see form 55-1 for further restrictions.**]

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23.K. Preparation of Child Custody Evaluation
§ 107.103

Ordering the preparation of a child custody evaluation regarding the circumstances and condition of the child[ren] [,/and] the parties [**include if applicable:** , and the residence of any person requesting conservatorship of, possession of, or access to the child[ren]] and any issue or question relating to the suit at the request of the Court before or during the evaluation process.

23.L. Psychological or Psychiatric Evaluation
TRCP 204.4

Ordering the [psychological/psychiatric] evaluation of [**name[s]**] and the child[ren].

23.M. Parent Education and Family Stabilization Course
§ 105.009

Ordering the parties to attend a parent education and family stabilization course.

23.N. Parenting Coordinator/ Facilitator
§§ 153.605(a), (b), 153.6051(a), (b)

Appointing a parenting [coordinator/facilitator/coordinator or facilitator]. [This case is a high-conflict case./There is good cause for appointment of a parenting [coordinator/facilitator/coordinator or facilitator] in that [**specify good cause**], and the appointment would be in the best interest of the child[ren].]

23.O. Appointment of Ad Litem or Amicus
§§ 107.001, 107.021

Appointing a guardian ad litem to represent the best interests of the child[ren].

Or

Appointing an attorney ad litem to provide legal services for the child[ren].

Or

Appointing an amicus attorney to provide legal services necessary to assist the Court in protecting the best interests of the child[ren].

23.P. Tax Returns
§ 154.063

Ordering Respondent to produce copies of income tax returns for tax years [**years**], a financial statement, and current pay stubs by a date certain.

24. Temporary Interim Attorney's Fees and Support

24. Request for Interim Attorney's Fees and Temporary Support

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders and issue any appropriate temporary injunctions regarding attorney's fees and support as deemed necessary and equitable, including but not limited to the following:

Include 24.A.–24.D. as applicable.

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24.A. Request for Attorney's Fees and Expenses
§ 6.502(4)

Petitioner requests that Respondent be ordered to pay reasonable interim attorney's fees and expenses, including but not limited to fees for appraisals, accountants, actuaries, and so forth. Petitioner is not in control of sufficient community assets to pay attorney's fees and anticipated expenses.

24.B. Temporary Support
§ 6.502(2)

Petitioner has insufficient income for support, and Petitioner requests the Court to order Respondent to make payments for the support of Petitioner until a final decree is signed.

24.C. Income Taxes

Petitioner requests that Respondent be ordered to pay estimated income taxes on the due dates as required by the Internal Revenue Service and under the Social Security numbers of both Petitioner and Respondent.

24.D. Property Taxes and Insurance

Petitioner requests that Respondent be ordered to pay any ad valorem taxes and insurance premiums as due on [the properties of the parties/the following property: [**list property**]].

25. Temporary Orders for Discovery and Ancillary Relief

25. Request for Temporary Orders for Discovery and Ancillary Relief

Petitioner requests the Court, after notice and hearing, for the preservation of the property and protection of the parties, to make temporary orders for discovery and ancillary relief as deemed necessary and equitable, including but not limited to the following:

Include 25.A.–25.E. as applicable.

25.A. Inventory and Appraisement
§ 6.502(1)

Ordering Respondent to provide a sworn inventory and appraisement of all the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties substantially in the form and detail prescribed by the current edition of *Texas Family Law Practice Manual*, form 7-1.

25.B. Copies of Tax Information
§ 6.502(3)

Ordering Respondent to produce copies of all the information necessary to prepare Petitioner's tax returns[s] for tax year[s] [**year[s]**], including tax returns and all supporting schedules for tax year[s] [**year[s]**], by a date certain.

25.C. ADR Participation
§§ 6.601–.602, 153.0071; TCPRC § 154.021

Ordering the parties to participate in an alternative dispute resolution process before trial of this matter.

25.D. Execution of Releases

Ordering Respondent to execute all necessary releases required by Petitioner to obtain any discovery allowed by the Texas Rules of Civil Procedure.

Include the following if applicable.

Ordering Respondent to execute all necessary releases pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508 to permit Petitioner to obtain health-care information regarding the child[ren].

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Ordering Respondent to execute for all health-care providers of the child[ren] an authorization for disclosure of protected health information to Petitioner pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508.

Ordering Respondent to designate Petitioner as a person to whom protected health information regarding the child[ren] may be disclosed whenever Respondent executes an authorization for disclosure of protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508.

25.E. Pretrial Conference
TRCP 166

Ordering a pretrial conference to simplify the issues in this case and determine the stipulations of the parties and for any other matters the Court deems appropriate.

Include 26. if applicable.

26. Request for Permanent Injunction

26. Request for Permanent Injunction

Petitioner requests the Court, after trial on the merits, to grant the following permanent injunction[s]: [**specify**].

27. Change of Name
§ 6.706

27. Request for Change of Name

Petitioner requests a change of name to [**first, middle, and last names as they should appear in the decree**].

For request for temporary orders pending appeal, see form 3-47.

28. Attorney's Fees, Expenses, Costs, and Interest

28. Attorney's Fees, Expenses, Costs, and Interest

28.A. Suit with No Child[ren]

It was necessary for Petitioner to secure the services of [**name of attorney**], a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney; or, in the alternative, Petitioner requests that reasonable attorney's fees, expenses, and costs through trial and appeal be taxed as costs and be ordered paid directly to Petitioner's attorney, who may enforce the order in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

Or

28.B. Suit with Child[ren]
§ 106.002

It was necessary for Petitioner to secure the services of [**name of attorney**], a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, and for services rendered in connection with conservatorship and support of the child[ren], judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Respondent and in favor of Petitioner for the use and benefit of Petitioner's attorney and be ordered paid directly to Peti-

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tioner's attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

29. Prayer

29. Prayer

- *Required in All Petitions*

Petitioner prays that citation and notice issue as required by law and that the Court grant a divorce and all other relief requested in this petition.

If a TRO is requested, continue with the following.

- *Combined TRO and Temporary Injunction*

Petitioner prays that the Court immediately grant a temporary restraining order restraining Respondent, in conformity with the allegations of this petition, from the acts set forth above, and Petitioner prays that, after notice and hearing, this temporary restraining order be made a temporary injunction.

The following is required *only* if a temporary injunction is desired that requests relief in addition to the making of the TRO into a temporary injunction or if there is not a TRO and a temporary injunction is desired.

- *Temporary Injunction*

Petitioner prays that the Court, [**include if applicable:** in addition to the temporary restraining order and temporary injunction prayed for above,] after notice and hearing, grant a temporary injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above while this case is pending.

If a permanent injunction is requested, continue with the following.

- *Permanent Injunction*

Petitioner prays that, on final hearing, the Court enter a permanent injunction enjoining Respondent, in conformity with the allegations of this petition, from the acts set forth above.

Include the following as applicable.

- *Change of Name*

Petitioner prays that Petitioner's name be changed as requested above.

And/Or

- *Temporary Relief Pending Appeal*

Petitioner prays that the Court grant the temporary relief pending appeal if the Court's final judgment is appealed, as requested above.

- *Attorney's Fees*

Petitioner prays for attorney's fees, expenses, costs, and interest as requested above.

And/Or

- *Request for Jury Trial*

Petitioner requests a jury trial and pays the jury fee of $[**amount**].

Continue with the following.

- *Required in All Petitions*

Petitioner prays for general relief.

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[**Name**]
Attorney for Petitioner
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

If this is a counterpetition and a TRO is requested, include this certificate.

Select one of the following.

To the best of my knowledge the party against whom relief is sought is not represented by counsel in the matter made the basis of this suit.

Or

Counsel for the opposing party has been notified of this application and does not wish to be heard on this matter.

Or

Counsel presenting this application has made diligent attempts to notify opposing counsel and has been unable to do so, and circumstances do not permit additional efforts to give notice.

[**Name**]
Attorney for Counterpetitioner

Attach any affidavits, statements, or exhibits as required by the pleadings.

For affidavit providing information required under the UCCJEA, see form 56-1.

For statement regarding health and dental insurance information required under Tex. Fam. Code §§ 154.181(b) and 154.1815(c), see form 56-2.

For affidavit for citation by publication, see form 3-2; for affidavit for citation by other substituted service, see form 8-23.

For affidavit language for extraordinary relief, see form 3-2.

To seek writ authorizing entry to residence to retrieve personal property under Tex. Prop. Code ch. 24A, see form 64-1.

For initial disclosures required by Tex. R. Civ. P. 194 (generally within thirty days after filing of the first answer or general appearance), see form 5-18.

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Form 3-2

This form may be used as a basis for obtaining service of citation by publication and as a basis for obtaining extraordinary relief or an ex parte eviction. The affidavit should state the basis for the affiant's personal knowledge of the facts alleged. See the practice notes at section 8.58 concerning affidavits generally.

Tex. R. Civ. P. 99 and 103–119 and Tex. Fam. Code §§ 6.409, 102.009, 102.010 govern the requirements of citation and notice. Citation is required only once. Tex. R. Civ. P. 109 requires an affidavit for citation by publication.

Except on a verified pleading or an affidavit in accordance with the Texas Rules of Civil Procedure, an order may not be entered attaching the body of the child, taking the child into the possession of the court or of a person designated by the court, or excluding a parent from possession of or access to a child. Tex. Fam. Code § 105.001(c).

Except as provided in Texas Family Code title 4, an order may not be entered that evicts, ex parte, a party from the party's residence. Tex. Fam. Code § 6.501(b)(2)(A). For this relief, it is required that the applicant file a sworn affidavit *and* appear *in person* at an ex parte hearing. Tex. Fam. Code § 83.006(a).

Section 152.209 requires that certain information be given by supporting affidavit in any child custody proceeding if any party resides outside Texas. Tex. Fam. Code § 152.209. See form 56-1 for an affidavit for this purpose.

An unsworn declaration may be used in place of an affidavit. See section 8.58 and form 8-27.

Include the following notice if a minor is named in the caption or if the affidavit contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Petitioner's Supporting Affidavit

[**Name of petitioner**] appeared in person before me today and stated under oath:

"My name is [**name of petitioner**]. I am above the age of eighteen 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.

"I am the Petitioner in this case.

1. Citation by Publication

Allege specific facts showing due diligence regarding attempts at personal service and continue with one of the following.

1.A. Residence Unknown
TRCP 109

"The residence of [**name of person entitled to citation**], a party in this case, is unknown to me. I have exercised due diligence to locate the whereabouts of this party and have been unable to do so.["]

Or

1.B. Transient
TRCP 109

"[**Name of person entitled to citation**], a party in this case, is a transient person. I have exercised due diligence to locate the whereabouts of this party and have been unable to do so.["]

Or

1.C. Absent from State
TRCP 109

"[**Name of person entitled to citation**], a party in this case, is absent from the state. I have attempted to obtain personal service of nonresident notice on this party as provided for in rule 108 of the Texas Rules of Civil Procedure and have been unable to do so.["]

Or

1.D. Nonresident
TRCP 109

"[**Name of person entitled to citation**], a party in this case, is a nonresident of this state. I have attempted to obtain personal service of nonresident

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notice on this party as provided for in rule 108 of the Texas Rules of Civil Procedure and have been unable to do so.["]

Include 1.E. if applicable.

1.E. No Parent-Child Relationship
§ 6.409(d)

1.E.1. No Child

"There is no child born or adopted of the marriage of Petitioner and Respondent, and none is expected.["]

Or

1.E.2. No Child under 18

"There is no child now under eighteen years of age who was born or adopted of the marriage of Petitioner and Respondent, and none is expected.["]

Include 1.F. if applicable.

1.F. No Appreciable Property
§ 6.409(e)

"No appreciable amount of property was accumulated by Petitioner and Respondent during the marriage.["]

2. Extraordinary Relief
§ 105.001(c)

If extraordinary relief is sought regarding attaching a child, taking a child into the possession of the court or of a person designated by the court, or excluding a parent from the possession of a child, then, placing the statements in quotation marks, describe in detail, in the words of the affiant, the specific acts and threats of the respondent about harm to the child(ren) or removal of the child(ren). State facts that will inform the court who is principally caring for the child(ren) at this time.

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3. Ex Parte Eviction
§§ 6.503, 83.006, 85.021(2)

> If extraordinary relief is sought regarding an ex parte eviction from the person's residence, then, placing the statements in quotation marks, describe in detail the facts and circumstances requiring the exclusion of the person from the residence, including all requirements of Tex. Fam. Code §§ 83.006 and 85.021(2).

_____
[Name of petitioner]

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

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Form 3-3

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Temporary Restraining Order and Order Setting Hearing for Temporary Orders

The application of Petitioner, [**name of petitioner**], for temporary restraining order was presented to the Court today. Respondent is [**name of respondent**].

Include the following if applicable.

The child[ren] the subject of this suit [is/are] [**name[s] of child[ren]**].

Continue with the following.

1. Temporary Restraining Order
§ 6.501

The Court examined the pleadings [**include if section 105.001(c) relief is sought:** and affidavit] of Petitioner and finds that Petitioner is entitled to a temporary restraining order.

1.A. Conduct Restrained

IT IS THEREFORE ORDERED that the clerk of this Court issue a temporary restraining order restraining Respondent, and Respondent is immediately restrained, from:

Select as required by petition.

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1. *Communicating with Petitioner in Offensive Manner*
§ 6.501(a)(1)

1. Intentionally communicating with Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm Petitioner.

And/Or

2. *Threatening Petitioner*
§ 6.501(a)(2)

2. Threatening Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm Petitioner.

And/Or

3. *Harassing Petitioner by Telephone*
§ 6.501(a)(3)

3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm Petitioner.

And/Or

4. *Injuring Petitioner*
§ 6.501(a)(4)

4. Intentionally, knowingly, or recklessly causing bodily injury to Petitioner [**include if applicable:** or to a child of either party].

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And/Or

5. *Threatening Bodily Harm*
§ 6.501(a)(5)

5. Threatening Petitioner [**include if applicable:** or a child of either party] with imminent bodily injury.

And/Or

6. *Destroying Property*
§ 6.501(a)(6)

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party [**include if applicable:** and the child[ren] of the marriage].

And/Or

7. *Falsifying Records*
§ 6.501(a)(7)

7. Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.

And/Or

8. *Concealing Property*
§ 6.501(a)(8)

8. Intentionally misrepresenting or refusing to disclose to Petitioner or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

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And/Or

9. Damaging Property
§ 6.501(a)(9)

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

And/Or

10. Tampering with Property
§ 6.501(a)(10)

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to Petitioner.

And/Or

11. Alienating Property
§ 6.501(a)(11)(A)

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real property, or intellectual property, and whether separate or community property, except as specifically authorized by this order.

And/Or

12. Incurring Debts
§ 6.501(a)(11)(B)

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.

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And/Or

13. Withdrawing Funds
§ 6.501(a)(11)(C)

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

And/Or

14. Spending Funds
§ 6.501(a)(11)(D)

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

And/Or

15. Withdrawing Employee Benefits
§ 6.501(a)(11)(E)

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order.

And/Or

16. Brokerage and Investment Accounts

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether

the accounts are self-managed or managed by a third party, except as specifically authorized in this order.

And/Or

17. Withdrawing Insurance Value
§ 6.501(a)(11)(F)

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party [**include if applicable:** or a child of the parties], except as specifically authorized by this order.

And/Or

18. Entering Safe-Deposit Box
§ 6.501(a)(12)

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

And/Or

19. Changing Life Insurance Beneficiary
§ 6.501(a)(13)

19. Changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party [**include if applicable:** or a child of the parties].

And/Or

20. Affecting Insurance
§ 6.501(a)(14)

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the

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parties' property or persons [**include if applicable:** , including a child of the parties].

And/Or

21. *Opening or Diverting Mail*
§ 6.501(a)(15)

21. Opening or diverting mail or e-mail or any other electronic communication addressed to Petitioner.

And/Or

22. *Signing or Endorsing Petitioner's Name*
§ 6.501(a)(16)

22. Signing or endorsing Petitioner's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to Petitioner without the personal signature of Petitioner.

And/Or

23. *Terminating or Limiting Credit Cards*
§ 6.501(a)(17)

23. Taking any action to terminate or limit credit or charge cards in the name of Petitioner.

And/Or

24. *Changing Tax Withholding*
§ 6.501(a)(18)

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

And/Or

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25. Destroying Financial Records
§ 6.501(a)(19)

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.

And/Or

26. Destroying Electronic Records
§ 6.501(a)(20)

26. Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

And/Or

27. Modifying Electronic Data
§ 6.501(a)(21)

27. Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

And/Or

28. Deleting Social Network Data
§ 6.501(a)(22)

28. Deleting any data or content from any social network profile used or created by either party [**include if applicable:** or a child of the parties].

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And/Or

29. *Using Password or PIN*
§ 6.501(a)(23)

29. Using any password or personal identification number to gain access to Petitioner's e-mail account, bank account, social media account, or any other electronic account.

And/Or

30. *Affecting Utility Service and Deposits*
§ 6.501(a)(24)

30. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at [**full address**] or in any manner attempting to withdraw any deposits for service in connection with any of those services.

And/Or

31. *Excluding Petitioner from Residence*
§ 6.501(a)(25)

31. Excluding Petitioner from the use and enjoyment of the residence located at [**address, city, state**].

And/Or

32. *Interfering with Motor Vehicle*
§ 6.501(a)(26)

32. Entering, operating, or exercising control over the [**year, make, and model of motor vehicle**] [**include if applicable:** or any motor vehicle] in the possession of Petitioner.

Continue with the following if applicable.

33. *Disturbing Child[ren] or Another Party § 105.001(a)(3)*

33. Disturbing the peace of the child[ren] or of another party.

And/Or

34. *Withdrawing Child[ren] from School or Day Care*

34. Withdrawing the child[ren] from enrollment in the school or day-care facility where the child[ren] [is/are] presently enrolled.

And/Or

35. *Hiding Child[ren] from Petitioner*

35. Hiding or secreting the child[ren] from Petitioner.

And/Or

36. *Disparaging Remarks*

36. Making disparaging remarks regarding Petitioner [**include if applicable:** or Petitioner's family] in the presence or within the hearing of the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

37. *Consumption of Alcohol*

37. Consuming alcohol within the [**number**] hours before or during each of Respondent's periods of possession of or access to the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

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38. Unrelated Adult in Residence Overnight

38. Permitting an unrelated adult with whom Respondent has an intimate or dating relationship to remain in the same residence with the child[ren] between the hours of [**time**] P.M. and [**time**] A.M.

1.B. Respondent's Authorizations

IT IS FURTHER ORDERED that Respondent is authorized only as follows:

1. Spending for Living Expenses

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

2. Spending for Legal Fees

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

3. Withdrawing Funds

To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

Include item 4. if applicable.

4. Operating Business

To engage in acts reasonable and necessary to conduct Respondent's usual business and occupation.

Continue with the following.

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1.C. Definitions

For purposes of this order, "personal property" includes, but is not limited to, the following:

a. cash, checks, traveler's checks, and money orders;

b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;

c. funds and assets held in brokerage, mutual fund, and other investment accounts;

d. publicly traded stocks, bonds, and other securities;

e. stock options and restricted stock units;

f. bonuses;

g. closely held business interests;

h. retirement benefits and accounts;

i. deferred compensation benefits;

j. insurance policies, annuities, and health savings accounts;

k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;

l. money owed to one or both parties, including notes and expected income tax refunds;

m. household furniture, furnishings, and fixtures;

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n. electronics and computers;

o. antiques, artwork, and collections;

p. sporting goods and firearms;

q. jewelry and other personal items;

r. pets and livestock;

s. club memberships;

t. travel award benefits and other award accounts;

u. crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/ winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;

v. digital assets such as e-mail addresses, social network accounts, websites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;

w. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;

x. safe-deposit boxes and their contents;

y. storage facilities and their contents; and

z. contingent assets.

1.D. Required in All Restraining Orders

This restraining order is effective immediately and shall continue in force and effect until further order of this Court or until it expires by operation of law. This order shall be binding on Respondent; on Respondent's agents, servants, and employees; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

> Include appropriate language if relief is sought under Tex. Fam. Code § 105.001(c) (attachment of child(ren), taking possession of child(ren), or excluding respondent from child(ren)).

> *Do not* use this order for an ex parte eviction of a party from the party's residence. Such an order must meet the requirements of Tex. Fam. Code §§ 82.005, 83.006, and 85.021(2). It must be a separate document entitled "Protective Order." Tex. Fam. Code § 85.004. See form 17-2.

2. Hearing for Temporary Relief

IT IS FURTHER ORDERED that the clerk shall issue notice to Respondent, [**name of respondent**], to appear, and Respondent is ORDERED to appear in person, [**include if applicable:** and to furnish information sufficient to accurately identify Respondent's net resources and ability to pay child support and to bring with [him/her] tax returns for the past two years, a financial information statement substantially in the form and detail prescribed by the current edition of *Texas Family Law Practice Manual*, form 4-2, and pay stubs for the past three months. IT IS ORDERED that Respondent shall appear with those documents] before this Court in the courthouse at [**address, city**], Texas, on _____ at _____ __.M. The purpose of the hearing is to determine whether, while this case is pending:

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Select items 1.–32. as required by petition.

1. *T.R.O. Made Temporary Injunction*

Caution: The federal Violence against Women Act prohibits the possession of a firearm or ammunition by a person prohibited by court order from committing family violence or threats of family violence. *See* 18 U.S.C. § 922(g)(8). The standard Texas injunction language set out in items 2., 4., and 5. of the preceding T.R.O., if incorporated in a temporary injunction, could subject a person subject to such an injunction to federal prosecution if the person is in possession of a firearm or ammunition.

1. The preceding temporary restraining order should be made a temporary injunction pending final hearing.

2. *Temporary Injunction*

2. The additional temporary injunction prayed for should be granted.

3. *Exclusive Use and Possession of Residence*

3. Petitioner should be awarded the exclusive use and possession of the residence located at [**street address, city, state**], as well as the furniture, furnishings, and other personal property at that residence, while this case is pending, and Respondent should be enjoined from entering or remaining on the premises of the residence and exercising possession or control of any of this personal property, except as authorized by order of this Court.

4. *Exclusive Use and Control of Motor Vehicle*

4. Petitioner should be awarded exclusive use and control of [**year, make, and model of motor vehicle**], and Respondent should be enjoined from entering, operating, or exercising control over it.

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5. Exclusive Use of Other Property

5. Petitioner should be awarded the exclusive use of the following property, and Respondent should be enjoined from exercising possession or control of any of this property: [**list property**].

6. Temporary Managing Conservator[s]

6. Petitioner and Respondent should be appointed temporary joint managing conservators [**include if applicable:** , and Petitioner should be designated as the conservator who has the exclusive right to designate the primary residence of the child[ren]].

Or

6. Petitioner should be appointed temporary sole managing conservator.

7. Payment of Child Support

7. Respondent should be ordered to provide support for the child[ren], including the payment of child support and medical and dental support in the manner specified by the Court, while this case is pending.

8. Temporary Possessory Conservator

8. Petitioner should be appointed temporary possessory conservator.

9. Electronic Communication § 153.015(b)

9. The Court should order reasonable periods of electronic communication between the child[ren] and Petitioner to supplement Petitioner's periods of possession of the child[ren].

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10. Military Duty
§§ 153.701–.707

a. Military Duty of Petitioner

10. If Petitioner is awarded the exclusive right to designate the primary residence of the child[ren], the Court should appoint [**name**] the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Petitioner's [military deployment/military mobilization/ temporary military duty] or, if Respondent is appointed the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Petitioner's [military deployment/military mobilization/ temporary military duty], the Court should award to [**name**] the same visitation to which Respondent is entitled immediately before the temporary order.

If Petitioner is not awarded the exclusive right to designate the primary residence of the child[ren], in addition to a possession order for Petitioner, the Court should award to [**name**] the same visitation to which Petitioner would be entitled if not ordered to [military deployment/military mobilization/temporary military duty].

Or

b. Military Duty of Respondent

10. If Petitioner is not awarded the exclusive right to designate the primary residence of the child[ren], the Court should appoint Petitioner the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Respondent's [military deployment/military mobilization/temporary military duty].

Include the following paragraph if applicable.

c. Testimony & Evidence by Electronic Means

After reasonable advance notice and for good cause shown, the Court should allow Petitioner to present testimony and evidence by electronic means, including by teleconference or through the Internet.

11. Residence Restriction §§ 105.001(a)(1), (4), 153.134(b)(1)(A)

11. The primary residence of the child[ren] should be restricted to [**geographic area**].

12. School Enrollment § 105.001(a)

12. [Petitioner should be awarded the exclusive right to enroll the child[ren] in school./The parties should be ordered to enroll the child[ren] in the public schools for the attendance zone of Petitioner's residence./The parties should be ordered to enroll the child[ren] as follows: [**name of child**] in [**name and address of school**] as long as the child is eligible to attend that school [**repeat for each child if more than one**].]

13. Travel Restriction § 105.001(a)(4)

13. Respondent should be enjoined from removing the child[ren] beyond [**geographic area**], acting directly or in concert with others.

14. Denial or Restriction of Possession or Access § 153.004(d),(d–1), (e)

14. Respondent should be denied access to the child[ren] or, alternatively, the Court should render a possession order [in accordance with section 153.004(d–1)(2) of the Texas Family Code/providing that Respondent's periods of visitation be continuously supervised]. [**If Tex. Fam. Code**

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§§ 153.501–.503 (international abduction risk) apply, see form 55-1 for further restrictions.]

15. Child Custody Evaluation

15. The Court should order the preparation of a child custody evaluation regarding the circumstances and condition of the child[ren] [,/and] the parties [**include if applicable:** , and the residence of any person requesting conservatorship of, possession of, or access to the child[ren]] and any issue or question relating to the suit at the request of the Court before or during the evaluation process.

16. Psychological or Psychiatric Evaluation

16. The Court should order the [psychological/psychiatric] evaluation of [**name[s]**] and the child[ren].

17. Parent Education and Family Stabilization Course
§ 105.009

17. The Court should order the parties to attend a parent education and family stabilization course.

18. Parenting Coordinator/ Facilitator
§§ 153.605(a), (b), 153.6051(a), (b)

18. The Court should appoint a parenting [coordinator/facilitator/ coordinator or facilitator].

19. Appointment of Ad Litem or Amicus

19. The Court should appoint a guardian ad litem to represent the best interests of the child[ren].

Or

19. The Court should appoint an attorney ad litem to provide legal services for the child[ren].

Or

19. The Court should appoint an amicus attorney to provide legal services necessary to assist the Court in protecting the best interests of the child[ren].

20. Temporary Support

20. The Court should order Respondent to pay support to Petitioner until a final decree is signed.

21. Tax Returns

21. The Court should order Respondent to produce copies of income tax returns for tax years [**years**], a financial statement, and current pay stubs by a date certain.

22. Attorney's Fees and Expenses

22. The Court should order Respondent to pay reasonable interim attorney's fees and expenses.

23. Income Taxes

23. The Court should order Respondent to pay estimated income taxes on the due dates as required by the Internal Revenue Service and under the Social Security numbers of both Petitioner and Respondent.

24. Property Taxes and Insurance

24. The Court should order Respondent to pay any ad valorem taxes and insurance premiums as due on [the properties of the parties/the following property: [**list property**]].

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25. Inventory and Appraisement

25. The Court should order Respondent to provide a sworn inventory and appraisement of all the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties substantially in the form and detail prescribed by the current edition of *Texas Family Law Practice Manual*, form 7-1.

26. Copies of Income Tax Returns

26. The Court should order Respondent to produce copies of all the tax information necessary to prepare Petitioner's tax return[s] for tax year[s] [**year[s]**], including tax returns and all supporting schedules for year[s] [**year[s]**], by a date certain.

27. ADR Participation

27. The Court should order [Respondent/the parties] to participate in an alternative dispute resolution process before trial of this matter.

28. Execution of Releases

28. The Court should order Respondent to execute all necessary releases required by Petitioner to obtain any discovery allowed by the Texas Rules of Civil Procedure.

29. Execution of HIPAA Releases

29. The Court should order Respondent to execute all necessary releases pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508 to permit Petitioner to obtain health-care information regarding the child[ren].

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30. Execution of HIPAA Authorizations

30. The Court should order Respondent to execute for all health-care providers of the child[ren] an authorization for disclosure of protected health information to Petitioner pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508.

31. Designation of Petitioner in HIPAA Authorizations

31. The Court should order Respondent to designate Petitioner as a person to whom protected health information regarding the child[ren] may be disclosed whenever Respondent executes an authorization for disclosure of protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508.

32. Pretrial Conference

32. The Court should order a pretrial conference to simplify the issues in this case and determine the stipulations of the parties and for any other matters the Court deems appropriate.

Include item 33. if applicable.

33. Other Relief

33. The Court should make all other and further orders respecting the property and the parties that are pleaded for or that are deemed necessary and equitable [**include if applicable:** and for the safety and welfare of the child[ren]].

SIGNED on _____ at _____ __.M.

_____

JUDGE PRESIDING

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For temporary orders, see form 4-3.

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Form 3-4

This form is not needed if form 3-3 requesting a temporary restraining order is used.

Include the following notice if a minor is named in the caption or if the notice of hearing contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Hearing for Temporary Orders and Order to Appear

Notice is given to Respondent, [**name of respondent**], and Respondent is ORDERED to appear in person [**include if applicable:** and to furnish information sufficient to accurately identify Respondent's net resources and ability to pay child support and to bring with [him/her] tax returns for the past two years, a financial information statement substantially in the form and detail prescribed by the current edition of *Texas Family Law Practice Manual*, form 4-2, and pay stubs for the past three months. IT IS ORDERED that Respondent shall appear with those documents] before this Court in the courthouse at [**address, city**], Texas, on _____ at _____ __.M. Petitioner is [**name of petitioner**].

Include the following if applicable.

The child[ren] the subject of this suit [is/are] [**name[s] of child[ren]**].

Continue with the following.

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1. Temporary Injunction

One of the purposes of the hearing is to determine whether the temporary injunction prayed for should be granted to enjoin Respondent from the following:

Select as required by petition.

Caution: The federal Violence against Women Act prohibits the possession of a firearm or ammunition by a person prohibited by court order from committing family violence or threats of family violence. *See* 18 U.S.C. § 922(g)(8). The standard Texas injunction language set out in items 2., 4., and 5. below could subject a person subject to such an injunction to federal prosecution if the person is in possession of a firearm or ammunition.

1. Communicating with Petitioner in Offensive Manner

1. Intentionally communicating with Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm Petitioner.

And/Or

2. Threatening Petitioner

2. Threatening Petitioner in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm Petitioner.

And/Or

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3. *Harassing Petitioner by Telephone*

3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm Petitioner.

And/Or

4. *Injuring Petitioner*

4. Intentionally, knowingly, or recklessly causing bodily injury to Petitioner [**include if applicable:** or to a child of either party].

And/Or

5. *Threatening Bodily Harm*

5. Threatening Petitioner [**include if applicable:** or a child of either party] with imminent bodily injury.

And/Or

6. *Destroying Property*

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party [**include if applicable:** and the child[ren] of the marriage].

And/Or

7. *Falsifying Records*

7. Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.

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And/Or

8. Concealing Property

8. Intentionally misrepresenting or refusing to disclose to Petitioner or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

And/Or

9. Damaging Property

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

And/Or

10. Tampering with Property

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to Petitioner.

And/Or

11. Alienating Property

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real property, or intellectual property, and whether separate or community property, except as specifically authorized by order of this Court.

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And/Or

12. Incurring Debts

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by order of this Court.

And/Or

13. Withdrawing Funds

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by order of this Court.

And/Or

14. Spending Funds

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by order of this Court.

And/Or

15. Withdrawing Employee Benefits

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by order of this Court.

And/Or

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16. Brokerage and Investment Accounts

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by order of this Court.

And/Or

17. Withdrawing Insurance Value

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party [**include if applicable:** or a child of the parties], except as specifically authorized by order of this Court.

And/Or

18. Entering Safe-Deposit Box

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

And/Or

19. Changing Life Insurance Beneficiary

19. Changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party [**include if applicable:** or a child of the parties].

And/Or

20. Affecting Insurance

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons [**include if applicable:** , including a child of the parties].

And/Or

21. Opening or Diverting Mail

21. Opening or diverting mail or e-mail or any other electronic communication addressed to Petitioner.

And/Or

22. Signing or Endorsing Petitioner's Name

22. Signing or endorsing Petitioner's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to Petitioner without the personal signature of Petitioner.

And/Or

23. Terminating or Limiting Credit Cards

23. Taking any action to terminate or limit credit or charge cards in the name of Petitioner.

And/Or

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24. Changing Tax Withholding

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

And/Or

25. Destroying Financial Records

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.

And/Or

26. Destroying Electronic Records

26. Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

And/Or

27. Modifying Electronic Data

27. Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

And/Or

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28. Deleting Social Network Data

28. Deleting any data or content from any social network profile used or created by either party [**include if applicable:** or a child of the parties].

And/Or

29. Using Password or PIN

29. Using any password or personal identification number to gain access to Petitioner's e-mail account, bank account, social media account, or any other electronic account.

And/Or

30. Affecting Utility Service and Deposits

30. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at [**full address**] or in any manner attempting to withdraw any deposits for service in connection with any of those services.

And/Or

31. Excluding Petitioner from Residence

31. Excluding Petitioner from the use and enjoyment of the residence located at [**address, city, state**].

And/Or

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32. Interfering with Motor Vehicle

32. Entering, operating, or exercising control over the [**year, make, and model of motor vehicle**] [**include if applicable:** or any motor vehicle] in the possession of Petitioner.

Continue with the following if applicable.

33. Disturbing Child[ren] or Another Party

33. Disturbing the peace of the child[ren] or of another party.

And/Or

34. Withdrawing Child[ren] from School or Day Care

34. Withdrawing the child[ren] from enrollment in the school or day-care facility where the child[ren] [is/are] presently enrolled.

And/Or

35. Hiding Child[ren] from Petitioner

35. Hiding or secreting the child[ren] from Petitioner.

And/Or

36. Disparaging Remarks

36. Making disparaging remarks regarding Petitioner [**include if applicable:** or Petitioner's family] in the presence or within the hearing of the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

37. Consumption of Alcohol

37. Consuming alcohol within the [**number**] hours before or during each of Respondent's periods of possession of or access to the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

38. Unrelated Adult in Residence Overnight

38. Permitting an unrelated adult with whom Respondent has an intimate or dating relationship to remain in the same residence with the child[ren] between the hours of [**time**] P.M. and [**time**] A.M.

2. Temporary Orders

Another purpose of this hearing is to determine whether, while this case is pending, the Court should make temporary orders, as necessary and equitable, on the following matters:

Select items 1.–30. as required by petition.

1. Exclusive Use and Possession of Residence

1. Petitioner should be awarded the exclusive use and possession of the residence located at [**street address, city, state**], as well as the furniture, furnishings, and other personal property at that residence, while this case is pending, and Respondent should be enjoined from entering or remaining on the premises of the residence and exercising possession or control of any of this personal property, except as authorized by order of this Court.

2. Exclusive Use and Control of Motor Vehicle

2. Petitioner should be awarded exclusive use and control of [**year, make, and model of motor vehicle**], and Respondent should be enjoined from entering, operating, or exercising control over it.

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3. *Exclusive Use of Other Property*

3. Petitioner should be awarded the exclusive use of the following property, and Respondent should be enjoined from exercising possession or control of any of this property: [**list property**].

4. *Temporary Managing Conservator[s]*

4. Petitioner and Respondent should be appointed temporary joint managing conservators [**include if applicable:** , and Petitioner should be designated as the conservator who has the exclusive right to designate the primary residence of the child[ren]].

Or

4. Petitioner should be appointed temporary sole managing conservator.

5. *Payment of Child Support*

5. Respondent should be ordered to provide support for the child[ren], including the payment of child support and medical and dental support in the manner specified by the Court, while this case is pending.

6. *Temporary Possessory Conservator*

6. Petitioner should be appointed temporary possessory conservator.

7. *Electronic Communication § 153.015(b)*

7. The Court should order reasonable periods of electronic communication between the child[ren] and Petitioner to supplement Petitioner's periods of possession of the child[ren].

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8. Military Duty
§§ 153.701–.707

a. Military Duty of Petitioner

8. If Petitioner is awarded the exclusive right to designate the primary residence of the child[ren], the Court should appoint [**name**] the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Petitioner's [military deployment/military mobilization/ temporary military duty] or, if Respondent is appointed the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Petitioner's [military deployment/military mobilization/ temporary military duty], the Court should award to [**name**] the same visitation to which Respondent is entitled immediately before the temporary order.

If Petitioner is not awarded the exclusive right to designate the primary residence of the child[ren], in addition to a possession order for Petitioner, the Court should award to [**name**] the same visitation to which Petitioner would be entitled if not ordered to [military deployment/military mobilization/temporary military duty].

Or

b. Military Duty of Respondent

8. If Petitioner is not awarded the exclusive right to designate the primary residence of the child[ren], the Court should appoint Petitioner the designated person to exercise the exclusive right to designate the primary residence of the child[ren] during Respondent's [military deployment/military mobilization/temporary military duty].

Include the following paragraph if applicable.

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c. *Testimony & Evidence by Electronic Means*

After reasonable advance notice and for good cause shown, the Court should allow Petitioner to present testimony and evidence by electronic means, including by teleconference or through the Internet.

9. *Residence Restriction §§ 105.001(a)(1), (4), 153.134(b)(1)(A)*

9. The primary residence of the child[ren] should be restricted to [**geographic area**].

10. *School Enrollment § 105.001(a)*

10. [Petitioner should be awarded the exclusive right to enroll the child[ren] in school./The parties should be ordered to enroll the child[ren] in the public schools for the attendance zone of Petitioner's residence./The parties should be ordered to enroll the child[ren] as follows: [**name of child**] in [**name and address of school**] as long as the child is eligible to attend that school [**repeat for each child if more than one**].]

11. *Travel Restriction § 105.001(a)(4)*

11. Respondent should be enjoined from removing the child[ren] beyond [**geographic area**], acting directly or in concert with others.

12. *Denial or Restriction of Possession or Access § 153.004(d), (d–1), (e)*

12. Respondent should be denied access to the child[ren] or, alternatively, the Court should render a possession order [in accordance with section 153.004(d–1)(2) of the Texas Family Code/providing that Respondent's peri-

ods of visitation be continuously supervised]. [**If Tex. Fam. Code §§ 153.501–.503 (international abduction risk) apply, see form 55-1 for further restrictions.**]

13. Child Custody Evaluation

13. The Court should order the preparation of a child custody evaluation regarding the circumstances and condition of the child[ren] [,/and] the parties [**include if applicable:** , and the residence of any person requesting conservatorship of, possession of, or access to the child[ren]] and any issue or question relating to the suit at the request of the Court before or during the evaluation process.

14. Psychological or Psychiatric Evaluation

14. The Court should order the [psychological/psychiatric] evaluation of [**name[s]**] and the child[ren].

15. Parent Education and Family Stabilization Course
§ 105.009

15. The Court should order the parties to attend a parent education and family stabilization course.

16. Parenting Coordinator/ Facilitator
§§ 153.605(a), (b), 153.6051(a), (b)

16. The Court should appoint a parenting [coordinator/facilitator/ coordinator or facilitator].

17. Appointment of Ad Litem or Amicus

17. The Court should appoint a guardian ad litem to represent the best interests of the child[ren].

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Or

17. The Court should appoint an attorney ad litem to provide legal services for the child[ren].

Or

17. The Court should appoint an amicus attorney to provide legal services necessary to assist the Court in protecting the best interests of the child[ren].

18. Tax Returns

18. The Court should order Respondent to produce copies of income tax returns for tax years [**years**], a financial statement, and current pay stubs by a date certain.

19. Request for Temporary Support

19. The Court should order Respondent to pay support to Petitioner until a final decree is signed.

20. Request for Attorney's Fees and Expenses

20. The Court should order Respondent to pay reasonable interim attorney's fees and expenses.

21. Income Taxes

21. The Court should order Respondent to pay estimated income taxes on due dates as required by the Internal Revenue Service and under the Social Security numbers of both Petitioner and Respondent.

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22. Property Taxes and Insurance

22. The Court should order Respondent to pay any ad valorem taxes and insurance premiums as due on [the properties of the parties/the following property: [**list property**]].

23. Inventory and Appraisement

23. The Court should order Respondent to provide a sworn inventory and appraisement of all the separate and community property owned or claimed by the parties and all debts and liabilities owed by the parties substantially in the form and detail prescribed by the current edition of *Texas Family Law Practice Manual*, form 7-1.

24. Copies of Tax Information

24. The Court should order Respondent to produce copies of all the tax information necessary to prepare Petitioner's tax return[s] for tax year[s] [**year[s]**], including tax returns and all supporting schedules for year[s] [**year[s]**], by a date certain.

25. ADR Participation

25. The Court should order [Respondent/the parties] to participate in an alternative dispute resolution process before trial of this matter.

26. Execution of Releases

26. The Court should order Respondent to execute all necessary releases required by Petitioner to obtain any discovery allowed by the Texas Rules of Civil Procedure.

27. Execution of HIPAA Releases

27. The Court should order Respondent to execute all necessary releases pursuant to the Health Insurance Portability and Accountability Act

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(HIPAA) and 45 C.F.R. section 164.508 to permit Petitioner to obtain health-care information regarding the child[ren].

28. *Execution of HIPAA Authorizations*

28. The Court should order Respondent to execute for all health-care providers of the child[ren] an authorization for disclosure of protected health information to Petitioner pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508.

29. *Designation of Petitioner in HIPAA Authorizations*

29. The Court should order Respondent to designate Petitioner as a person to whom protected health information regarding the child[ren] may be disclosed whenever Respondent executes an authorization for disclosure of protected health information pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508.

30. *Pretrial Conference*

30. The Court should order a pretrial conference to simplify the issues in this case and determine the stipulations of the parties and for any other matters the Court deems appropriate.

Include item 31. if applicable.

31. *Other Relief*

31. The Court should make all other and further orders respecting the property and the parties that are pleaded for or that are deemed necessary and equitable [**include if applicable:** and for the safety and welfare of the child[ren]].

SIGNED on _____ at _____ __.M.

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_____

JUDGE PRESIDING

For temporary orders, see form 4-3.

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Form 3-5

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Extend Temporary Restraining Order

This Motion to Extend Temporary Restraining Order is brought by [**name of movant**], [**party designation**], who shows in support:

On [**date**] a temporary restraining order was issued and a hearing was set for [**date**]. [**State reasons for extension, e.g.,** Good cause exists for extension because service has not been perfected on Respondent within the fourteen-day period./Good cause exists for extension because although service was perfected on Respondent, Respondent needs additional time to retain an attorney./The temporary restraining order will expire before the hearing date./A request for a de novo hearing before the referring court is pending.]

[**Name of movant**] prays that the Court grant this Motion to Extend Temporary Restraining Order.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 3-6

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Extend Temporary Restraining Order

On [**date**] the Court considered the Motion to Extend Temporary Restraining Order of [**name of movant**] and finds that good cause exists for extension of the temporary restraining order, in that [**state reason[s] for extension**]. It is ORDERED that:

Track items of original restraining order that are sought to be extended.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 3-7

Include the following notice if a minor is named in the caption or if the application contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Application to Enjoin Further Proceedings in Subsequent Suit

This application is brought by [**name of petitioner**], Applicant, Petitioner in this case. In support, Petitioner shows:

1. Petitioner's Original Petition for Divorce was filed on [**date**]. Respondent, [**name of respondent**], was served with process on [**date**]. This Court has jurisdiction of this case and the person of Respondent.

2. On [**date**], as reflected in the attached pleading marked Exhibit [**exhibit number/letter**], Respondent instituted an action in [**county, state, or nation**] involving essentially the same cause of action, parties, and issues as are before this Court.

3. Allowing Respondent to proceed with [his/her] action in [**county, state, or nation**] will result in a multiplicity of suits and lead to inconsistent results. Respondent's action in instituting the action in [**county, state, or nation**] is clearly an attempt to evade and frustrate the jurisdiction of this Court. Petitioner will suffer irreparable harm, damage, and injury, for which Petitioner has no adequate remedy at law, unless Respondent is enjoined from proceeding with [his/her] action in [**county, state, or nation**].

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4. Petitioner requests that the Court dispense with the necessity of a bond and that Respondent be temporarily restrained immediately without hearing and, after notice and hearing, be temporarily enjoined, pending further order of this Court, from:

a. Proceeding further with Respondent's action in [**describe court and cause number**], including, but not limited to, attempting or proceeding to obtain temporary or permanent orders in [**county, state, or nation**] concerning the marriage relationship of the parties, the dissolution of that relationship, [**include if applicable:** the custody and support of the child[ren] of the parties,] spousal support, or any other order normally issued incident to a divorce proceeding or other proceeding involving the marital [**include if applicable:** or parent-child] relationship.

b. Instituting any other action in [**county, state, or nation**] or in any other county, state, or nation attempting to obtain temporary or permanent orders concerning the marriage relationship of the parties, the dissolution of that relationship, [**include if applicable:** the custody and support of the child[ren] of the parties,] spousal support, or any other order normally issued incident to a divorce proceeding or other proceeding involving the marital [**include if applicable:** or parent-child] relationship.

5. Petitioner further requests that on final hearing the temporary injunction requested above be made into a permanent injunction.

Petitioner prays that the Court grant a temporary restraining order restraining Respondent from the acts set forth in this application and that, after notice and hearing, the Court make the temporary restraining order a temporary injunction. Petitioner further prays that on final hearing the Court make the temporary injunction a permanent injunction.

Petitioner prays for general relief.

_____

[Name]
Attorney for Petitioner
State Bar No.:
[E-mail address]
[Address]
[Telephone]
[Fax]

Notice of Hearing

The above application is set for hearing on _____ at _____ __.M. in **[designation and location of court]**.

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/**[title of document]**] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on **[date]**:

[Name of attorney of record or party to be served] by [electronic filing manager/e-mail at **[e-mail address]**/fax at **[fax number]**/personal delivery at **[address]**/commercial delivery service at **[address]**/certified mail at **[address]**/first-class mail at **[address]**]. **[Repeat for each attorney of record or party to be served.]**

_____

[Name]
Attorney for Petitioner

For language for inclusion in temporary injunction, see form 4-3.

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Form 3-8

For a similar letter to be used when a waiver of service will be transmitted, see form 3-12.

Letter to Opposing Party to Give Notice of Filing for Divorce

[**Date**]

[**Name and address of opposing party**]

Re: [**style of case**]

[**Salutation**]

I was retained by [**name of client**] in connection with a divorce proceeding that was filed with the district clerk of [**county**] County, Texas, on [**date**]. I am enclosing a copy of the Original Petition for Divorce.

Please have your attorney contact me as soon as possible. If an answer to this lawsuit is not filed within fifteen days, I will proceed with formal service of citation.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

Form 3-9

Include the following notice if a minor is named in the caption or if the notice of nonsuit contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Nonsuit

This Notice of Nonsuit is brought by [**name**]. In support, [name] shows:

[**Name**] no longer desires to prosecute this suit against Respondent, and Respondent has no pleading on file seeking affirmative relief from [**name**].

_____

[**Name**]
Attorney for [**name**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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[**Name**]
Attorney for [**name**]

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Form 3-10

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order Granting Nonsuit

On [**date**] the Court received the Notice of Nonsuit of [**name**] and ORDERS this case dismissed without prejudice to [**name**]'s right to refile it. All costs incurred are taxed against [**name**], for which let execution issue if not paid.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 3-11

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Appearance of Co-Counsel

[**Name of co-counsel**] hereby makes this appearance as co-counsel for [**name of client**] in this case.

_____

[**Name of attorney**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

APPROVED:

_____

[**Name of present counsel**]

_____

[**Name of client**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

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Form 3-12

Letter to Opposing Party Enclosing Waiver of Service

[**Date**]

[**Name and address of opposing party**]

Re: [**style of case**]

[**Salutation**]

I was retained by [**name of client**] in connection with a divorce proceeding that was filed with the district clerk of [**county**] County, Texas, on [**date**]. I am enclosing a copy of the Original Petition for Divorce and the original and one copy of a Waiver of Service. The legal effect of the waiver should be discussed carefully with counsel of your own choosing.

I would appreciate your delivering the copy of the petition and the waiver to your attorney so that your attorney can contact me directly.

If you do not file an answer to this lawsuit or sign and return this waiver to this office within fifteen days, I will proceed with formal service of citation.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

Form 3-13

This waiver may be tailored for a variety of purposes through the choice of alternative paragraphs. These purposes include providing a total waiver of all notice, obtaining an appearance by a pro se respondent, and accommodating a respondent who will be represented by counsel and wishes to participate in the proceedings but *not* to be served with citation.

The waiver, to be valid, must be executed *after* the suit is filed. The waiver must be sworn to before *a notary public who is not an attorney in the case* unless the respondent is incarcerated; in that situation, an unsworn declaration under Tex. Civ. Prac. & Rem. Code § 132.001 may be used. The respondent may not sign using a digitized signature. Tex. Fam. Code § 6.4035. Concerning conversion of this form to an unsworn declaration for an incarcerated respondent, see form 8-27.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Waiver of Service

[**Name of respondent**] appeared in person before me today and stated under oath:

"I, [**name of respondent**], am the person named as Respondent in this case.

"I acknowledge that I have been provided a copy of [**title or description of pleading**] filed in this case. I have read and understand the contents of that document.

"I understand that the Texas Rules of Civil Procedure require, in most instances, that a party or respondent be served with citation. I do not want to be served with citation, and I waive the issuance and service of citation.

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

> Select among the following as applicable. Some statements are inconsistent with others.

"I waive the making of a record of testimony in this case.

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And/Or

"I agree that this case may be taken up and considered by the Court without further notice to me.

And/Or

"I agree that the case may be decided by the presiding Judge of the Court or by a duly appointed Associate Judge of the Court.

And/Or

"I want to be notified of any hearing or trial of this case.

And/Or

"I do not waive any rights that I may have with regard to the division of my interest in my spouse's and my property.

And/Or

"I do not waive any rights that I may have with respect to the terms and conditions of conservatorship, support, and parental rights and duties related to the child[ren] born of my relationship with Petitioner.

And/Or

"I request the Court to order that my legal name be [**first, middle, and last names as they should appear in decree**].

And/Or

"If I should enter into a settlement agreement with Petitioner, that agreement will bear my signature indicating my approval of its terms, conditions, and contents.

And/Or

"I request the Court not to enter any orders or judgment not signed by me or without my receiving prior written notice of the date, time, and place of any proceedings.

And/Or

"I understand that I have a duty to notify the attorney for Petitioner if I change my address. I understand that, unless I notify the attorney for Petitioner of any such change in writing, any notices that I might otherwise be entitled to receive with regard to disposition of this proceeding will be forwarded to me at the address indicated below.

And/Or

"Insofar as this suit is concerned, I waive all rights, privileges, and exemptions existing or that may hereafter exist in my favor under the Servicemembers Civil Relief Act, including the appointment of counsel to represent me in this case.

Continue with the following.

"I further state that the following information is correct and that my—

Mailing address is:

E-mail address is:

Telephone number is:

"I further understand that I have a duty to notify the Court if my mailing address or e-mail address changes during this proceeding."

_____

[Name of respondent]

SIGNED under oath before me on _____.

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_____

Notary Public, State of Texas

I, the notary public whose signature appears above, certify that I am not an attorney in this case.

_____

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Form 3-14

This plea must be made *before* any other pleading, but other pleadings may be contained in the same instrument. The *client* must swear to the plea to the jurisdiction. Tex. R. Civ. P. 120a.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Respondent's Special Appearance

Respondent, [**name of respondent**], files this special appearance under rule 120a of the Texas Rules of Civil Procedure. [The last three numbers of Respondent's driver's license number are [**numbers**]./Respondent has not been issued a driver's license.] [The last three numbers of Respondent's Social Security number are [**numbers**]./Respondent has not been issued a Social Security number.]

1. Respondent's legal domicile is outside Texas and is in [**location**]. Respondent's person and property are not amenable to process issued by the courts of Texas. None of the grounds for personal jurisdiction provided in the Texas Family Code are applicable. Assumption of jurisdiction over Respondent by this Court would offend traditional notions of fair play and substantial justice. Respondent has had insufficient contacts with Texas to warrant an assumption of jurisdiction. Respondent prays that this Court hear and determine this challenge to personal jurisdiction before hearing any other plea or pleading and enter an appropriate order. In conjunction with this special appearance, Respondent is providing an affidavit that sets out in greater detail the factual circumstances that support this special appearance.

Respondent requests that the Court grant Respondent's special appearance.

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Include the following if applicable.

2. If Respondent's special appearance is denied, Respondent requests this Court to dismiss this action because Texas lacks subject-matter jurisdiction in this action under section 152.201 of the Texas Family Code.

3. In the alternative, if Respondent's special appearance is denied and if the Court finds that it has subject-matter jurisdiction to make a child-custody determination in this proceeding, Respondent requests this Court to decline jurisdiction [**include if applicable:** or, alternatively, stay these proceedings on the condition that a custody proceeding be promptly convened in [**state**]] because [**include one or both of the following:** Texas is an inconvenient forum to make a custody determination under the circumstances in this case, and [**state**] is a more appropriate forum for this custody determination/[and] Petitioner has wrongfully taken the child[ren] from another state or has engaged in similar reprehensible conduct].

Further, if the Court finds that Texas is an inconvenient forum or that Petitioner has engaged in conduct that causes this Court to decline jurisdiction, Respondent asks that the Court require Petitioner to pay necessary travel and other expenses, including attorney's fees, incurred by Respondent or any witness of Respondent. Respondent requests that the Court order that payment be made to the clerk of the Court for remittance to Respondent.

Continue with the following.

_____

[**Name**]
Attorney for Respondent
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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An unsworn declaration may be used in place of a verification. See form 8-27.

Verification

The undersigned states under oath: "I am Respondent in the foregoing Respondent's Special Appearance. I have personal knowledge of the allegations and facts stated in it, and they are true and correct."

_____

[Name of respondent]

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[Name]
Attorney for Respondent

Attach affidavit in support of special appearance.

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Form 3-15

Include the following notice if a minor is named in the caption, if this is the respondent's initial pleading, or if the plea in abatement contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Respondent's Plea in Abatement

Respondent, [**name of respondent**], files this plea in abatement. [**Include the following if this is respondent's initial pleading:** [The last three numbers of Respondent's driver's license number are [**numbers**]./Respondent has not been issued a driver's license.] [The last three numbers of Respondent's Social Security number are [**numbers**]./Respondent has not been issued a Social Security number.]]

1. Prior Suit/Residence Requirement

Select one or both of the following.

1.A. Prior Suit

Respondent filed a divorce action against Petitioner, [**name**], on [**date**], and that action is pending. That action is Cause No. [**number**] in the [**specify**] Court of [**county**] County, [**state**]. The issues and parties in the case filed by Respondent are the same as those in this action.

And/Or

1.B. Residence Requirement

Neither Petitioner nor Respondent has met the dual requirements of being a domiciliary of Texas for six months next preceding the filing of this

suit and a resident of this county for ninety days next preceding the filing of this suit.

Include the following if 1. is used.

Respondent prays this Plea in Abatement be sustained and this case be abated on the Court's docket until the [prior filed suit has been determined/residency requirements have been met/prior filed suit has been determined and the residency requirements have been met].

And/Or

2. Marital-Property Agreement

The parties entered into a marital-property agreement entitled [**name of agreement**] (the "agreement"). The agreement defines the parties' rights to all their property. Respondent asks the Court to enforce the agreement and confirm the parties' respective separate property as provided in the agreement.

Respondent asks the Court to order the parties to appoint an arbitrator, who will serve as a special master in this suit and make a binding and conclusive award regarding the issues affected by the parties' agreement. The parties in their agreement agreed to submit to binding arbitration any dispute or controversy regarding the validity, interpretation, or enforceability of the agreement, as well as all issues involving its enforcement in connection with a dissolution proceeding between the parties. The parties expressly waived any right to trial by a court or by trial by a jury. On the filing in Texas of a proceeding to dissolve their marriage, the parties agreed to have the arbitrator appointed under the agreement designated as a special master under the Texas Rules of Civil Procedure. The parties agreed to jointly apply to the Court for any orders necessary to vest the arbitrator with all powers and authority of a

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special master under the rules. The agreement contains specific requirements for the arbitrator. Respondent asks the Court to enforce the agreement and all its provisions.

Respondent asks the Court to abate any action the Court may take in this suit other than orders—

a. compelling the parties to appoint an arbitrator;

b. designating the arbitrator as a special master;

c. vesting the arbitrator with all powers and authority of a special master; and

d. appointing a qualified arbitrator pursuant to section 171.041 of the Texas Civil Practice and Remedies Code if the parties cannot appoint an arbitrator using the method in the agreement.

Respondent prays that this Plea in Abatement be sustained.

Continue with the following.

[**Name**]
Attorney for Respondent
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

An unsworn declaration may be used in place of a verification. See form 8-27.

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Verification

The undersigned states under oath: "I am Respondent in the foregoing Plea in Abatement. I have personal knowledge of the allegations and facts stated in it, and they are true and correct."

_____

[**Name of respondent**]

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for Respondent

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Form 3-16

The respondent's answer should be limited to a response to the matters set out in the petition. Claims for affirmative relief should not be included in the answer but should instead be set out in a counterpetition, which may be filed as a separate document or immediately following the answer in the same document. However, if claims for affirmative relief are included in the answer, they will also constitute "counterclaims" that are subject to the mandatory filing fee. Without payment of such a fee, these conditionally filed claims for affirmative relief will not survive a notice of nonsuit. An answer to a counterpetition should be filed by the petitioner/counterrespondent. If the respondent contests personal jurisdiction, a special appearance must be filed before any other pleading. See form 3-14.

When using this form, exercise caution if there is a marital-property agreement in existence, as portions of this form may violate the terms of the agreement. See *In re Marriage of I.C. & Q.C.*, 551 S.W.3d 119 (Tex. 2018).

Include the following notice if a minor is named in the caption, if this is the respondent's initial pleading, or if the answer contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Respondent's Original Answer

[**Name of respondent**], Respondent, files this Original Answer to Original Petition for Divorce. [**Include the following if this is respondent's initial pleading:** [The last three numbers of Respondent's driver's license number are [**numbers**]./Respondent has not been issued a driver's license.] [The last three numbers of Respondent's Social Security number are [**numbers**]./Respondent has not been issued a Social Security number.]]

1. General Denial
TRCP 92

1. General Denial

Respondent enters a general denial.

Include if applicable.

Nothing in this answer should be construed as a challenge to the [**name of property agreement**] signed on [**date**].

Include 2. if applicable.

2. *Objection to Assignment of Case to Associate Judge*
§ 201.005

2. Objection to Assignment of Case to Associate Judge

Respondent objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

Include 3. if there is a child of the marriage.

3. *Information about Child[ren]*
§§ 152.209, 154.181(b), 154.1815(c)

3. Information about Child[ren]

Include the following if any party resides outside Texas.

Information required by section 152.209 of the Texas Family Code is provided in the affidavit attached as Exhibit [**exhibit number/letter**].

Continue with the following.

Information required by sections 154.181(b) and 154.1815(c) of the Texas Family Code is provided in the statement attached as Exhibit [**exhibit number/letter**].

Select 4.–9. as applicable, and continue with 10.

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4. Verified Defenses
TRCP 93

4. Verified Defense[s]

Respondent enters the following verified defense[s]:

Select 4.A.–4.F. as applicable and enumerate as appropriate.

4.A. No Marriage

Petitioner is not entitled to recover in the capacity in which Petitioner sues, and Respondent is not liable in the capacity in which Respondent is being sued, because there is no existing marriage between the parties.

4.B. Pending Suit

There is another suit pending in Texas between the same parties involving the same claim. That suit is Cause No. [**number**], pending in [**county**] County, Texas, styled "In the Matter of the Marriage of [**name**] and [**name**]."

4.C. Defect of Parties

There is a defect of parties. Petitioner has alleged that certain property belongs to the parties that is, in truth, owned in a joint tenancy or by a partnership or corporation. If Petitioner is making claims against this property, then all cotenants, partnerships, or corporations holding record title to the property must be joined as third-party co-respondents in this suit.

4.D. Denial of Partnership

Respondent denies being a partner in any partnership named in Petitioner's pleading, namely [**name of partnership**].

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4.E. Denial of Incorporation

Respondent denies the existence of any corporation named in Petitioner's pleading, namely [**name**], because the business in question is not incorporated.

4.F. Denial of Assumed Name

Respondent is not doing business under an assumed name or trade name as alleged in Petitioner's pleading.

5. Affirmative Defenses
TRCP 94

5. Affirmative Defenses

Respondent further alleges the following affirmative defenses:

Select as applicable. Use affirmative defenses to marital-property agreements with caution.

a. accord and satisfaction;

b. arbitration and award;

c. assumption of risk;

d. contributory negligence;

e. discharge in bankruptcy;

f. duress;

g. estoppel;

h. failure of consideration;

i. fraud;

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j. illegality;

k. laches;

l. payment;

m. release;

n. res judicata;

o. statute of frauds;

p. statute of limitations;

q. waiver; and

r. **[other applicable affirmative defenses]**.

Include the following if applicable.

Respondent further alleges that there are offsetting benefits to the reimbursement claims made by Petitioner.

6. Denial of Paternity
§§ 160.602, 160.607, 160.608, 160.621(c)

6. Denial of Paternity

Respondent denies [he/[**name of husband**]] is the father of [**name of child**] and requests genetic testing under chapter 160 of the Texas Family Code. [**Include if denial is filed more than four years after child's birth:** [He/[**name of husband**]] [did not live or engage in sexual relations with [**name of wife**] during the probable period of conception/was precluded from commencing a proceeding to adjudicate the parentage of the child within four years after

the child's birth because of the mistaken belief that he was the child's biological father based on misrepresentations that led him to that conclusion].]

7. Statute of Limitations—Denial by Petitioner
§ 160.607

7. Statute of Limitations—Denial by Petitioner

Petitioner's denial of [his/Respondent's] parentage of [**name of child**] is barred by limitations because [he/Respondent] is the child's presumed father and this proceeding was not commenced before the fourth anniversary of the date of the birth of the child.

8. Objection to Genetic Tests—Denial by Petitioner
§ 160.608

8. Objection to Genetic Tests—Denial by Petitioner

Genetic testing should be denied and [Petitioner/Respondent], who is the presumed father of [**name of child**], should be adjudicated to be the father of the child because the conduct of Petitioner estops [him/her] from denying parentage, it would be inequitable to disprove the father-child relationship between the child and the presumed father, and an order adjudicating the presumed father to be the father of the child is in the child's best interest. The Court should appoint an [amicus attorney/attorney ad litem] for the child.

9. Attorney's Fees, Expenses, Costs, and Interest

9. Attorney's Fees, Expenses, Costs, and Interest

9.A. Suit with No Child[ren]

It was necessary for Respondent to secure the services of [**name of attorney**], a licensed attorney, to prepare and defend this suit. To effect an equitable

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division of the estate of the parties and as a part of that division, judgment for attorney's fees, expenses, and costs through final judgment after appeal should be granted against Petitioner and in favor of Respondent for the use and benefit of Respondent's attorney; or, in the alternative, Respondent requests that reasonable attorney's fees, expenses, and costs through final judgment after appeal be taxed as costs and be ordered paid directly to Respondent's attorney, who may enforce the order in the attorney's own name. Respondent requests postjudgment interest as allowed by law.

Or

9.B. Suit with Child[ren]
§ 106.002

It was necessary for Respondent to secure the services of [**name of attorney**], a licensed attorney, to prepare and prosecute this suit. To effect an equitable division of the estate of the parties and as a part of the division, and for services rendered in connection with conservatorship and support of the child[ren], judgment for attorney's fees, expenses, and costs through trial and appeal should be granted against Petitioner and in favor of Respondent for the use and benefit of Respondent's attorney and be ordered paid directly to Respondent's attorney, who may enforce the judgment in the attorney's own name. Respondent requests postjudgment interest as allowed by law.

10. Prayer

10. Prayer

- *Required*

Respondent prays that Petitioner take nothing and that Respondent be granted all relief requested in this Original Answer.

Include the following as applicable.
Use with caution if there is a marital-property agreement.

- *Attorney's Fees*

Respondent also prays for attorney's fees, expenses, costs, and interest as requested above.

And/Or

- *Request for Jury Trial*

Respondent requests a jury trial and pays the jury fee of $[**amount**].

Continue with the following.

- *Required*

Respondent prays for general relief.

[**Name**]
Attorney for Respondent
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Include the following verification if 4. (Verified Defense(s)) is used. An unsworn declaration may be used in place of a verification. See form 8-27.

Verification

The undersigned states under oath: "I am Respondent in this case. I have read the above Respondent's Original Answer. The statement[s] contained in paragraph[s] [**specify**] in the Respondent's Original Answer [is/are] within my personal knowledge and [is/are] true and correct."

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_____

[**Name of respondent**]

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

Certificate of Service

I certify that a true copy of this [document/**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for Respondent

For affidavit providing information required under the UCCJEA, see form 56-1.

For statement regarding health insurance information and dental insurance information required under Tex. Fam. Code §§ 154.181(b) and 154.1815(c), see form 56-2.

For initial disclosures required by Tex. R. Civ. P. 194 (generally within thirty days after filing of the first answer or general appearance), see form 5-18.

Form 3-17

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Special Exception[s]/Motion to Strike Evidentiary Facts from Pleadings/Special Exception[s] and Motion to Strike Evidentiary Facts from Pleadings]

[**Name**], [**party designation**], excepts and objects to the following portion of paragraph [**number**] of the [**specify pleading**]:

Include the specific language from the pleading that is excepted to and point out the insufficiency in the pleading in accordance with Tex. R. Civ. P. 91 or the factual allegations to be stricken in accordance with Tex. Fam. Code § 6.402.

[**Name**] requests that the Court enter an order striking that portion of [**name**]'s pleadings and ordering [**name**] to replead [his/her] [**specify pleading**] within a reasonable time in conformity with the Court's ruling.

_____

[**Name**]
Attorney for [**name**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Notice of Hearing

This matter is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name**]

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Form 3-18

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on [Special Exception[s]/Motion to Strike Evidentiary Facts from Pleadings/Special Exception[s] and Motion to Strike Evidentiary Facts from Pleadings]

On [**date**] the Court considered the [Special Exception[s]/Motion to Strike Evidentiary Facts from Pleadings/Special Exception[s] and Motion to Strike Evidentiary Facts from Pleadings] of [**name**], [**party designation**].

Select as applicable.

IT IS ORDERED that the following language is stricken from [**specify pleading**]: [**include specific language from pleading**].

And/Or

[**Name**] is ORDERED to replead the following allegation[s] with particularity on or before [**date**]: [**specify allegations**].

Continue with the following.

SIGNED on _____.

_____
JUDGE PRESIDING

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Forms 3-19 through 3-30 are reserved.

Form 3-31

The following are additional causes of action that may be brought against a spouse. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Select applicable paragraphs. See the practice notes at sections 3.62 and 3.63.

Assault/Intentional Infliction of Emotional Distress

1. Causes of Action for Assault

a. Cause of Action for Intentional, Knowing, or Reckless Bodily Injury

On or about [**date**] in [**county**] County, Texas, Respondent intentionally or knowingly or recklessly caused bodily injury to Petitioner by [**describe incident, e.g.,** hitting Petitioner in the face with [his/her] fist; **if appropriate, include sexual assault as defined in Penal Code section 22.011**].

And/Or

b. Cause of Action for Threat of Imminent Bodily Injury

On or about [**date**] in [**county**] County, Texas, Respondent intentionally and knowingly threatened Petitioner by [**describe, e.g.,** stating Respondent would like to kill Petitioner and advancing on Petitioner with a deadly weapon], which placed Petitioner in fear or apprehension of imminent bodily injury.

And/Or

c. Cause of Action for Offensive or Provocative Physical Contact

On or about [**date**] in [**county**] County, Texas, Respondent intentionally or knowingly caused physical contact with Petitioner by [**describe incident**] when Respondent knew or

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should have reasonably believed that Petitioner would regard such contact as offensive or provocative.

2. Cause of Action for Intentional Infliction of Emotional Distress

On or about [**date**] in [**county**] County, Texas, Respondent intentionally or recklessly engaged in a pattern of extreme and outrageous conduct that caused Petitioner to suffer severe emotional distress. Respondent [**describe conduct**].

3. Actual Damages for Resulting Personal Injuries

As a direct and proximate result of Respondent's wrongful conduct alleged above, Petitioner has suffered certain damages including

Select from the following.

a. reasonable and necessary medical expenses in the past;

b. reasonable and necessary medical expenses that in reasonable probability will be incurred in the future;

c. loss of earnings in the past;

d. loss of earning capacity, diminution of earning capacity, or both that in reasonable probability will be suffered in the future;

e. physical pain, suffering, and mental anguish in the past;

f. physical pain, suffering, and mental anguish that in reasonable probability will be suffered in the future;

g. disfigurement;

h. physical impairment.

Petitioner additionally brings this suit for these damages, which are within the jurisdictional limits of this Court.

Include 4. if applicable.

4. Exemplary Damages

The conduct committed by Respondent against Petitioner is the type of conduct evidencing actual malice on Respondent's part that allows the imposition of exemplary damages. Petitioner additionally brings this suit for these damages, which are within the jurisdictional limits of this Court.

5. Prayer

Petitioner prays for judgment against Respondent in a sum within the jurisdictional limits of this Court for [his/her] actual damages as alleged, [**include if applicable:** for exemplary damages,] for prejudgment and postjudgment interest as allowed by law, for costs of court, and for general relief.

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Form 3-32

The following are additional causes of action that may be brought against a spouse. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Select applicable paragraphs. See the practice notes at sections 3.66, 3.67, and 3.68.

Fraud/Conversion

1. Breach of Fiduciary Duty

Respondent, as Petitioner's spouse, had a fiduciary relationship with and a fiduciary duty to Petitioner. As a result of their fiduciary relationship, Petitioner reposed a special confidence in Respondent, and Respondent had a duty in equity and good conscience to act in good faith and with due regard for Petitioner's interests.

Respondent, in violation of [his/her] duty to Petitioner, has breached [his/her] duty to Petitioner by [**state actions taken by respondent that constitute breach as they relate to fraud, conversion, or both**].

Select as applicable.

Include the following if one spouse actually induced the other spouse to enter into a transaction with the intent of actually defrauding the spouse.

a. Actual Fraud [transaction-based]

Respondent plotted and carried out a plan to actually defraud Petitioner and Petitioner's separate estate. Respondent made material representations to Petitioner that were false. Respondent knew these representations were false, or Respondent made them recklessly without knowledge of their truth and as a positive assertion. Respondent made these representations with the intention that Petitioner would act on them. Petitioner acted in reliance on these

representations and as a consequence suffered injury and damage as follows: [**allege specific facts**].

And/Or

Include the following if one spouse actually defrauded the other without the occurrence of a transaction between the two—for example, by making an unusually large gift or transfer, the primary purpose of which was to defraud the other spouse.

b. Actual Fraud [not transaction-based]

Respondent, without the knowledge, consent, or approval of Petitioner, unfairly conveyed more than $[**amount**] in community assets to [**name**] for the primary purpose of defrauding Petitioner. That conveyance was unfair and in actual fraud of Petitioner's rights.

And/Or

c. Constructive Fraud

Respondent has defrauded Petitioner by breaching a legal and/or equitable duty owed Petitioner as a result of their fiduciary relationship. That breach is fraudulent because, irrespective of Respondent's moral guilt, the breach had a tendency to deceive Petitioner and to violate Petitioner's confidence or to injure the public interest. Respondent's actions damaged Petitioner as follows: [**allege specific facts**].

Include the following paragraph only if a claim is made for actual fraud against the petitioner's separate estate.

Damages for Actual Fraud

All these acts constitute actual damage to Petitioner's separate estate in the amount of $[**amount**]. Further, these acts were maliciously done by Respondent, and as a result Petitioner is entitled to exemplary damages of $[**amount**].

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And/Or

d. Waste of Assets

Respondent has squandered community assets by making grossly excessive gifts of community [**include if applicable:** and separate] assets to [**name**], a person who is not the natural object of Respondent's generosity, being [**describe, as applicable, someone who is not related to respondent, e.g.,** Respondent's paramour]. Respondent has spent and wasted community funds [**include if applicable:** and Petitioner's separate assets] on this person at a time when Respondent knew or should have known that Petitioner would have objected to these expenditures. These expenditures and gifts of property are in direct violation of Respondent's duty as co-manager of the community estate [**include if applicable:** and in violation of the fiduciary responsibility placed on Respondent when entrusted with Petitioner's separate estate and funds].

And/Or

e. Conversion of Separate Property

On [**date**] Petitioner was the owner of [**describe property**] and was in possession of or had the right of possession of that separate property under section 3.101 of the Texas Family Code in that [**describe the facts showing separate-property ownership**]. [**Include if applicable:** A true copy of the document giving rise to the right of possession to the property is attached to this pleading as Exhibit [**exhibit number/letter**].] On [**date**] in the city of [**city, county**] County, Texas, Respondent unlawfully and without authority assumed dominion and control over the property to the exclusion of or inconsistent with Petitioner's rights in the property in that Respondent [**describe the manner in which respondent converted the property, e.g.,** sold the property to a third party]. In this connection, Petitioner will show that Petitioner had left the property in Respondent's possession for the purpose of [**describe purpose**]. On [**date**] Peti-

tioner demanded that Respondent return the property. Respondent has refused to return the property to Petitioner.

Select one of the following.

The fair market value of the property at the time and place of conversion was $[**amount**], for which Petitioner now sues.

Or

The property described had no readily ascertainable fair market value but had an intrinsic value to Petitioner at the time and place of conversion of $[**amount**], for which Petitioner now sues.

And/Or

Petitioner seeks compensation for the loss of use of the converted property in an amount of $[**amount**].

And/Or

Petitioner is also entitled to recover damages for the mental anguish suffered as a proximate result of that conversion, because Respondent intentionally converted the property.

Continue with the following as applicable.

Prejudgment Interest for Conversion

Petitioner is also entitled to interest on the sum of $[**value of property converted**] from [**date**] at the prejudgment rate of interest.

Exemplary Damages for Conversion

Respondent's conversion of the property as alleged above was done fraudulently or with malice, for which the law allows the imposition of exemplary damages. Respondent's

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conversion of the property was intentional, willful, wanton, and without justification or excuse and was done with gross indifference to Petitioner's rights. In this connection, Petitioner will show that, as a result of Respondent's conduct, Petitioner has suffered losses of time and other expenses, including attorney's fees incurred in the investigation and prosecution of this action. Accordingly, Petitioner prays for exemplary damages against Respondent.

> Include prayer only if requesting damages in addition to disproportionate division.

2. *Prayer*

Petitioner prays for judgment against Respondent in a sum within the jurisdictional limits of this Court for [his/her] actual damages as alleged, [**include if applicable:** for exemplary damages,] for prejudgment and postjudgment interest as allowed by law, for costs of court, and for general relief.

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Form 3-33

The following is an additional cause of action that may be brought against a spouse. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.)

Transmitting Sexual Disease

1. Transmitting Sexual Disease

On or about [**date**] Respondent breached [his/her] duty not to transmit any sexual diseases to the other spouse. Petitioner can prove by a preponderance of the evidence that Respondent's actions were the proximate cause of the contraction of a particular sexually transmitted disease, commonly known as [**specify**].

2. Damages

This action proximately resulted in damages to Petitioner for which Petitioner now seeks relief. Those damages include [**state specific damages alleged**].

3. Prayer

Petitioner prays for judgment against Respondent in a sum within the jurisdictional limits of this Court for [his/her] damages as alleged, for prejudgment and postjudgment interest as allowed by law, for costs of court, and for general relief.

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Form 3-34

The following is an additional cause of action that may be brought against a spouse. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as paragraphs preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) See the practice notes at section 3.73.

Invasion of Privacy by Unlawful Interception of Oral or Electronic Communication

1. Intrusion on Seclusion

Petitioner further complains of Respondent for an unwarranted intrusion on Petitioner's solitude or seclusion or into the private affairs of Petitioner, which constituted a legal injury for which Petitioner seeks money damages.

On [**date**] Respondent intentionally invaded Petitioner's right to be left alone by committing one or more of the unlawful acts set out in chapter 123 of the Texas Civil Practice and Remedies Code: [**specify the act[s]**].

2. Damages

This action proximately resulted in damages to Petitioner for which Petitioner now seeks relief. Those damages include mental suffering, shame, and humiliation. Petitioner seeks money damages from Respondent in an amount within the jurisdictional limits of this Court.

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Include 3. if applicable.

3. Exemplary Damages

In doing all the acts alleged, Respondent acted wantonly and with malice toward Petitioner. Petitioner seeks exemplary damages for this wanton and malicious conduct.

4. Prayer

Petitioner prays for judgment against Respondent in a sum within the jurisdictional limits of this Court for [his/her] actual damages as alleged, [**include if applicable:** for exemplary damages,] for prejudgment and postjudgment interest as allowed by law, for costs of court, and for general relief.

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Form 3-35

The following is an additional cause of action that may be brought against a spouse. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.)

Tortious Interference with Business Relations

1. Tortious Interference with Business Relations

On [**date**] and continuing thereafter, Respondent, without privilege or justification, engaged in conduct that intentionally and willfully interfered with the business relationship of Petitioner and [**name**]. At the time that conduct occurred, Petitioner had a reasonable expectation of a continuing business relationship with [**name**], and Respondent knew of that reasonable expectation. Respondent's interference with the business relationship induced or caused the termination of this expectancy.

2. Damages

This action proximately resulted in damages to Petitioner for which Petitioner now seeks relief. Those damages include [**state specific damages alleged**].

Include 3. if applicable.

3. Exemplary Damages

Respondent acted with malice in engaging in this conduct, thus entitling Petitioner to exemplary damages within the jurisdictional limits of this Court.

4. Prayer

Petitioner prays for judgment against Respondent in a sum within the jurisdictional limits of this Court for [his/her] actual damages as alleged, [**include if applicable:** for exemplary

damages,] for prejudgment and postjudgment interest as allowed by law, for costs of court, and for general relief.

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Form 3-36

The following is an additional cause of action that may be brought against a spouse. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.)

Wrongful Interference with an Existing Contract

1. Wrongful Interference with an Existing Contract

On [**date**] and continuing thereafter, Respondent, without justification or excuse, willfully and intentionally interfered with an existing contract between Petitioner and [**name**].

2. Damages

This action proximately resulted in damages to Petitioner for which Petitioner now seeks relief. Those damages include [**state specific damages alleged**].

Include 3. if applicable.

3. Exemplary Damages

Respondent acted with malice in engaging in this conduct, thus entitling Petitioner to exemplary damages within the jurisdictional limits of this Court.

4. Prayer

Petitioner prays for judgment against Respondent in a sum within the jurisdictional limits of this Court for [his/her] actual damages as alleged, [**include if applicable:** for exemplary damages,] for prejudgment and postjudgment interest as allowed by law, for costs of court, and for general relief.

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Form 3-37

This cause of action may be brought against a spouse, a third party, or both. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Select applicable paragraphs. Additional service is required if a third party is added as a co-respondent. See the practice notes at section 3.64.

Interference with Custody

Select as applicable.

1. *Interference with Custody [direct action]*

On or about [**date**] Respondent took or retained possession of [**name of child**], a child, from Petitioner and/or concealed the whereabouts of this child from Petitioner in violation of a court order that provided for a possessory interest in the child. Respondent was a party to the suit in which the court order was issued, or Respondent has actual notice of the existence and content of the order, or Respondent had reasonable cause to believe that the child was the subject of a court order and that [his/her] actions were likely to violate this order.

And/Or

2. *Interference with Custody [indirect action]*

On or about [**date**] Co-Respondent[s], [**name[s] of co-respondent[s]**], aided or assisted Respondent in taking or retaining possession of [**name of child**], a child, from Petitioner and/or aided and assisted Respondent in concealing the whereabouts of the child from Petitioner in violation of a court order that provided for a possessory interest in the child. Co-Respondent[s] [was/were] a party to the suit in which the court order was issued, or Co-Respondent[s] had actual notice of the existence and content of the order, or Co-Respondent[s] had reasonable cause to believe that the child was the subject of a court order

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and that [his/her/their] actions were likely to violate this order. Co-Respondent, [**name of co-respondent**], may be served with citation at [**address, city, state**]. [**Repeat for other co-respondents as applicable.**]

Continue with the following.

3. Damages

This conduct in violating the court order proximately resulted in damages to Petitioner for which Petitioner now seeks relief. Those damages include the actual costs and expenses incurred by Petitioner in locating the child, the actual costs and expenses of Petitioner in recovering possession of the child, the attorney's fees incurred in enforcing the court order that was violated [**include if applicable:** and in bringing the suit under chapter 42 of the Texas Family Code], and mental suffering and anguish.

Include 4. if applicable.

4. Exemplary Damages

[Respondent/Co-Respondent[s]/Respondent and Co-Respondent[s]] acted with malice in engaging in this conduct, thus entitling Petitioner to exemplary damages within the jurisdictional limits of this Court.

5. Prayer

Petitioner prays for judgment against [Respondent/Co-Respondent[s]/Respondent and Co-Respondent[s]] in a sum within the jurisdictional limits of this Court for [his/her] actual damages as alleged, [**include if applicable:** for exemplary damages,] for prejudgment and post-judgment interest as allowed by law, for costs of court, and for general relief.

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Form 3-38

This cause of action is used when alleging that a third party is the biological father of a child born of the marriage of the petitioner and the respondent. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Additional service is required on a third-party co-respondent.

The presumption of paternity may be rebutted only by an adjudication of parentage under subchapter G, chapter 160, of the Code (or by the filing of a valid denial of paternity by a presumed father in conjunction with the filing by another person of a valid acknowledgment of paternity as provided by Code section 160.305). Tex. Fam. Code § 160.204(b). Therefore, the divorce pleading should include a denial of the presumed father's paternity. See form 3-1, paragraph 11.C. For additional pleadings that may be appropriate, see form 54-1.

Parentage Action

1. Identity of Co-Respondent

Petitioner further complains of [**name of co-respondent**], Co-Respondent, who may be served with citation at [**address, city, state, zip code**].

Select as applicable.

Co-Respondent is the father of the following child the subject of this suit:

Name:

Sex:

Birth date:

And/Or

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Co-Respondent is the father of a child expected to be born of [**name of mother**] on or about [**expected birth date**].

2. Genetic Testing

Select as applicable.

Petitioner requests the Court, promptly after appearance of Co-Respondent[s] [**include if filed before child is born:** and as soon as medically practical after the birth of the child], to order the mother, the alleged father, and the child to submit to genetic testing in accordance with chapter 160 of the Texas Family Code, unless the alleged father files a pleading admitting paternity or admits paternity under oath in open court. Petitioner further requests that the presumed father, [**name**], be ordered to submit to genetic testing in accordance with chapter 160 of the Texas Family Code.

Or

Before this suit was filed, genetic testing was done with the consent of the mother and of each presumed, acknowledged, adjudicated, or alleged father.

3. Prayer

Petitioner prays for an order adjudicating Co-Respondent as the father of the child [**name of child**], that [**name**] be appointed [sole/joint] managing conservator of the child, and that appropriate orders be made for the support of the child, for payment of an equitable portion of all prenatal and postnatal health-care expenses of the mother and child, and for payment of the fees, expenses, and costs of Petitioner in bringing this action.

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Form 3-39

This cause of action is used when alleging that a third-party corporation is the alter ego of the other spouse. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Additional service is required on a third-party co-respondent. See the practice notes at section 3.71.

Cause of Action Alleging Third-Party Corporation to Be Alter Ego of Respondent

1. Identity of Co-Respondent

Petitioner further complains of [**name of co-respondent**], Co-Respondent, who may be served with citation at [**address, city, state**].

Co-Respondent is a corporation organized under the laws of [**state of incorporation**].

2. Alter Ego

Petitioner will show that the identity of the corporation and the individual Respondent are in substance one and the same. Co-Respondent corporation is only the alter ego of the individual Respondent, acting solely as a conduit for the performance of the individual Respondent's business. [**Specifically plead facts justifying disregard of the corporate existence to prevent an injustice or fraud, e.g.,** mismanagement of corporate finances and payment of personal expenses with corporate funds, personal use of company automobiles, domination of board of directors by family members, and failure to maintain corporate records or file corporate returns.]

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3. Prayer

Petitioner prays for judgment against Co-Respondent finding Co-Respondent corporation to be the alter ego of Respondent. Petitioner prays that on a finding of alter ego the Court divide the alleged "corporate" assets as the Court deems just and right.

Form 3-40

Occasionally the parties will own property with other person(s), and the disposition of the marital estate cannot be accomplished without bringing the third party or parties into the divorce action. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Additional service is required on a third-party co-respondent. See the practice notes at section 3.69.

Request for Relief from Third-Party Cotenant

1. Identity of Co-Respondent

Petitioner further complains of [**name of co-respondent**], Co-Respondent, who may be served with citation at [**address, city, state**].

Co-Respondent is a tenant in common with Petitioner and Respondent in property [**describe property**] located at [**location**].

Select as applicable.

2. Cotenancy

The property is managed by Co-Respondent, and Co-Respondent receives the revenues and rents from the property. Petitioner requests an accounting of the funds and access to the records pending final hearing on this case.

And/Or

3. Request for Transfer in Ownership

Petitioner requests the Court to award the undivided interest in the property to Petitioner and enter a judgment reflecting the transfer in ownership to Petitioner.

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Or

4. *Request for Sale*

The property is not subject to partition in kind and should be placed in the hands of a receiver and sold and the proceeds partitioned.

Or

5. *Request for Partition in Kind*

The property is subject to partition in kind, and the Court should order the property partitioned in kind and award Petitioner a separate divided interest in the property.

Continue with the following.

6. *Prayer for Relief*

Petitioner prays for judgment against Co-Respondent

Select as applicable.

to order an accounting of the rents and revenues from the property and access to records pending final hearing;

And/Or

to reflect Petitioner's undivided interest in the property;

Or

to order the property sold and proceeds divided;

Or

to order the property partitioned and to award Petitioner a separate divided interest in the property.

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Form 3-41 is reserved.

Form 3-42

If it is alleged that property has been fraudulently transferred to a third party and a request is made to return the property to the marital estate, the third party must be made a party to the divorce action. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Additional service is required on a third-party co-respondent. See the practice notes at section 3.74.

Request for Relief from Third Party for Fraudulent Transfer

1. Identity of Co-Respondent

Petitioner further complains of [**name of co-respondent**], Co-Respondent, who may be served with citation at [**address, city, state**].

2. Transfer of Property

Co-Respondent is the record title holder and/or registered owner of certain property that was fraudulently transferred by Respondent to Co-Respondent without consideration and/or for less than reasonably equivalent value. The purpose of the transfer was to defraud Petitioner of community-property rights in that property and/or Petitioner's separate-property rights in that property, and Co-Respondent had notice of Respondent's intent to injure Petitioner's rights. Respondent has transferred to Co-Respondent the following items of property: [**enumerate items, such as automobiles, bank accounts, real estate, jewels, and furs**].

3. Voiding Transfer

Petitioner prays that the Court find that the items were transferred in fraud of Petitioner's right in those assets and that, after notice and hearing, the Court enter an order setting aside the transfer as a fraud on the community and declaring the assets to be the community assets of Petitioner and Respondent and/or Petitioner's separate property.

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4. Request for Temporary Restraining Order

Petitioner fears that Co-Respondent will cause immediate and irreparable injury to Petitioner by attempting to sell, hide, or convey the property listed above unless Co-Respondent is temporarily restrained without notice from selling, conveying, mortgaging, or in any manner attempting to sell, convey, or mortgage any of the property; or removing the property from the jurisdiction of the Court.

Petitioner prays for a temporary restraining order against Co-Respondent and requests that, after hearing, the temporary restraining order be made a temporary injunction to be in effect until final judgment.

Attach affidavit required for third-party temporary restraining order. Tex. R. Civ. P. 680.

The following language should be added, where applicable, to the temporary restraining order, form 3-3.

On this date the Court considered the application for temporary restraining order against Co-Respondent, [**name of co-respondent**], and finds that irreparable injury will be done to Petitioner unless Co-Respondent is temporarily restrained because [**state specific reasons for injury**]. The Court grants the temporary restraining order against Co-Respondent, without notice, because [**state specific reasons**].

Petitioner is ORDERED to post bond in the amount of [**number**] dollars ($[**amount**]), payable to Co-Respondent, to ensure that Petitioner will proceed against Co-Respondent in good faith.

IT IS ORDERED that the clerk of this Court issue a temporary restraining order restraining Co-Respondent, [**name of co-respondent**], and Co-Respondent, [**name of co-respondent**], is immediately restrained, from selling, conveying, mortgaging, or in any

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manner attempting to sell, convey, or mortgage any of the property described above; or removing the property from the jurisdiction of the Court.

> **Caution:** The enjoined party must have notice before contempt will lie. For formal notice requirements, see Tex. R. Civ. P. 680 *et seq*.

Form 3-43

This cause of action is used when the petitioner alleges that a fraudulent obligation was created with the cooperation of a third-party creditor. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Additional service is required on a third-party co-respondent. See the practice notes at section 3.74.

Request to Void Fraudulent Obligation to Third Party

1. Identity of Co-Respondent

Petitioner further complains of [**name of co-respondent**], Co-Respondent, who may be served with citation at [**address, city, state**].

2. Obligation

Respondent fraudulently created an obligation in favor of Co-Respondent. Respondent incurred this obligation without consideration and/or for less than reasonably equivalent value. The purpose of the indebtedness was to defraud Petitioner of community-property rights in the community estate of Respondent and Petitioner, and Co-Respondent had notice of Respondent's intent to injure Petitioner's rights. The obligation was incurred on or about [**date**], and the amount of the obligation was approximately $[**amount**].

3. Voiding Obligation

Petitioner prays that the Court find that the obligation was created in fraud of Petitioner's rights in the community estate and that, after notice and hearing, the Court enter an order that the obligation is void and unenforceable.

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Form 3-44

This cause of action is used when a third party holds in his name, as a constructive trustee, property that is a part of the parties' estate. This material can be added, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Additional service is required on a third-party co-respondent. See the practice notes at section 3.75.

Request for Relief from Third-Party Trustee

1. Identity of Co-Respondent

Petitioner further complains of [**name of co-respondent**], Co-Respondent, who may be served with citation at [**address, city, state**].

Co-Respondent is the record title holder and/or registered owner of certain property belonging to Petitioner and Respondent, namely: [**describe each item of property**].

2. Trust Relationship

Select one of the following.

The property described above was purchased in the name of Co-Respondent as a method of using Co-Respondent's credit to purchase property for Petitioner and Respondent. Petitioner and Respondent have made all payments on the property, and it has been the agreement of all parties to the transaction that, once the underlying indebtedness on the property was fully paid, Co-Respondent would transfer title to the property to Petitioner and Respondent.

Or

Co-Respondent is the record title holder and/or registered owner of the property described above, which is actually held in cotenancy between Petitioner and Respondent and

Co-Respondent. The property was bought by Petitioner and Respondent and Co-Respondent as cotenants, but as a convenience the property was placed only in Co-Respondent's name.

3. Prayer

Petitioner prays that the Court find [the property to belong to Petitioner and Respondent/[**percent**] percent undivided interest of Petitioner and Respondent in the property] and that, after notice and hearing, the Court enter a judgment so finding and further include the asset in dividing the community estate.

If a TRO or temporary injunction is desired, adapt language from form 3-42.

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Form 3-45

This cause of action may be brought against a spouse, a third party, or both. This material can be incorporated, if appropriate, as an integral part of the divorce pleading to be inserted as a paragraph preceding the prayer. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the complainant.) Additional service is required if a third party is added as a co-respondent.

Civil Conspiracy

1. Civil Conspiracy

Beginning in [**date**] [Respondent and Co-Respondent[s]/Co-Respondents], [**names of two or more persons**], entered into a conspiracy to accomplish an unlawful purpose and/or to accomplish a lawful purpose by unlawful means, by: [**describe the alleged conspiracy**]. There was a meeting of the minds [between/among] [Respondent and Co-Respondent[s]/Co-Respondents] on the object of the course of action. Co-Respondent, [**name of co-respondent**], may be served with citation at [**address, city, state**]. [**Repeat for other co-respondents as applicable.**]

2. Damages

This action proximately resulted in damages to Petitioner for which Petitioner now seeks relief. Those damages include [**state damages alleged**].

Include 3. if applicable.

3. Exemplary Damages

[Respondent and Co-Respondent[s]/Co-Respondents] acted with malice in engaging in such conduct, thus entitling Petitioner to exemplary damages within the jurisdictional limits of this Court.

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4. Prayer

Petitioner prays for judgment against [Respondent and Co-Respondent[s]/Co-Respondents] in a sum within the jurisdictional limits of this Court for [his/her] actual damages as alleged, [**include if applicable:** for exemplary damages,] for prejudgment and postjudgment interest as allowed by law, for costs of court, and for general relief.

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Form 3-46

The defenses contained in this form correspond to the pleadings for additional causes of action presented in forms 3-31 through 3-37. The material should be incorporated in the respondent's original answer (form 3-16) as needed in response to the pleadings in the petition. (If the *respondent* has pleaded such an additional cause of action and the *petitioner* responds in defense, the material should be reworded accordingly.)

Defenses to Additional Causes of Action

1. Intentional, Knowing, or Reckless Bodily Injury

Respondent contends that at the time and place alleged in Petitioner's Original Petition, Respondent was acting—

Select as applicable.

a. in self-defense;

b. in defense of [his/her] separate property;

c. with the consent of Petitioner; and/or

d. in defense of others.

2. Threat of Imminent Bodily Injury/Offensive or Provocative Physical Contact

Respondent contends that at the time and place alleged in Petitioner's Original Petition, Respondent was acting—

Select as applicable.

a. in response to verbal provocation; and/or

b. in self-defense.

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3. Intentional Infliction of Emotional Distress

Respondent contends that at the time and place alleged in Petitioner's Original Petition—

Select as applicable.

a. Respondent was acting with the consent of Petitioner;

b. the act or conduct alleged was not outrageous and did not result in serious or severe emotional distress; and/or

c. Petitioner actually or impliedly ratified the actions of Respondent.

4. Actual Fraud/Waste of Assets

Respondent contends that—

Select as applicable.

a. at the time and place alleged in Petitioner's Original Petition, Respondent was acting with the consent of Petitioner that was free from duress, coercion, fraud, or undue influence; and/or

b. Petitioner's actions constituted a waiver or ratification of Respondent's actions.

5. Constructive Fraud

Respondent contends that—

Select as applicable.

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a. at the time and place alleged in Petitioner's Original Petition, Respondent was acting with the consent of Petitioner that was free from duress, coercion, fraud, or undue influence;

b. Petitioner's actions constituted a waiver or ratification of Respondent's actions; and/or

c. Respondent's action constituted a fair disposition of property.

6. Conversion of Separate Property

Respondent contends that at the time and place alleged in Petitioner's Original Petition, Respondent—

Select as applicable.

a. had superior right, title, or right to possession of the property in question;

b. was acting with the owner's consent to the taking, either express or implied; and/or

c. was acting with regard to community property.

7. Transmitting Sexual Disease

Respondent pleads—

Select as applicable.

a. comparative negligence;

b. lack of knowledge; and/or

c. that Petitioner had multiple sexual partners.

8. Invasion of Privacy by Unlawful Interception of Oral or Electronic Communication

Respondent contends that, concerning the allegations in Petitioner's Original Petition, Respondent—

Select as applicable.

a. had the consent of Petitioner to intercept the communication;

b. was acting under color of law; and/or

c. was a party to the communication.

9. Tortious Interference with Business Relations

Respondent contends that—

Select as applicable.

a. at the time and place alleged in Petitioner's Original Petition, Respondent was acting with privilege or justification;

b. at the time and place alleged in Petitioner's Original Petition, Respondent was acting in the interest of the parties' community business;

c. at the time and place alleged in Petitioner's Original Petition, Respondent was acting as an agent of Petitioner;

d. at the time and place alleged in Petitioner's Original Petition, Respondent was acting with the consent of Petitioner; and/or

e. Petitioner's actions constituted a ratification of Respondent's actions.

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10. Wrongful Interference with an Existing Contract

Select as applicable.

a. Respondent contends that at the time and place alleged in Petitioner's Original Petition, Respondent was acting with justification or privilege;

b. Respondent contends that the contract that is the basis for this cause of action is an illegal contract; and/or

c. Respondent pleads good-faith interference with the subject contract.

11. Interference with Custody

Respondent affirmatively pleads that Respondent violated the order with the express consent of Petitioner.

Form 3-47

A motion seeking temporary orders pending appeal may be filed before trial and may not be filed after the date on which the requesting party is required to file notice of appeal. *See* Tex. Fam. Code §§ 6.709(h), 109.001(b–1). The following request for temporary orders may be incorporated, if appropriate, as an integral part of the divorce pleading. (If the material is incorporated in the respondent's pleading, it should be reworded to reflect that the respondent, rather than the petitioner, is the requesting party.) Select applicable paragraphs. For a motion for temporary orders pending appeal to be used after judgment is rendered, see form 26-7.

Request for Temporary Orders Pending Appeal

1. Request for Temporary Orders Regarding Property during Appeal
§ 6.709

1. Request for Temporary Orders Regarding Property during Appeal

Petitioner requests the Court, after notice and hearing, to dispense with the issuance of a bond between the spouses and to render a temporary order as considered equitable and necessary for the preservation of the property and for the protection of the parties during an appeal, including an order directed toward Respondent as follows:

> Include 1.A.–1.G. as applicable. These orders are not limited, and other orders may be requested.

1.A. Spousal Support
§ 6.709(a)(1)

Requiring the support of Petitioner.

1.B. Attorney's Fees and Expenses
§ 6.709(a)(2)

Requiring Respondent to pay Petitioner's reasonable and necessary attorney's fees and expenses.

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1.C. Appointment of Receiver
§ 6.709(a)(3)

Appointing a receiver for the preservation and protection of the property of the parties.

1.D. Exclusive Use of Residence
§ 6.709(a)(4)

Awarding Petitioner exclusive occupancy of the parties' residence pending the appeal.

1.E. Enjoining Dissipation or Transfer of Property
§ 6.709(a)(5)

Enjoining Respondent from dissipating or transferring the property awarded to Petitioner in the Court's property division.

1.F. Suspending Operation of Property Division
§ 6.709(a)(6)

Suspending the operation of all or part of the property division that is being appealed.

1.G. Ordering Party to Provide Security
§ 6.709(d)(2)

If Respondent asks the Court to suspend the enforcement of the property division, requiring Respondent to provide an appropriate amount of security for the appeal in addition to any other temporary relief granted.

2. Request for Temporary Orders Regarding Children during Appeal
§ 109.001

2. Request for Temporary Orders Regarding Child[ren] during Appeal

Petitioner requests the Court, after notice and hearing, to dispense with the issuance of a bond between the spouses and to make any order necessary to

preserve and protect the safety and welfare of the child[ren] during the pendency of an appeal as the Court may deem necessary and equitable, including the following:

> Include 2.A.–2.J. as applicable. These orders are not limited, and other orders may be requested.

2.A. Temporary Joint Managing Conservators
§ 109.001(a)(1)

Appointing Petitioner and Respondent temporary joint managing conservators [**include if applicable:** and designating Petitioner as the conservator who has the exclusive right to designate the primary residence of the child[ren]].

2.B. Temporary Sole Managing Conservator
§ 109.001(a)(1)

Appointing Petitioner temporary sole managing conservator.

2.C. Temporary Possessory Conservator
§ 109.001(a)(1)

Appointing Petitioner temporary possessory conservator.

2.D. Payment of Child Support
§ 109.001(a)(2)

Ordering Respondent to provide support for the child[ren], including the payment of child support and medical and dental support in the manner specified by the Court, while the appeal is pending.

2.E. Molesting or Disturbing Child[ren] or Another Party
§ 109.001(a)(3)

Enjoining Respondent from molesting or disturbing the peace of the child[ren] or of another party.

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2.F. Residence Restriction
§ 109.001(a)

Restricting the primary residence of the child[ren] to [**geographic area**].

2.G. School Enrollment
§ 109.001(a)

[Awarding Petitioner the exclusive right to enroll the child[ren] in school./Ordering the parties to enroll the child[ren] in the public schools for the attendance zone of Petitioner's residence./Ordering the parties to enroll the child[ren] as follows: [**name of child**] in [**name and address of school**] as long as the child is eligible to attend that school [**repeat for each child if more than one**].]

2.H. Travel Restriction
§ 109.001(a)(4)

Enjoining Respondent from removing the child[ren] beyond [**geographic area**], acting directly or in concert with others.

2.I. Attorney's Fees and Expenses
§ 109.001(a)(5)

Requiring Respondent to pay Petitioner's reasonable and necessary attorney's fees and expenses.

2.J. Suspending Operation of Order or Judgment Being Appealed
§ 109.001(a)(6)

Suspending the operation of the order or judgment that is being appealed.

Include the following in the prayer.

Petitioner prays the Court grant the requested temporary relief pending appeal if the Court's final judgment is appealed.

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Chapter 4

Divorce—Temporary Orders

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Form 4-1

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Temporary Orders

This Motion for Temporary Orders is brought by [**name of movant**], [**party designation**], who shows in support:

1. and 2. and the prayer based on them are examples. See form 3-1 for other examples.

1. Petitioner and Respondent have been unable to agree on the temporary use and possession of their community property while this case is pending.

2. Petitioner and Respondent have been unable to agree on a fair and proper amount of temporary support while this case is pending. [Petitioner/Respondent] needs financial assistance from [Respondent/Petitioner], and [Respondent/Petitioner] has the financial ability to pay temporary support while this case is pending for the use and benefit of [Petitioner/Respondent] and their child[ren].

[**Name of movant**] prays that this Court enter temporary orders regarding the parties' use of community property and that [Respondent/Petitioner] be ordered to pay a fair share and reasonable amount of support for [Petitioner/Respondent] and their child[ren] while this case is pending.

Continue with the following.

[**Name of movant**] prays that the Court grant this Motion for Temporary Orders.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 4-2

Include the following notice if a minor is named in the caption or if the statement contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Financial Information Statement

[for Hearings on Temporary Orders and Final Divorce]

This statement is submitted by [[**name of party A**]/[**name of party B**]].

1. Date of marriage:

2. Date of separation:

3. Age[s] of child[ren] of this marriage:

4. [**Name of party A**]'s occupation:

5. [**Name of party A**]'s gross earnings from primary employment per month $ _____

Withholding/FICA	$ _____
Insurance	$ _____
Retirement	$ _____
Other	$ _____
Total deductions	$ _____

[**Name of party A**]'s net income from primary employment per month $ _____

[**Name of party A**]'s average income from other sources per month $ _____

[**Name of party A**]'s net income per month $ _____

(Please attach applicable 1040s, W-2s, or most recent pay stub.)

6. [**Name of party B**]'s occupation:

7. [**Name of party B**]'s gross earnings from primary employment per month $ _____

Withholding/FICA	$ _____
Insurance	$ _____
Retirement	$ _____
Other	$ _____
Total deductions	$ _____

[**Name of party B**]'s net income from primary employment per month $ _____

[**Name of party B**]'s average income from other sources per month $ _____

[**Name of party B**]'s net income per month $ _____

(Please attach applicable 1040s, W-2s, or most recent pay stub.)

8. Necessary monthly living expenses:

House payment or rent (include second mortgage, insurance, taxes, condominium assessments)	$ _____
Utilities including telephone	$ _____
Food including school lunches	$ _____
Child care	$ _____
Car payments and auto insurance	$ _____
Gasoline, oil, parking, bus fares, tolls, repairs	$ _____
Attorney's fees	$ _____

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Health and life insurance premiums (exclude company-paid insurance) $ _____

Uninsured medical and drug expenses $ _____

Uninsured dental and orthodontic expenses $ _____

Uninsured mental health care expenses $ _____

Clothing and laundry $ _____

Personal (entertainment, adult education, etc.) $ _____

Minimum monthly debt service (see item 9. below) $ _____

Total $ _____

9. Debts (exclude house mortgage and car payments):

Creditor	Balance of Debt	Minimum Monthly Payment
_____	$ _____	$ _____
_____	$ _____	$ _____
_____	$ _____	$ _____
_____	$ _____	$ _____
_____	$ _____	$ _____

10. Funds and assets readily convertible into cash in control of [**name of party A**]:

Accounts in financial institutions (banks, savings and loans, credit unions, certificates of deposit) $ _____

Stocks and bonds $ _____

11. Funds and assets readily convertible into cash in control of [**name of party B**]:

Accounts in financial institutions (banks, savings and loans, credit unions, certificates of deposit) $ _____

Stocks and bonds $ _____

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12. Child[ren] presently residing with:

13. Number of child[ren] not before the Court entitled to support from [[**name of party A**]/[**name of party B**]]:

14. Amount I want to receive as:

Temporary child support	$ _____
Temporary alimony	$ _____
Total	$ _____

Or

15. Amount I want to pay as:

Temporary child support	$ _____
Temporary alimony	$ _____
Total	$ _____

SIGNED on _____.

_____

[[**Name of party A**]/[**Name of party B**]]

Prepare in triplicate.

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Form 4-3
Temporary Orders
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Form 4-3

Include the following notice if a minor is named in the caption or if the orders contain other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Temporary Orders

1. Date of Hearing

On [**date**] the Court heard [Petitioner/Respondent]'s motion for temporary orders.

2. Appearances

Appearances

2.A. Petitioner

1. In Person and by Attorney

Petitioner, [**name of petitioner**], appeared in person and through attorney of record, [**name**], and announced ready.

Or

2. Agreement

Petitioner, [**name of petitioner**], did not appear in person but has agreed to the terms of this order as evidenced by Petitioner's signature below.

2.B. Respondent

Respondent, [**name of respondent**],

Select one of the following.

1. *In Person*

appeared in person and announced ready.

2. *By Attorney*

appeared through attorney of record, [**name**], and announced ready.

3. *In Person and by Attorney*

appeared in person and through attorney of record, [**name**], and announced ready.

4. *Did Not Appear (Default)*

although duly and properly notified, did not appear and wholly made default.

5. *Did Not Appear (Waiver)*

having waived issuance and service of citation by waiver duly filed, [**include if applicable:** and having entered into this agreement as evidenced by Respondent's signature below,] did not further appear.

6. *Did Not Appear (Agreement)*

did not appear in person but has agreed to the terms of this order as evidenced by Respondent's signature below.

Continue with the following as applicable.

2.C. Agreed Order

The parties have agreed to the terms of this order as evidenced by the signatures below.

2.D. Mediation

The parties have already attended mediation regarding temporary orders with [**name of mediator**].

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3. Jurisdiction

Jurisdiction

The Court, after examining the record [**include if applicable:** and the agreement of the parties] and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that the Court has jurisdiction of this case and of all the parties.

4. Child[ren]

Child[ren]

Select 4.A., 4.B., or 4.C.

4.A. No Child

The Court finds that there is no child of the marriage of Petitioner and Respondent and that none is expected.

4.B. No Child under 18 or Otherwise Entitled to Support

The Court finds that there is no child of the marriage of Petitioner and Respondent now under eighteen years of age or otherwise entitled to support and that none is expected.

4.C. Orders

The following orders are for the safety and welfare and in the best interest of the following child[ren]:

Name:

Sex:

Birth date:

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Home state:

Repeat for each additional child.

4.D. Temporary Conservators

4.D.1. Appointment

IT IS ORDERED that [**name**] and [**name**] are appointed Temporary Joint Managing Conservators of the following child[ren]: [**name[s] of child[ren]**].

Or

IT IS ORDERED that [**name**] is appointed Temporary Sole Managing Conservator and [**name**] is appointed Temporary Possessory Conservator of the following child[ren]: [**name[s] of child[ren]**].

4.D.2. Rights and Duties

Select rights and duties as applicable. The rights of conservators can be limited by court order.

Include 4.D.2.a. if the parents are appointed temporary joint managing conservators. (If the parents are appointed temporary sole managing and possessory conservators, use 4.D.2.b. and 4.D.2.c.) If one or more nonparents are appointed temporary joint managing conservator, change title(s) as appropriate and modify the rights and duties of the nonparent(s) in accordance with Tex. Fam. Code §§ 153.371 and 153.376.

4.D.2.a. Parents Temporary Joint Managing Conservators

- *Rights at All Times § 153.073*

IT IS ORDERED that, at all times, [**name of petitioner**] and [**name of respondent**], as parent temporary joint managing conservators, shall each have the following rights:

1. the right to receive information from any other conservator of the child[ren] concerning the health, education, and welfare of the child[ren];

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2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child[ren];

3. the right of access to medical, dental, psychological, and educational records of the child[ren];

4. the right to consult with a physician, dentist, or psychologist of the child[ren];

5. the right to consult with school officials concerning the child[ren]'s welfare and educational status, including school activities;

6. the right to attend school activities, including school lunches, performances, and field trips;

7. the right to be designated on the child[ren]'s records as a person to be notified in case of an emergency;

8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child[ren]; and

9. the right to manage the estate[s] of the child[ren] to the extent the estate[s] [has/have] been created by the parent's family or by the parent, other than by the community or joint property of the parents.

- *Duties at All Times*
  § 153.076

IT IS ORDERED that, at all times, [**name of petitioner**] and [**name of respondent**], as parent temporary joint managing conservators, shall each have the following duties:

1. the duty to inform the other conservator[s] of the child[ren] in a timely manner of significant information concerning the health, education, and welfare of the child[ren];

2. the duty to inform the other conservator[s] of the child[ren] if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the fortieth day after the date the conservator of the child[ren] begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

3. the duty to inform the other conservator[s] of the child[ren] if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CON-

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SERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

4. the duty to inform the other conservator[s] of the child[ren] if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

5. the duty to inform the other conservator[s] of the child[ren] if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

- *Rights and Duties during Periods of Possession § 153.074*

IT IS ORDERED that, during their respective periods of possession, [**name of petitioner**] and [**name of respondent**], as parent temporary joint managing conservators, shall each have the following rights and duties:

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1. the duty of care, control, protection, and reasonable discipline of the child[ren];

2. the duty to support the child[ren], including providing the child[ren] with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

3. the right to consent for the child[ren] to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the child[ren].

- *Other Rights and Duty of Petitioner*
  §§ 153.134(b), 153.132, 153.071, 151.001(a)(4), (5), 153.133(c)

IT IS ORDERED that [**name of petitioner**], as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the exclusive right to designate the primary residence of the child [within [**specify geographic area**]/without regard to geographic location];

2. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to consent to medical, dental, and surgical treatment involving invasive procedures;

3. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to consent to psychiatric and psychological treatment of the child[ren];

4. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to receive and give receipt for periodic

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payments for the support of the child[ren] and to hold or disburse these funds for the benefit of the child[ren];

5. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to represent the child[ren] in legal action and to make other decisions of substantial legal significance concerning the child[ren];

6. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to consent to marriage and to enlistment in the armed forces of the United States;

7. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to make decisions concerning the child[ren]'s education;

8. except as provided by section 264.0111 of the Texas Family Code, the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to the services and earnings of the child[ren];

9. except when a guardian of the child[ren]'s estate[s] or a guardian or attorney ad litem has been appointed for the child[ren], the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to act as an agent of the child[ren] in relation to the child[ren]'s estate[s] if the child[ren]'s action is required by a state, the United States, or a foreign government;

10. the [exclusive right/right, subject to the agreement of the other parent conservator,] to apply for [a] passport[s] for the child[ren], to renew the

child[ren]'s passport[s], and to maintain possession of the child[ren]'s passport[s]; and

11. the [exclusive duty/duty, subject to the agreement of the other parent conservator,/independent duty] to manage the estate[s] of the child[ren] to the extent the estate[s] [has/have] been created by the community or joint property of the parents.

- *Other Rights and Duty of Respondent*
  §§ 153.134(b), 153.132, 153.071, 151.001(a)(4), (5), 153.133(c)

IT IS ORDERED that [**name of respondent**], as a parent temporary joint managing conservator, shall have the following rights and duty:

1. the exclusive right to designate the primary residence of the child [within [**specify geographic area**]/without regard to geographic location];

2. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to consent to medical, dental, and surgical treatment involving invasive procedures;

3. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to consent to psychiatric and psychological treatment of the child[ren];

4. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to receive and give receipt for periodic payments for the support of the child[ren] and to hold or disburse these funds for the benefit of the child[ren];

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5. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to represent the child[ren] in legal action and to make other decisions of substantial legal significance concerning the child[ren];

6. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to consent to marriage and to enlistment in the armed forces of the United States;

7. the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to make decisions concerning the child[ren]'s education;

8. except as provided by section 264.0111 of the Texas Family Code, the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to the services and earnings of the child[ren];

9. except when a guardian of the child[ren]'s estate[s] or a guardian or attorney ad litem has been appointed for the child[ren], the [exclusive right/right, subject to the agreement of the other parent conservator,/independent right] to act as an agent of the child[ren] in relation to the child[ren]'s estate[s] if the child[ren]'s action is required by a state, the United States, or a foreign government;

10. the [exclusive right/right, subject to the agreement of the other parent conservator,] to apply for [a] passport[s] for the child[ren], to renew the child[ren]'s passport[s], and to maintain possession of the child[ren]'s passport[s]; and

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11. the [exclusive duty/duty, subject to the agreement of the other parent conservator,/independent duty] to manage the estate[s] of the child[ren] to the extent the estate[s] [has/have] been created by the community or joint property of the parents.

- *Minimizing Disruption*
  § 153.134(b)(3)

IT IS ORDERED that [**include provisions to minimize disruption of the child[ren]'s education, daily routine, and association with friends**].

Include one of the following paragraphs if applicable, particularly if the right to make educational decisions is not allocated exclusively to one conservator.

Notwithstanding any provision in this order to the contrary, IT IS ORDERED that [[**name of petitioner**]/[**name of respondent**]] shall have the exclusive right to enroll the child[ren] in school. Each conservator, during that conservator's periods of possession, is ORDERED to ensure the child[ren]'s attendance in the schools in which [[**name of petitioner**]/[**name of respondent**]] has enrolled the child.

Or

Notwithstanding any provision in this order to the contrary, [**name of petitioner**] and [**name of respondent**] are each ORDERED to enroll the child[ren] [in the public school[s] for the attendance zone of [[**name of petitioner**]/[**name of respondent**]]'s residence/as follows: [**name of child**] in [**name and address of school**] as long as the child is eligible to attend that school [**repeat for each child if more than one**]]. Each conservator, during that conservator's periods of possession, is ORDERED to ensure the child[ren]'s attendance in [this/these] school[s].

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Include 4.D.2.b. if a parent is appointed temporary sole managing conservator or possessory conservator.

4.D.2.b. Parent Temporary Sole Managing or Possessory Conservator

- *Rights at All Times § 153.073*

IT IS ORDERED that, at all times, [**name**], as a parent temporary [sole managing/possessory] conservator, [**include if applicable:** and [**name**], as a parent temporary possessory conservator,] shall [each] have the following rights:

1. the right to receive information from any other conservator of the child[ren] concerning the health, education, and welfare of the child[ren];

2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child[ren];

3. the right of access to medical, dental, psychological, and educational records of the child[ren];

4. the right to consult with a physician, dentist, or psychologist of the child[ren];

5. the right to consult with school officials concerning the child[ren]'s welfare and educational status, including school activities;

6. the right to attend school activities, including school lunches, performances, and field trips;

7. the right to be designated on the child[ren]'s records as a person to be notified in case of an emergency;

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8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child[ren]; and

9. the right to manage the estate[s] of the child[ren] to the extent the estate[s] [has/have] been created by the parent's family or by the parent, other than by the community or joint property of the parents.

- *Duties at All Times*
  § 153.076

IT IS ORDERED that, at all times, [**name**], as a parent temporary [sole managing/possessory] conservator, [**include if applicable:** and [**name**], as a parent temporary possessory conservator,] shall [each] have the following duties:

1. the duty to inform the other conservator[s] of the child[ren] in a timely manner of significant information concerning the health, education, and welfare of the child[ren];

2. the duty to inform the other conservator[s] of the child[ren] if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the fortieth day after the date the conservator of the child[ren] begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A

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CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

3. the duty to inform the other conservator[s] of the child[ren] if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

4. the duty to inform the other conservator[s] of the child[ren] if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

5. the duty to inform the other conservator[s] of the child[ren] if the conservator is the subject of a final protective order issued after the date of the

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order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

Continue with the following.

- *Rights and Duties during Periods of Possession § 153.074*

IT IS ORDERED that, during [his/her/their respective] periods of possession, [**name**], as a parent temporary [sole managing/possessory] conservator, [**include if applicable:** and [**name**], as a parent temporary possessory conservator,] shall [each] have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the child[ren];

2. the duty to support the child[ren], including providing the child[ren] with clothing, food, shelter, and medical and dental care not involving an invasive procedure;

3. the right to consent for the child[ren] to medical and dental care not involving an invasive procedure; and

4. the right to direct the moral and religious training of the child[ren].

Include 4.D.2.c. if a parent is appointed temporary sole managing conservator.

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4.D.2.c. Exclusive Rights and Duty of Parent Temporary Sole Managing Conservator §§ 153.132, 151.001(a)(4), (5), 105.002

IT IS ORDERED that [**name**], as parent temporary sole managing conservator, shall have the following exclusive rights and duty:

1. the right to designate the primary residence of the child[ren] [within [**specify geographic area**]/without regard to geographic location];

2. the right to consent to medical, dental, and surgical treatment involving invasive procedures;

3. the right to consent to psychiatric and psychological treatment of the child[ren];

4. the right to receive and give receipt for periodic payments for the support of the child[ren] and to hold or disburse these funds for the benefit of the child[ren];

5. the right to represent the child[ren] in legal action and to make other decisions of substantial legal significance concerning the child[ren];

6. the right to consent to marriage and to enlistment in the armed forces of the United States;

7. the right to make decisions concerning the child[ren]'s education;

8. except as provided by section 264.0111 of the Texas Family Code, the right to the services and earnings of the child[ren];

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9. except when a guardian of the child[ren]'s estate[s] or a guardian or attorney ad litem has been appointed for the child[ren], the right to act as an agent of the child[ren] in relation to the child[ren]'s estate[s] if the child[ren]'s action is required by a state, the United States, or a foreign government;

10. the right to apply for [a] passport[s] for the child[ren], to renew the child[ren]'s passport[s], and to maintain possession of the child[ren]'s passport[s]; and

11. the duty to manage the estate[s] of the child[ren] to the extent the estate[s] [has/have] been created by the community or joint property of the parents.

Include 4.D.2.d. if a nonparent is appointed temporary sole managing conservator.

4.D.2.d. Nonparent Temporary Sole Managing Conservator

- *Rights and Duties §§ 153.371, 153.076, 264.0111, 105.002*

IT IS ORDERED that [**name of nonparent**], as a nonparent temporary sole managing conservator, shall have the following rights and duties:

1. the right to have physical possession and to direct the moral and religious training of the child[ren];

2. the duty of care, control, protection, and reasonable discipline of the child[ren];

3. the duty to provide the child[ren] with clothing, food, shelter, education, and medical, psychological, and dental care;

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4. the right to consent for the child[ren] to medical, psychiatric, psychological, dental, and surgical treatment and to have access to the child[ren]'s medical records;

5. the right to receive and give receipt for payments for the support of the child[ren] and to hold or disburse funds for the benefit of the child[ren];

6. except as provided by section 264.0111 of the Texas Family Code, the right to the services and earnings of the child[ren];

7. the right to consent to marriage and to enlistment in the armed forces of the United States;

8. the right to represent the child[ren] in legal action and to make other decisions of substantial legal significance concerning the child[ren];

9. except when a guardian of the child[ren]'s estate[s] or a guardian or attorney ad litem has been appointed for the child[ren], the right to act as an agent of the child[ren] in relation to the child[ren]'s estate[s] if the child[ren]'s action is required by a state, the United States, or a foreign government;

10. the right to designate the primary residence of the child[ren] [within [**specify geographic area**]/without regard to geographic location] and to make decisions regarding the child[ren]'s education;

11. if the parent-child relationship has been terminated with respect to the parents, or only living parent, or if there is no living parent, the right to consent to the adoption of the child[ren] and to make any other decision concerning the child[ren] that a parent could make;

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12. the right to apply for [a] passport[s] for the child[ren], to renew the child[ren]'s passport[s], and to maintain possession of the child[ren]'s passport[s];

13. the duty to inform the other conservator[s] of the child[ren] in a timely manner of significant information concerning the health, education, and welfare of the child[ren];

14. the duty to inform the other conservator[s] of the child[ren] if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the fortieth day after the date the conservator of the child[ren] begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

15. the duty to inform the other conservator[s] of the child[ren] if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the

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other conservator[s] of the child[ren] as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

16. the duty to inform the other conservator[s] of the child[ren] if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

17. the duty to inform the other conservator[s] of the child[ren] if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

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- *Annual Reports*
  § 153.375

IT IS ORDERED that [**name of nonparent**] shall, each twelve months after the date of this order, file with the Court a report of facts concerning the child[ren]'s welfare, including the child[ren]'s whereabouts and physical condition.

Include 4.D.2.e. if a nonparent is appointed a temporary possessory conservator.

4.D.2.e. *Nonparent Temporary Possessory Conservator*
§§ 153.376, 153.377, 153.076

IT IS ORDERED that [**name of nonparent**], as a nonparent temporary possessory conservator, shall have the following right and duties during periods of possession:

1. the duty of care, control, protection, and reasonable discipline of the child[ren];

2. the duty to provide the child[ren] with clothing, food, and shelter; and

3. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child[ren].

IT IS FURTHER ORDERED that [**name of nonparent**], as a nonparent temporary possessory conservator, shall have the following right and duties at all times:

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1. the right of access to medical, dental, psychological, and educational records of the child[ren] to the same extent as the managing conservator[s];

2. the duty to inform the other conservator[s] of the child[ren] in a timely manner of significant information concerning the health, education, and welfare of the child[ren];

3. the duty to inform the other conservator[s] of the child[ren] if the conservator resides with for at least thirty days, marries, or intends to marry a person who the conservator knows is registered as a sex offender under chapter 62 of the Texas Code of Criminal Procedure or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the fortieth day after the date the conservator of the child[ren] begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

4. the duty to inform the other conservator[s] of the child[ren] if the conservator establishes a residence with a person who the conservator knows is the subject of a final protective order sought by an individual other than the conservator that is in effect on the date the residence with the person is established. IT IS ORDERED that notice of this information shall be provided to the

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other conservator[s] of the child[ren] as soon as practicable, but not later than the thirtieth day after the date the conservator establishes residence with the person who is the subject of the final protective order. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE;

5. the duty to inform the other conservator[s] of the child[ren] if the conservator resides with, or allows unsupervised access to a child by, a person who is the subject of a final protective order sought by the conservator after the expiration of the sixty-day period following the date the final protective order is issued. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the ninetieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE; and

6. the duty to inform the other conservator[s] of the child[ren] if the conservator is the subject of a final protective order issued after the date of the order establishing conservatorship. IT IS ORDERED that notice of this information shall be provided to the other conservator[s] of the child[ren] as soon as practicable, but not later than the thirtieth day after the date the final protective order was issued. WARNING: A CONSERVATOR COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE CONSERVATOR FAILS TO PROVIDE THIS NOTICE.

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> Include 4.D.2.f. *only* if the primary residence of the child(ren) is restricted to a specific geographic area (as ordered in 4.D.2.a. for a joint managing conservator or 4.D.2.c. or 4.D.2.d. for the sole managing conservator).

4.D.2.f. Geographic Area for Primary Residence
§§ 105.002, 153.133(c)

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child; to provide a safe, stable, and nonviolent environment for the child; and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the child[ren] shall be within [**specify geographic area**], and the parties shall not remove the child[ren] from [**specify geographic area**] for the purpose of changing the primary residence of the child[ren] until this geographic restriction is modified by further order of the court of continuing jurisdiction or by a written agreement that is signed by the parties and filed with that court.

> **Caution:** The following paragraph should be used only after careful consideration of the potential ramifications. See the practice notes at section 40.11.

IT IS FURTHER ORDERED that this geographic restriction on the primary residence of the child[ren] shall be lifted if, at the time [**name of sole managing conservator or joint managing conservator with right to designate**] wishes to remove the child[ren] from [**specify geographic area**] for the purpose of changing the primary residence of the child[ren], [**name of possessory conservator or joint managing conservator without right to designate**] does not reside in [**specify geographic area**].

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Continue with the following.

4.D.3. Notices to Other Conservator[s]

Except as expressly provided otherwise in this temporary order, IT IS ORDERED that all information or documents that a conservator is required to provide to [the other/another] conservator shall be sent in the following manner:

Include as applicable.

a. hand delivery by a person eighteen years of age or older either to the recipient or to a person who is eighteen years of age or older and permanently resides with the recipient;

b. delivery to the recipient by first-class mail or by certified mail, return receipt requested, to the recipient's last known mailing or residence address;

c. delivery to the recipient at the recipient's last known mailing or residence address using any person or entity whose principal business is that of a courier or deliverer of papers or documents either within or outside the United States;

d. delivery to the recipient at the recipient's electronic mail address as follows:

[name of conservator]: **[conservator's e-mail address]**

[name of conservator]: **[conservator's e-mail address]**

Repeat as needed for other conservators.

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and in the event of any change in a recipient's electronic mail address, that recipient is ORDERED to notify the other recipient[s] of such change in writing within twenty-four hours after the change;

e. delivery to the recipient at the recipient's mobile telephone number by text message as follows:

[**name of conservator**]: [**conservator's mobile number**]

[**name of conservator**]: [**conservator's mobile number**]

Repeat as needed for other conservators.

and in the event of any change in a recipient's mobile telephone number, that recipient is ORDERED to notify the other recipient[s] of such change in writing within twenty-four hours after the change; or

f. providing the document to the recipient by posting the document on the [**name of coparenting website**] Internet website program, in accordance with the provisions set forth below in this order.

4.D.4. Passport Application
22 CFR § 51.28

If a party applies for a passport for the child[ren], that party is ORDERED to notify the other [party/parties] of that fact no later than [**number**] days after the application.

Include the following if applicable.

IT IS ORDERED that if a parent's consent is required for the issuance or renewal of a passport, that parent shall provide that consent in writing no later than [**number**] days after receipt of the consent documents, unless the parent has good cause for withholding that consent.

See form 55-2 if international parental abduction is an issue.

Include 4.D.5. if applicable.

4.D.5. Tax Returns for Child[ren]

IT IS ORDERED that [**name of party A**] shall have the exclusive right and duty to prepare and file income tax returns for the child[ren]'s estate[s].

IT IS ORDERED that [**name of party B**] shall furnish such information to [**name of party A**] as is requested to prepare federal income tax returns for the child[ren]'s estates within thirty days of receipt of a written request for the information, and in no event shall the information be furnished later than [**date**]. As requested information becomes available after that date, [**name of party B**] is ORDERED to provide it to [**name of party A**] within ten days of [**name of party B**]'s receipt of the information.

If appropriate, see form 45-5 or 45-6 for temporary orders regarding rights and duties to be effective for the duration of a party's military duty.

Continue with the following.

4.E. Possession and Access

IT IS ORDERED that the temporary conservators shall have possession of the child[ren] at times mutually agreed to in advance by the parties and, in the absence of mutual agreement, as follows: [**set out times and general conditions for possession of or access to each child. If needed, adapt language from paragraph 10.H., form 23-1**].

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The periods of possession ordered above apply to [the/each] child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

Include 4.E.1.–4.E.3. as applicable.

4.E.1. Electronic Communication
§ 153.015

For purposes of this order, the term "electronic communication" means any communication facilitated by the use of any wired or wireless technology via the Internet or any other electronic media. The term includes communication facilitated by the use of a telephone, electronic mail, instant messaging, videoconferencing, or webcam.

IT IS ORDERED that [[**name**]/the temporary conservators] shall have electronic communication with the child[ren] to supplement [his/her/their] periods of possession as follows: [**set out times and general conditions of electronic communication between each child and each temporary conservator granted electronic communication with that child**].

If there is a finding of family violence in the order, include the following if applicable.

The Court finds that, even though it has [made a finding of family violence/imposed supervised visitation between the child[ren] and [**name**]/made a finding of family violence and imposed supervised visitation between the child[ren] and [**name**]], the parties have agreed to periods of electronic communication between [**name**] and the child[ren]. IT IS THEREFORE ORDERED that, pursuant to the parties' agreement, [**name**] shall have electronic communication with the child[ren] as follows: [**set out times and general conditions of electronic communication with each applicable child in bold-**

faced, capitalized type, including any specific restrictions relating to family violence or supervised visitation required by other law to be included in a possession or access order].

Continue with the following.

IT IS ORDERED that each conservator shall—

1. provide the other conservator[s] with the e-mail address[es] and other electronic communication access information of the child[ren] within [**number**] [hours/days] after the Court signs this order;

2. notify the other conservator[s] of any change in the e-mail address[es] or other electronic communication access information not later than twenty-four hours after the date the change takes effect; and

3. if necessary equipment is reasonably available, accommodate electronic communication with the child with the same privacy, respect, and dignity accorded all other forms of access, at a reasonable time and for a reasonable duration subject to any limitation provided in this order.

4.E.2. Restricted Periods of Access—Family Violence § 153.004(d)(1), (d–1)

The Court finds that [**name**] has a history or pattern of committing family violence during the two-year period preceding the filing of this suit or during the pendency of this suit. The Court further finds that awarding [**name**] access to the child[ren] would not endanger the child[ren]'s physical health or emotional welfare and would be in the best interest of the child[ren]. IT IS THEREFORE ORDERED as follows:

Select as applicable.

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1. Visitation shall be under the supervision of [**name of person or supervising agency or program**] [on the following days and times: [**list days and times of access**]/on the days and times prescribed by [**name of person or supervising agency or program**]].

And/Or

2. All exchanges of possession of or access to the child[ren] shall occur at [**specify place and address**].

And/Or

3. [**Name**] shall abstain from the consumption of alcohol or any controlled substance within the twelve hours before and during each of [**name**]'s periods of possession of or access to the child[ren].

And/Or

4. [**Name**] shall attend [**describe details of battering intervention and prevention program or treatment by mental health professional**] and shall provide proof of such attendance to the Court within [**specify**].

If respondent's conduct constituting a sexual offense resulting in the victim's pregnancy with the child (Tex. Fam. Code § 154.002(d)(2)) is alleged, see ¶ 4.C.2.b. in form 40-5.

4.E.3. Supervised Visitation—Family Violence or Child Abuse or Neglect § 153.004(e)

The Court finds that credible evidence has been presented that [there is a history or pattern of [child neglect/child abuse/family violence/child neglect and abuse/child neglect and family violence/child abuse and family violence/child abuse, child neglect, and family violence] committed by [Petitioner/Respondent/[**name**], who [resides in [Petitioner/Respondent]'s household/is

permitted by [Petitioner/Respondent] to have unsupervised access to the child[ren] during [Petitioner/Respondent]'s periods of possession of or access to the child[ren]]]. IT IS THEREFORE ORDERED that [Petitioner/Respondent]'s access shall be under the supervision of [**name of person or supervising agency or program**] [on the following days and times: [**list days and times of access and general terms and conditions**]/on the days and times prescribed by [**name of person or supervising agency or program**]].

If appropriate, see form 45-5 or 45-6 for temporary orders regarding possession and access to be effective for the duration of a party's military duty.

4.F. Child Support

Select 4.F.1., 4.F.2., or 4.F.3.

4.F.1. Monthly Payments

IT IS ORDERED that [**name of obligor**] pay to [**name**] for the support of [**name[s] of child[ren]**] [**number**] dollars ($[**amount**]) per month, with the first payment being due and payable on [**date**] and a like payment being due and payable on the [**specify**] day of each month thereafter until further order of this Court.

Or

4.F.2. Semimonthly Payments

IT IS ORDERED that [**name of obligor**] pay to [**name**] for the support of [**name[s] of child[ren]**] [**number**] dollars ($[**amount**]) per month, in two installments per month of [**number**] dollars ($[**amount**]) each, with the first installment of [**number**] dollars ($[**amount**]) being due and payable on [**date**] [**include if applicable:** , the second installment of [**number**] dollars ($[**amount**]) being due and payable on [**date**],] and a like installment of [**number**] dollars

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($[**amount**]) being due and payable on the [**specify**] and [**specify**] day of each month thereafter until further order of this Court.

Or

4.F.3. Weekly Payments

IT IS ORDERED that [**name of obligor**] pay to [**name**] for the support of [**name[s] of child[ren]**] [**number**] dollars ($[**amount**]) per week, beginning on [**name of day**], [**date**] with a like payment of [**number**] dollars ($[**amount**]) being due and payable on each [**name of day**] thereafter until further order of this Court.

If properly requested by a party or if the support ordered varies from the statutory guidelines, include 4.F.4.

4.F.4. Statement on Guidelines
§ 154.130

In accordance with Texas Family Code section 154.130, the Court makes the following findings and conclusions regarding the child support order made in open court in this case on [**date**]:

1. [The amount of child support ordered by the Court is in accordance with the percentage guidelines./The application of the percentage guidelines in this case would be unjust or inappropriate.]

2. The net resources of [**name of obligor**] per month are $[**amount**].

Include item 3. if applicable.

3. The net resources of [**name of obligee**] per month are $[**amount**].

Include the following as item 4. if suit was filed before September 1, 2021, *or* if obligor's net resources are $1,000 per month or more, regardless of when suit was filed.

4. The percentage applied to the first $9,200 of [**name of obligor**]'s net resources for child support is [**percent**] percent.

Or

Include the following as item 4. if suit was filed on or after September 1, 2021, *and* obligor's net resources are less than $1,000 per month.

4. The percentage applied to [**name of obligor**]'s net resources for child support is [**percent**] percent.

Include item 5. if applicable.

5. The specific reasons that the amount of support per month ordered by the Court varies from the amount computed by applying the percentage guidelines of section [154.125/154.129] of the Texas Family Code are: [**state reasons**].

4.F.5. Withholding from Earnings

IT IS ORDERED that any employer of [**name of obligor**] shall be ordered to withhold the child support payments ordered in this order from the disposable earnings of [**name of obligor**] for the support of [**name[s] of child[ren]**].

4.F.6. Withholding as Credit against Support Obligation

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of [**name of obligor**] by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this decree through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount

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ordered to be paid by this decree, the balance due remains an obligation of [**name of obligor**], and it is hereby ORDERED that [**name of obligor**] pay the balance due directly to the state disbursement unit as specified below.

4.F.7. Order to Employer

On this date the Court [signed/authorized the issuance of] an Income Withholding for Support. [**See form 9-3.**]

4.F.8. Payment

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to [**name of obligee**] for the support of the child[ren]. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number of this suit, [**name of obligor**]'s name as the name of the noncustodial parent (NCP), and [**name of obligee**]'s name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at **https://www.texasattorneygeneral.gov/cs/payment-options-and-types**.

IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

4.F.9. Change of Employment

IT IS FURTHER ORDERED that [**name of obligor**] shall notify this Court and [**name of obligee**] by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination

of employment. This notice or a subsequent notice shall also provide the current address of [**name of obligor**] and the name and address of [his/her] current employer, whenever that information becomes available.

4.F.10. Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, a domestic relations office, [**name of obligee**], [**name of obligor**], or an attorney representing [**name of obligee**] or [**name of obligor**], the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

> If the order to withhold is to be effective only if a delinquency or other violation of the order occurs, include 4.F.11. *See* Tex. Fam. Code §§ 154.007, 158.002.

4.F.11. Suspension of Withholding from Earnings

The Court finds that [good cause exists/the parties have agreed] that no order to withhold from earnings for child support should be delivered to any employer of [**name of obligor**] as long as no delinquency or other violation of this child support order occurs and as long as the Office of the Attorney General Child Support Division is not providing services to [**name of obligee**]. For the purpose of this provision, a delinquency has occurred if [**name of obligor**] has been in arrears for an amount due for more than thirty days or the amount of the arrearages equals or is greater than the amount due for a one-month period. If a delinquency or other violation occurs or if the Office of the Attorney General Child Support Division begins providing services to [**name of obligee**], the clerk shall deliver the order to withhold earnings as provided above.

Accordingly, IT IS ORDERED that, as long as no delinquency or other violation of this child support order occurs and as long as the Office of the

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Attorney General Child Support Division is not providing services to [**name of obligee**], all payments shall be made through the state disbursement unit and thereafter promptly remitted to [**name of obligee**] for the support of the child[ren]. If a delinquency or other violation occurs or if the Office of the Attorney General Child Support Division begins providing services to [**name of obligee**], all payments shall be made in accordance with the order to withhold earnings as provided above.

Continue with the following.

4.F.12. Health-Care Expenses

Include provisions as required by Tex. Fam. Code §§ 154.181(c) and 154.1815(d) for continuation of coverage and/or for payment of health and dental insurance premiums and of unreimbursed health-care expenses. See form 23-1.

Include 4.F.13. if applicable.

4.F.13. Private School, Day-Care Expenses

Include provisions for payment of private school expenses and/or day-care expenses.

Continue with the following.

4.F.14. No Termination of Orders on Death of Obligee § 154.013(a)

An obligation to pay child support under this order does not terminate on the death of [**name of obligee**] but continues as an obligation to [**name[s] of child[ren]**].

If appropriate, see form 45-5 or 45-6 for temporary orders regarding support to be effective for the duration of a party's military duty.

Include 4.G.–4.N. as applicable.

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4.G. Child Custody Evaluation

By separate order, the Court has appointed a child custody evaluator to conduct a child custody evaluation into and prepare a report on the circumstances and condition of the child[ren] [,/and] the parties [**include if applicable:** , and the residence of any person requesting conservatorship of, possession of, or access to the child[ren] the subject of this suit]. [**See form 56-24.**]

4.H. Psychological or Psychiatric Evaluation

IT IS ORDERED that [**name**] is appointed to interview, examine, evaluate, and consult with [Petitioner/Respondent/[**name of child**]] to prepare a [psychological/psychiatric] evaluation of [Petitioner/Respondent/[**name of child**]]. [Petitioner/Respondent] is ORDERED to pay the cost of the evaluation of [Petitioner/Respondent/[**name of child**]] when [**name**] requests payment. [Respondent/Petitioner] is ORDERED to contact [**name**] at [**address**], [**telephone number**], within [**number**] days of the date of these temporary orders to schedule the evaluation. [Respondent/Petitioner] is further ORDERED to cooperate with [**name**] and attend all appointments, interviews, tests, and evaluations scheduled with [**name**]. IT IS ORDERED that [**name**] shall provide a copy of [Respondent/Petitioner]'s evaluation to each party and each party's attorney and shall not file the evaluation with the Court. IT IS ORDERED that [Respondent/Petitioner] shall execute all necessary releases to allow the parties and their attorneys to possess the evaluation, to use it in depositions in this suit, and to offer it into evidence in this suit.

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4.I. Parent Education and Family Stabilization Course

IT IS ORDERED that [**name**] and [**name**] shall each individually register to attend a parent education and family stabilization course with [**name of individual or facility**] at [**address and telephone number**] on or before [**date**].

On completion of the course, [**name**] and [**name**] shall each obtain a certificate of completion. The certificate must state the name of the participant; the name of the course provider; the date the course was completed; and whether the course was provided by personal instruction, videotape instruction, instruction through an electronic means, or a combination of those methods.

Within ten days after completion of that parent education and family stabilization course, [**name**] and [**name**] are each ORDERED to file a certificate of completion or other comparable proof of completion of the course with the clerk of this Court and to mail a copy to the other party.

IT IS ORDERED that each party shall pay for the costs of that party's own attendance at the course.

4.J. Parenting Coordinator/ Facilitator

IT IS ORDERED that [**name**] is appointed parenting [coordinator/ facilitator]. [**Include appropriate provisions from form 16-18 or form 16-19, including findings required under Tex. Fam. Code § 153.605(b) or § 153.6051(b).**]

4.K. Ad Litem/Amicus Attorney

IT IS ORDERED that [**name**] is appointed guardian ad litem to represent the best interests of the child[ren]. [**Include provisions for payment of ad litem fees.**]

Or

IT IS ORDERED that [**name**] is appointed attorney ad litem to provide legal services for the child[ren]. [**Include provisions for payment of ad litem fees.**]

Or

IT IS ORDERED that [**name**] is appointed amicus attorney to provide legal services necessary to assist the Court in protecting the best interests of the child[ren]. [**Include provisions for payment of amicus fees.**]

4.L. Tax Returns

IT IS ORDERED that Respondent, [**name of respondent**], produce and deliver to [**name and address of attorney**] by [**time**] on [**date**] copies of Respondent's income tax returns for tax years [**years**], a financial statement, and current pay stubs.

4.M. Injunction

The Court finds that, based on the public policy considerations stated in section 153.001 of the Texas Family Code, it is in the best interests of the child[ren] that the following temporary injunction be issued and related orders be entered.

IT IS ORDERED that [Respondent/Petitioner/the parties] and [his/her/their] agents, servants, employees, attorneys, and those persons in active con-

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cert or participation with [him/her/them] who receive actual notice of this order by personal service or otherwise are temporarily enjoined from:

Select as required by petition.

1. *Disturbing Child[ren] or Another Party*

1. Disturbing the peace of the child[ren] or of any other party.

And/Or

2. *Withdrawing Child[ren] from School or Day Care*

2. Withdrawing the child[ren] from enrollment in the school or day-care facility where the child[ren] [is/are] presently enrolled.

And/Or

3. *Hiding Child[ren] from Petitioner*

3. Hiding or secreting the child[ren] from [Petitioner/Respondent/the other party].

And/Or

4. *Disparaging Remarks*

4. Making disparaging remarks regarding [Petitioner/Respondent/the other party] [**include if applicable:** or [Petitioner/Respondent/the other party]'s family] in the presence or within the hearing of the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

5. *Consumption of Alcohol*

5. Consuming alcohol within the [**number**] hours before or during each of [Respondent/Petitioner/the party]'s periods of possession of or access to the child[ren].

And/Or
Use only if this issue is a serious matter in the suit.

6. Unrelated Adult in Residence Overnight

6. Permitting an unrelated adult with whom Respondent has an intimate or dating relationship to remain in the same residence with the child[ren] between the hours of [**time**] P.M. and [**time**] A.M.

And/Or

7. Travel Restriction

7. Removing the child[ren] beyond [**specify geographic area**], acting directly or in concert with others.

4.N. Bond

IT IS ORDERED that [**name**] post a bond [or cash] in the amount of [**number**] dollars ($[**amount**]) with the clerk of this Court before removing the child[ren] from the jurisdiction of this Court.

4.O. Required Notices

§§ 105.006(e), (e–1), (e–2), 105.007

Include the first four paragraphs of 4.O. unless an exception exists under Tex. Fam. Code § 105.006(c).

Tex. Fam. Code § 105.007(c) provides for waiver of the requirement of notice of change of information on motion by a party if the court finds the giving of notice would be likely to expose the child or the party to harassment, abuse, serious harm, or injury. *See also* Tex. Fam. Code § 105.006(c).

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EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE 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 EACH 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 PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH 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 EACH 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 PUNISHED 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 the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested.

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Notice shall be given to 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 clerk at [**address**]. Notice shall be given to the state case registry by mailing a copy of the notice to State Case Registry, Contract Services Section, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

Include the following paragraphs in all orders.

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

THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

(1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR

(2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR $100 FROM THE

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AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

4.P. Warnings to Parties
§ 105.006(d)

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO $500 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.

5. Property and Parties

Property and Parties

The Court finds that the following orders respecting the property and parties are necessary and equitable.

Include 5.A.–5.L. as applicable.

5.A. Temporary Spousal Support

IT IS ORDERED that [**name**] pay to [**name**] as temporary spousal support [**number**] dollars ($[**amount**]) per month, with the first payment being due and payable on [**date**] and a like payment being due and payable on the [**specify**] day of each month thereafter until further order of this Court.

5.B. Tax Matters

5.B.1. Estimated Tax Payments

IT IS ORDERED that [**name**] pay estimated income taxes on the due dates as required by the Internal Revenue Code. Estimated taxes shall be paid timely, and payment shall be made under both Petitioner's and Respondent's Social Security numbers while this case is pending.

IT IS FURTHER ORDERED that the amount of each quarterly estimated tax payment shall be computed in accordance with the Internal Revenue Code requirements to avoid penalties for underpayment of income taxes and interest for late payments of income taxes while this case is pending.

IT IS FURTHER ORDERED that a party making an estimated tax payment while this case is pending shall provide the other party with the calculations that provide a basis for the estimated amount and shall not pay estimated tax in excess of the calculated amount.

Include the following if applicable.

5.B.2. Withholding

IT IS ORDERED that Petitioner and Respondent shall continue their withholding for federal income taxes from their respective wages and salaries while this case is pending.

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IT IS FURTHER ORDERED that the amount of withholding shall be computed in accordance with the Internal Revenue Code requirements to avoid penalties for underpayment of income taxes and interest for late payments of income taxes while this case is pending.

5.B.3. Tax Returns

IT IS ORDERED that the parties' income tax returns be filed on a timely basis while this case is pending.

IT IS FURTHER ORDERED that the returns be prepared in accordance with the Internal Revenue Code and be prepared in advance of the filing dates to allow both parties sufficient time to review the returns before filing.

IT IS FURTHER ORDERED that neither party shall file or cause to be filed a Form 1040 income tax return while this case is pending without providing a copy of the proposed return to the other party at least ten days before filing.

5.C. Debts

5.C.1. To Petitioner

IT IS ORDERED that [**name of petitioner**] shall be responsible for the timely payment of the following: [**enumerate and describe debts and obligations**].

And/Or

IT IS FURTHER ORDERED that [**name**] shall pay the following as additional [child support/spousal support]: [**enumerate and describe debts and obligations**].

And/Or

5.C.2. To Respondent

IT IS ORDERED that [**name of respondent**] shall be responsible for the timely payment of the following: [**enumerate and describe debts and obligations**].

And/Or

IT IS FURTHER ORDERED that [**name**] shall pay the following as additional [child support/spousal support]: [**enumerate and describe debts and obligations**].

5.D. Temporary Award of Property

5.D.1. To Petitioner

IT IS ORDERED that Petitioner have the exclusive and private use and possession of the following property while this case is pending: [**describe property**].

5.D.2. To Respondent

IT IS ORDERED that Respondent have the exclusive and private use and possession of the following property while this case is pending: [**describe property**].

5.E. Inventory and Appraisement

IT IS ORDERED that Petitioner and Respondent shall each deliver to opposing counsel [**include if applicable:** and file with the clerk of this Court] a sworn inventory and appraisement of all the separate and community property owned by the parties substantially in the form and detail prescribed by the current edition of *Texas Family Law Practice Manual*, form 7-1. IT IS ORDERED that Petitioner shall deliver Petitioner's inventory to opposing counsel [**include if applicable:** and file it with the clerk of the Court] by [**date**].

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IT IS ORDERED that Respondent shall deliver Respondent's inventory to opposing counsel [**include if applicable:** and file it with the clerk of the Court] by [**date**].

5.F. Health Insurance

IT IS ORDERED that [Petitioner/Respondent] shall maintain [Respondent/Petitioner] [**include if applicable:** and the parties' child[ren]] as insured [beneficiary/beneficiaries] on [his/her] health insurance policy.

5.G. Production of Income Tax Returns

IT IS ORDERED that [Respondent/Petitioner], [**name**], produce and deliver to [**name and address of attorney**] by [**time**] on [**date**] copies of the parties' income tax returns, together with all supporting schedules and information returns used in connection with their original income tax returns for the years [**year**] through [**year**] inclusive.

5.H. Copies of Tax Information

IT IS ORDERED that [Respondent/Petitioner], [**name**], produce and deliver to [**name and address of attorney**] by [**time**] on [**date**] copies of all the tax information necessary to prepare [Petitioner/Respondent]'s tax return[s] for tax year[s] [**year[s]**], including the following: [**list appropriate items**].

5.I. ADR Participation

IT IS ORDERED that Petitioner, [**name of petitioner**], and Respondent, [**name of respondent**], shall attend [mediation/nonbinding arbitration/binding arbitration] with [**name**] on or before [**date**].

5.J. Execution of Releases

IT IS ORDERED that [Petitioner/Respondent], [**name**], shall execute the following releases: [**specify**].

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Include the following if applicable.

Within [**number**] days after receipt of a written request from [the other/another] conservator, the conservator receiving the request is ORDERED to execute and provide to the requesting conservator—

1. all necessary releases pursuant to the Health Insurance Portability and Accountability Act (HIPAA) and 45 C.F.R. section 164.508 to permit the other conservator[s] to obtain health-care information regarding the child[ren]; and

2. for all health-care providers of the child[ren], an authorization for disclosure of protected health information to the other conservator[s] pursuant to the HIPAA and 45 C.F.R. section 164.508.

Each conservator is further ORDERED to designate [the/each] other conservator as a person to whom protected health information regarding the child[ren] may be disclosed whenever the conservator executes an authorization for disclosure of protected health information pursuant to the HIPAA and 45 C.F.R. section 164.508.

5.K. Pretrial Conference

IT IS ORDERED [**specify as appropriate under local practice**].

5.L. Attorney's Fees

The Court finds that reasonable interim attorney's fees and expenses to be paid by [**name**] to [**name**]'s attorney are necessary for [**name**] to conduct discovery and properly prepare for trial [**include if applicable:** and to protect the best interest of the child[ren]].

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IT IS ORDERED that [**name**] pay [**number**] dollars ($[**amount**]) to [**name and address of attorney**] by cash, cashier's check, or money order on or before [**time**] on [**date**] for interim attorney's fees and expenses.

6. Temporary Injunction

Temporary Injunction

Include 6.A. if the injunction is mutual and agreed.

6.A. Agreement

The Court finds that the parties have agreed to the entry of the following temporary injunction while this case is pending.

6.B. Required

The temporary injunction granted below shall be effective immediately and shall be binding on [Petitioner/Respondent/the parties]; on [his/her/their] agents, servants, employees, and attorneys; and on those persons in active concert or participation with [him/her/them] who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

6.C. Conduct Enjoined

6.C.1. Individual or Joint Injunction

IT IS ORDERED that [Petitioner/Respondent/Petitioner and Respondent] [is/are] enjoined from:

Select as required by petition.

Caution: The federal Violence against Women Act prohibits the possession of a firearm or ammunition by a person prohibited by court order from committing family violence or threats of family violence. *See* 18 U.S.C. § 922(g)(8). The standard Texas injunction language set out in items 2., 4., & 5. below could subject a person subject to such an injunction to federal prosecution if the person is in possession of a firearm or ammunition.

a. *Communicating with Other Party in Offensive Manner*

1. Intentionally communicating with the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, by use of vulgar, profane, obscene, or indecent language or in a coarse or offensive manner, with intent to annoy or alarm the other party.

And/Or

b. *Threatening Other Party*

2. Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, or electronic messaging, to take unlawful action against any person, intending by this action to annoy or alarm the other party.

And/Or

c. *Harassing Other Party by Telephone*

3. Placing a telephone call, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication with the intent to annoy or alarm the other party.

And/Or

d. *Injuring Other Party*

4. Intentionally, knowingly, or recklessly causing bodily injury to the other party [**include if applicable:** or to a child of either party].

And/Or

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e. Threatening Bodily Harm

5. Threatening the other party [**include if applicable:** or a child of either party] with imminent bodily injury.

And/Or

f. Destroying Property

6. Intentionally, knowingly, or recklessly destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties with intent to obstruct the authority of the Court to order a division of the estate of the parties in a manner that the Court deems just and right, having due regard for the rights of each party [**include if applicable:** and the child[ren] of the marriage].

And/Or

g. Falsifying Records

7. Intentionally falsifying a writing or record, including an electronic record, relating to the property of either party.

And/Or

h. Concealing Property

8. Intentionally misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

And/Or

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i. Damaging Property

9. Intentionally or knowingly damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information.

And/Or

j. Tampering with Property

10. Intentionally or knowingly tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information, and causing pecuniary loss or substantial inconvenience to the other party.

And/Or

k. Alienating Property

11. Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of one or both of the parties, whether personal property, real property, or intellectual property, and whether separate or community property, except as specifically authorized by this order.

And/Or

l. Incurring Debts

12. Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.

And/Or

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m. Withdrawing Funds

13. Withdrawing money from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.

And/Or

n. Spending Funds

14. Spending any money in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.

And/Or

o. Withdrawing Employee Benefits

15. Withdrawing or borrowing money in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan, employee savings plan, individual retirement account, or Keogh account of either party, except as specifically authorized by this order.

And/Or

p. Brokerage and Investment Accounts

16. Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized by this order.

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And/Or

q. Withdrawing Insurance Value

17. Withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policy on the life of either party [**include if applicable:** or a child of the parties], except as specifically authorized by this order.

And/Or

r. Entering Safe-Deposit Box

18. Entering any safe-deposit box in the name of or subject to the control of one or both of the parties, whether individually or jointly with others.

And/Or

s. Changing Life Insurance Beneficiary

19. Changing or in any manner altering the beneficiary designation on any life insurance policy on the life of either party [**include if applicable:** or a child of the parties].

And/Or

t. Affecting Insurance

20. Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed of, any life, casualty, automobile, or health insurance policy insuring the parties' property or persons [**include if applicable:** , including a child of the parties].

And/Or

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u. Opening or Diverting Mail

21. Opening or diverting mail or e-mail or any other electronic communication addressed to the other party.

And/Or

v. Signing or Endorsing Other Party's Name

22. Signing or endorsing the other party's name on any negotiable instrument, check, or draft, including a tax refund, insurance payment, and dividend, or attempting to negotiate any negotiable instrument payable to the parties or the other party without the personal signature of the other party.

And/Or

w. Terminating or Limiting Credit Cards

23. Taking any action to terminate or limit credit or charge cards in the name of the parties or the other party, except as specifically authorized in this order.

And/Or

x. Changing Tax Withholding

24. Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary.

And/Or

y. Destroying Financial Records

25. Destroying, disposing of, or altering any financial records of the parties, including but not limited to a canceled check, deposit slip, and other

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records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement.

And/Or

z. Destroying Electronic Records

26. Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

And/Or

aa. Modifying Electronic Data

27. Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of this case, whether stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.

And/Or

ab. Deleting Social Network Data

28. Deleting any data or content from any social network profile used or created by either party [**include if applicable:** or a child of the parties].

And/Or

ac. Using Password or PIN

29. Using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account.

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6.C.2. Individual Injunctions

IT IS ORDERED that [Petitioner/Respondent] is [further] enjoined from:

The following are examples of some types of relief. Choose only relief that is applicable.

a. Affecting Utility Service and Deposits

1. Terminating or in any manner affecting the service of water, electricity, gas, telephone, cable television, or any other contractual service, including security, pest control, landscaping, or yard maintenance, at [**full address**] or in any manner attempting to withdraw any deposits for service in connection with any of those services.

And/Or

b. Excluding Other Party from Residence

2. Excluding [Respondent/Petitioner] from the use and enjoyment of the residence located at [**address, city, state**].

And/Or

c. Interfering with Motor Vehicle

3. Entering, operating, or exercising control over the [**year, make, and model of motor vehicle[s]**] in the possession of [Respondent/Petitioner].

Repeat as applicable for the other party.

Include 6.D. if the petitioner is enjoined.

6.D. Petitioner's Authorizations

IT IS ORDERED that Petitioner is specifically authorized:

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1. *Spending for Living Expenses*

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

2. *Spending for Legal Fees*

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

3. *Withdrawing Funds*

To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

Include item 4. if applicable.

4. *Operating Business*

To engage in acts reasonable and necessary to conduct Petitioner's usual business and occupation.

Specify in detail any other authorization that may be necessary under the particular circumstances.

Include 6.E. if the respondent is enjoined.

6.E. Respondent's Authorizations

IT IS ORDERED that Respondent is specifically authorized:

1. *Spending for Living Expenses*

To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation, and medical care.

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2. Spending for Legal Fees

To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.

3. Withdrawing Funds

To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

Include item 4. if applicable.

4. Operating Business

To engage in acts reasonable and necessary to conduct Respondent's usual business and occupation.

Specify in detail any other authorization that may be necessary under the particular circumstances.

6.F. Definitions

For purposes of this order, "personal property" includes, but is not limited to, the following:

a. cash, checks, traveler's checks, and money orders;

b. funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;

c. funds and assets held in brokerage, mutual fund, and other investment accounts;

d. publicly traded stocks, bonds, and other securities;

e. stock options and restricted stock units;

f. bonuses;

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g. closely held business interests;

h. retirement benefits and accounts;

i. deferred compensation benefits;

j. insurance policies, annuities, and health savings accounts;

k. motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;

l. money owed to one or both parties, including notes and expected income tax refunds;

m. household furniture, furnishings, and fixtures;

n. electronics and computers;

o. antiques, artwork, and collections;

p. sporting goods and firearms;

q. jewelry and other personal items;

r. pets and livestock;

s. club memberships;

t. travel award benefits and other award accounts;

u. crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/

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winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;

v. digital assets such as e-mail addresses, social network accounts, websites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;

w. virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;

x. safe-deposit boxes and their contents;

y. storage facilities and their contents; and

z. contingent assets.

Include 7. if applicable.

7. *Service of Writ*
TRCP 689

Service of Writ

Petitioner and Respondent waive issuance and service of the writ of injunction, by stipulation or as evidenced by the signatures below. IT IS ORDERED that Petitioner and Respondent shall be deemed to be duly served with the writ of injunction.

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8. Duration

- *Required in All Orders*

Duration

These Temporary Orders shall continue in force until the signing of the Final Decree of Divorce or until further order of this Court.

SIGNED on _____.

_____
JUDGE PRESIDING

Include the following in all orders unless there is a motion to sign temporary orders.

APPROVED AS TO FORM ONLY:

_____
[Name]
Attorney for Petitioner
State Bar No.:
[E-mail address]
[Address]
[Telephone]
[Fax]

_____
[Name]
Attorney for Respondent
State Bar No.:
[E-mail address]
[Address]
[Telephone]
[Fax]

If the parties agree to all the terms of the order and do not intend to challenge the order in appellate court, include the following.

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APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

_____

Petitioner

_____

Respondent

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Form 4-4

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Sign Temporary Orders

This Motion to Sign Temporary Orders is brought by [**name of movant**], [**party designation**], moving the Court to sign the Temporary Orders in the form attached to this motion.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 4-5

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Modify Temporary Orders

This Motion to Modify Temporary Orders is brought by [**name of movant**], [**party designation**], who shows in support:

Select as applicable.

1. [Petitioner/Respondent] was appointed Temporary Sole Managing Conservator of the child[ren] in Temporary Orders dated [**date**]. Since entry of the Temporary Orders, the following events have occurred, which show that the previous order of the Court should be modified and [Respondent/Petitioner] should now be appointed Temporary Managing Conservator: [**state specific reasons that the modification is necessary for the safety and welfare of the child[ren]**].

And/Or

2. Since entry of the Temporary Orders, financial circumstances have materially changed, which change requires the modification of the Temporary Orders. [**Name of movant**] requests that the support provided in the Temporary Orders be [increased/decreased/terminated] for the following reasons: [**state specific reasons that the modification is necessary for the preservation of the property and protection of the parties**].

And/Or

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3. Since entry of the Temporary Orders, [**name of movant**] has been informed that [he/she] is being ordered to [military deployment/military mobilization/temporary military duty] that involves moving a substantial distance from [his/her] residence. [**Name of movant**] requests that the Court modify its prior temporary order to grant [**name of designated person**] rights of access to the child[ren] during [**name of movant**]'s period of [military deployment/ military mobilization/temporary military duty].

And/Or

4. To preserve and manage the assets of the parties, certain business transactions must be conducted that, if performed without court authority, may violate the Temporary Orders of this Court. [**Name of movant**] requests the Court to modify its Temporary Orders as follows: [**state specific reasons that the modification is necessary for the preservation of the property of the parties**].

And/Or

5. The present orders relating to possession of and access to the child[ren] have become unworkable and are no longer in the best interest of the child[ren] because: [**state specific reasons that the modification is necessary for the safety and welfare of the child[ren]**]. [**Name of movant**] requests the following orders for possession of and access to the child[ren]: [**outline specific periods of visitation and access requested**].

Continue with the following.

[**Name of movant**] prays that the Court grant the Motion to Modify Temporary Orders.

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 4-6

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Extend Temporary Orders

This Motion to Extend Temporary Orders is brought by [**name of movant**], [**party designation**], who shows in support:

1. Temporary Orders were entered on [**date**]. The Temporary Orders will expire on [**date**].

2. [**Name of movant**] requests that the Temporary Orders be continued for the following reasons: [**state specific reasons for extension**].

[**Name of movant**] prays that the Court grant the Motion to Extend Temporary Orders.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

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SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

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Form 4-7

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Counseling

This Motion for Counseling is brought by [**name of movant**], [**party designation**], who shows in support:

1. [**Name of movant**] represents that there is a reasonable expectation of reconciliation.

2. [**Name of movant**] requests the Court to direct the parties to counsel with a person to be named by the Court, who should submit a written report before final hearing in this case on the divorce petition as required by section 6.505(b) of the Texas Family Code. [**Include if applicable:** [**Name of movant**] requests the Court to order that the counseling include counseling on issues that confront children who are the subject of a suit affecting the parent-child relationship.]

3. The name, address, and telephone number of Petitioner are: [**petitioner's name, address, and telephone number**].

4. The name, address, and telephone number of Respondent are: [**respondent's name, address, and telephone number**].

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[**Name of movant**] prays that the Court grant this Motion for Counseling and, after hearing, direct the parties to counsel with a person to be named by the Court as requested above.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 4-8

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Counseling

On [**date**] the Court considered the Motion for Counseling of [**name of movant**]. The Court finds there is good cause to direct counseling.

IT IS THEREFORE ORDERED that [**name of counselor**] is appointed to counsel with [**name of petitioner**], Petitioner, and [**name of respondent**], Respondent, and Petitioner and Respondent are ORDERED to counsel with that counselor. [**Include if applicable:** The counseling shall include counseling on issues that confront children who are the subject of a suit affecting the parent-child relationship.] The counselor is directed to file a written report on or before [**date**] giving an opinion of whether there exists a reasonable expectation of reconciliation between the parties and, if so, whether further counseling would be beneficial.

SIGNED on _____.

_____
JUDGE PRESIDING

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Chapter 5

Discovery

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Form 5-1

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Discovery Control Plan

This Motion for Discovery Control Plan is filed by [**name of movant**], [**party designation**], under rule 190.4 of the Texas Rules of Civil Procedure.

[**Name of movant**] requests that the Court tailor a discovery control plan to the circumstances of this family law case.

Include the following if applicable.

The parties have agreed to a discovery control plan as set forth in an agreed order tendered with this motion. [**Name of movant**] requests that the Court approve and sign the agreed order. If the Court does not approve the agreed order, [**name of movant**] requests that the Court order a discovery plan in substantial conformity with the discovery plan set forth in the agreed order.

Continue with the following.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

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service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 5-2

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Agreed Order on Motion for Discovery Control Plan

On [**date**] the Court considered the Motion for Discovery Control Plan of [**name of movant**].

The Court finds that the parties have agreed to a discovery control plan as set forth in this order. The Court approves the parties' agreement and ORDERS:

The following are examples.

1. *Discovery Period.* All discovery must be conducted during the discovery period, which begins on the date this order is signed and continues until [[**date**]/thirty days before the date set for trial].

2. *Total Time for Oral Depositions.* Each party may have no more than [**number**] hours in oral depositions to examine and cross-examine deposition witnesses. Each party may examine up to [**number**] witnesses, including expert witnesses. Depositions will be noticed at least [**number**] days in advance of the deposition.

3. *Interrogatories.* Each party may serve no more than [**number**] written interrogatories on the other party.

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4. *Sworn Inventory and Appraisement.* Each party shall provide the other party with a sworn inventory and appraisement substantially in the form and detail set forth in the current edition of *Texas Family Law Practice Manual*, form 7-1, by [**date**].

5. *Request for Disclosure.* Each party shall provide the information required by rule 194 of the Texas Rules of Civil Procedure no later than thirty days from the date this order is signed.

6. *Deadlines*

a. All additional parties must be joined by [**date**].

b. All amended or supplemental pleadings must be filed by [**date**].

c. All experts must be designated by [**date**].

d. All responses to requests for production must be answered or supplemented by [**date**], and no responses or supplemental responses to requests for production shall be permitted after that date without prior leave of this Court.

e. All answers to interrogatories must be served or supplemented by [**date**], and no responses or supplemental answers to interrogatories shall be permitted after that date without prior leave of this Court.

f. All responses to requests for disclosure must be supplemented by [**date**], and no responses or supplemental responses to requests for disclosure shall be permitted after that date without prior leave of this Court.

7. *Conference to Determine Trial Setting.* Each party shall appear for a conference to determine trial setting on [**date**].

Or

7. *Trial Setting.* This case is set for trial on the merits on [**specify date, time, and court**].

Include provisions for other discovery matters as applicable.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 5-3

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Modify Discovery Control Plan

This Motion to Modify Discovery Control Plan is filed by [**name of movant**], [**party designation**], who shows in support:

1. Additional discovery is needed: [**specify nature and extent of additional discovery**].

Include 2. and/or 3. as applicable.

2. The additional discovery pertains to new, amended, or supplemental pleadings or to new information disclosed in discovery response or in an amended or supplemental response. The pleadings or responses were made after the deadline for completion of discovery or so nearly before the deadline that [**name of movant**] does not have an adequate opportunity to conduct discovery related to the new matters. [**Name of movant**] would be unfairly prejudiced without the additional discovery.

3. The matters for which additional discovery is requested have changed materially since the discovery cutoff date, and the trial date has been set more than three months after the discovery period ends.

Include other discovery matters as applicable.

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[**Name of movant**] requests that the Court modify the discovery control plan governing the case.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

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[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 5-4

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Modify Discovery Control Plan

On [**date**] the Court considered the Motion to Modify Discovery Control Plan of [**name of movant**] and ORDERS: [**specify the terms and conditions for additional discovery and any other orders**].

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 5-5

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Protective Order

This Motion for Protective Order is brought by [**name of movant**], [**party designation**], who shows in support:

1. [**Name of movant**] has been served with a [**name of discovery document**], requiring [**name of movant**] to [**designate action required**] on or before [**date**]. [**Include if applicable:** A copy of the discovery document is attached.]

2. [**Specify grounds and describe objections to discovery.**] In the interest of justice, [**name of movant**] seeks a protective order to prevent undue burden, unnecessary expense, harassment or annoyance, or invasion of personal, constitutional, or property rights.

Include 3. and/or 4. if applicable.

3. The discovery sought is unreasonably cumulative or duplicative or is obtainable from some other source that is more convenient, less burdensome, or less expensive.

4. The burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues.

5. [**Name of movant**] requests

The following are examples of some types of relief. Choose only relief that is applicable. See Tex. R. Civ. P. 192.6 regarding appropriate orders.

a. an adequate time for compliance;

b. protection from disclosure of privileged material or information [**specify privilege[s] and basis for assertion of privilege[s]**];

c. that the requested discovery not be sought in whole or in part;

d. that the extent or subject matter of discovery be limited;

e. that the discovery not be undertaken at the time or place specified;

f. that the discovery be undertaken only by such method or on such terms and conditions or at the time and place directed by the Court;

g. that the results of discovery be sealed or otherwise protected, subject to the provisions of rule 76a;

h. compensation for undue expense and hardship.

6. [**State reasons for protective order and substantiate undue expense.**]

Include the following if applicable.

7. [**State a reasonable time and place for compliance with a discovery request if the party responding to the discovery request is unable to comply with the time and place originally designated.**]

Continue with the following.

[**Name of movant**] prays that the Court grant a protective order.

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 5-6

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Protective Order

On [**date**] the Court considered the Motion for Protective Order of [**name of movant**] and ORDERS: [**specify the order of the court**].

SIGNED on _____.

_____
JUDGE PRESIDING

Form 5-7

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Confidentiality Order

This Motion for Confidentiality Order is brought by [**name of movant**], [**party designation**], who shows in support:

1. [**Name of movant**] has been served with a discovery request requiring [him/her] to produce certain designated records. A copy of the discovery document is attached.

2. [**Name of movant**] seeks a confidentiality order to prevent disclosure of sensitive personal, financial, and business information to third parties, the disclosure of which could cause injury to the producing party.

[**Name of movant**] prays that the Court grant a confidentiality order.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 5-8

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Confidentiality Order

The parties to this order seek the entry of a protective order governing the documents produced in this action and other documents, information, or testimony provided in connection with pretrial proceedings or the trial of this action. A protective order in the form set forth below is necessary because discovery in this action and the trial of this action are likely to involve sensitive personal, financial, and business information, the disclosure of which could cause injury to the producing party. The Court finds that good cause has been shown, and IT IS ORDERED THAT:

Definitions

The following definitions apply in this order:

"Document," whether used in the singular or the plural, means any kind of written, graphic, or recorded matter, however produced, reproduced, or electronically stored, of any kind or description, including originals, copies, and drafts, and both sides thereof.

"Confidential information" means information that constitutes or contains a trade secret or is subject to the lawyer-client privilege, the spousal privilege, the clergyman privilege, the physician-patient privilege, or the confidentiality of mental health information privilege, as those terms are defined in rules 501 through 510 of the Texas Rules of Evidence. "Confiden-

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tial information" also means any document, oral communication, or other information of the parties, the improper use of which is likely to cause injury to the producing party.

"Producing party" means any party to this order who responds to a discovery request or otherwise provides information to a party to this action or to the Court in connection with this action.

"Producing third party" means any person or entity not a party to this suit who responds to a discovery request or otherwise provides information to a party to this action or to the Court in connection with this action.

"Requesting party" means any party to this action other than the producing party.

"Termination of the action" means the final termination of this action by any means including without limitation entry of a final judgment or dismissal. If an appeal is taken from any judgment or order entered in this action, the "termination of the action" shall not occur until all appellate proceedings have been finally concluded, as well as any proceeding in connection with any remand.

"Party" means any person who is a party to this action.

Limitations on the Disclosure and Use of Confidential Information

No confidential information produced in this action shall be disclosed in any manner except to (1) a party to this action; (2) counsel involved in this action and their paralegal, computer, clerical, secretarial, and other employees and contract workers engaged in the preparation for the trial of this action; (3) consultants or experts retained by a party to this action or its counsel to whom disclosure is necessary for the preparation of this action for trial; (4) a witness whose testimony is being taken either during deposition or at trial; and (5) as evidence in a trial or hearing in this action.

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Confidential information shall be used solely for the purpose of conducting this action and not for any other purpose whatever. This order not only prohibits disclosure of confidential information or testimony but also prohibits the discussion of confidential information with any person not specifically authorized to receive such information under this order.

Counsel shall advise their paralegal, computer, secretarial, clerical, and other employees and contract workers of the requirements imposed by this order.

Procedure for Designating Confidential Information

To designate a document containing confidential information, a party shall mark the document with the legend "CONFIDENTIAL."

To designate one or more answers to interrogatories or answers to requests for admissions as containing confidential information, a party shall submit those answers in a separate document and mark each page of those answers with the legend "CONFIDENTIAL."

If a producing party elects to produce files and records for inspection and a requesting party desires to inspect these files and records, the producing party shall identify its files as "CONFIDENTIAL" before producing the documents.

Filing of Confidential Information

Any motions, pleadings, affidavits, briefs, or other documents submitted to or filed with the Court that contain, reproduce, quote, paraphrase, or otherwise reveal any confidential information shall be filed in a sealed envelope marked on the outside with the title of the action, an identification of each document or other item within, and a statement substantially in the following form:

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"CONFIDENTIAL—SUBJECT TO PROTECTIVE ORDER

This envelope containing the above-identified papers by [**name of party**] is not to be opened, nor are its contents to be displayed, except by court order or by agreement of the parties . . ."

The clerk of the Court shall maintain under seal such confidential documents, information, or testimony, which shall be made available only to the Court and to counsel for the parties in this action until further order of this Court.

Objections to the Designation of Information as Confidential

Any objection to the designation of an item of information as confidential shall be made in writing to counsel for the producing party or the producing third party. If the objection cannot be resolved by agreement within ten business days of the date of service of the objection, the objecting party may move the Court to determine the propriety of the designation. The objecting party shall set forth in its motion the basis on which it believes that (1) the information does not contain or consist of confidential information, the disclosure of which could adversely affect the producing party, and (2) the material constitutes relevant, admissible evidence. The information that is the subject of the motion shall be treated in accordance with its designation status pending resolution of the motion. Attorney's fees and costs may be assessed if information that was identified as confidential is later found by the Court not to be confidential.

Use of Confidential Information at Hearings or at Trial

The parties shall undertake in good faith to negotiate mutually acceptable procedures to present to the Court to protect against the disclosure of confidential information in connection with any hearing regarding this action or the trial of this action. By agreeing to do so, no party waives its right to demand a trial by jury.

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Service of Written Objections and Notices

Written objections and notices shall be served on the attorney for a party.

Duration

This order shall remain in full force and effect and survive the termination of this litigation unless modified by an order of this Court or by the written stipulation of all parties and any affected third party filed with the Court.

Independently Obtained Information

Nothing in this order shall in any way restrict the right of a party to use or disclose information obtained from any source other than from a producing party or producing third party during the litigation of this action, whether or not such independently obtained information is identical to information designated as confidential by the producing party or producing third party.

Cumulative Provisions

The procedures established by this order are intended to be cumulative and in addition to any party's right to seek any further or different protection from the Court for any document or information deemed to be confidential.

This order is without prejudice to the right of any party to apply to the Court at any time, on reasonable notice to the other parties and the affected third party, to request that the Court for good cause modify the provisions of this order.

Successors and Assigns

This Confidentiality Order shall be binding on and inure to the benefit of all successors and assigns of the parties to the order.

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SIGNED on _____.

_____
JUDGE PRESIDING

APPROVED:

_____
[**Name**], Petitioner

_____
[**Name**], Respondent

_____
[**Name**], Attorney for Petitioner

_____
[**Name**], Attorney for Respondent

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Form 5-9

Include the following notice if a minor is named in the caption or if the request contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Request for Identification of Withheld Production

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

Under rule 193.3(b) of the Texas Rules of Civil Procedure, you are requested to provide, within fifteen days of the date this request is served, a response identifying the [information/material/information and material] you withheld in your response to [**specify discovery request**].

_____

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

Forms 5-10 through 5-17 are reserved.

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Form 5-18

This form is for use only in cases filed on or after January 1, 2021. Amendments to the Texas Rules of Civil Procedure effective for cases filed on or after that date eliminate the previously applicable procedure involving a request for disclosure and provide that certain required disclosures must be made without waiting for a request. *See* Tex. R. Civ. P. 194. For a response to a request for disclosure in a case filed before January 1, 2021, see form 5-22.

For categories in which rule 194 refers to descriptions in rule 192.3, the following form incorporates those descriptions, so that the attorney need spend no further time and expense explaining to the client what information or material is required, and so that a pro se party can readily understand how to disclose the required information.

For required testifying expert disclosures, see form 5-19. For required pretrial disclosures, see form 5-20.

No objections or assertions of work product are allowed to a rule 194 disclosure. Tex. R. Civ. P. 194.5. However, a party may assert any applicable privileges other than work product, e.g., a protective order to prevent the person's residence from being revealed if harm could result.

Include the following notice if a minor is named in the caption or if the response contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Petitioner/Respondent]'s Required Initial Disclosures

[**Name**], [attorney for Petitioner/attorney for Respondent/Petitioner/Respondent], provides the attached initial disclosures required under rule 194.

The disclosures must be signed as required by Tex. R. Civ. P. 191.3.

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[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

[**Name**]
Attorney for [Petitioner/Respondent]

Required Initial Disclosures

1. The correct names of the parties to this lawsuit.

RESPONSE:

2. The names, addresses, and telephone numbers of any potential parties.

RESPONSE:

3. The legal theories and, in general, the factual bases of the claims or defenses of [Petitioner/Respondent].

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RESPONSE:

4. The amount and any method of calculating economic damages claimed by [Petitioner/Respondent].

RESPONSE:

5. The names, addresses, and telephone numbers of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

6. A copy, or a description by category and location, of all documents, electronically stored information, and tangible things that [Petitioner/Respondent] has in [his/her] possession, custody, or control and may use to support [his/her] claims or defenses unless the use would be solely for impeachment.

RESPONSE:

7. The originals or copies of any indemnity and insuring agreements described in rule 192.3(f) of the Texas Rules of Civil Procedure. Rule 192.3(f) provides in part as follows:

> *Indemnity and Insuring Agreements.* Except as otherwise provided by law, a party may obtain discovery of the existence and contents of any indemnity or insurance agreement under which any person may be liable to satisfy part or all of a judgment rendered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE:

8. The originals or copies of any settlement agreements described in rule 192.3(g) of the Texas Rules of Civil Procedure. Rule 192.3(g) provides in part as follows:

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> *Settlement Agreements.* A party may obtain discovery of the existence and contents of any relevant portions of a settlement agreement.

RESPONSE:

9. The originals or copies of any witness statements described in rule 192.3(h) of the Texas Rules of Civil Procedure. Rule 192.3(h) provides in part as follows:

> *Statements of Persons with Knowledge of Relevant Facts.* A party may obtain discovery of the statement of any person with knowledge of relevant facts—a "witness statement"—regardless of when the statement was made. A witness statement is (1) a written statement signed or otherwise adopted or approved in writing by the person making it, or (2) a stenographic, mechanical, electrical, or other type of recording of a witness's oral statement, or any substantially verbatim transcription of such a recording. Any person may obtain, upon written request, his or her own statement concerning the lawsuit, which is in the possession, custody or control of any party.

RESPONSE:

Include 10. and 11. in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case.

10. The originals or copies of all medical records and bills that are reasonably related to the injuries or damages asserted or an authorization permitting the disclosure of such medical records and bills.

RESPONSE:

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11. The originals or copies of all medical records and bills obtained by [Petitioner/Respondent] by virtue of an authorization furnished by [Respondent/Petitioner].

RESPONSE:

12. The name, address, and phone number of any person who may be designated as a responsible third party.

RESPONSE:

> Include the following in a suit for divorce or annulment or to declare a marriage void. The date stated should reflect the period of the past two years or since the date of the marriage, whichever is less.

13. For the [past two years/period since [**date of marriage**]], all deed and lien information on any real property owned and all lease information on any real property leased.

RESPONSE:

14. For the [past two years/period since [**date of marriage**]], all statements for any pension plan, retirement plan, profit-sharing plan, employee benefit plan, and individual retirement plan.

RESPONSE:

15. For the [past two years/period since [**date of marriage**]], all statements or policies for each current life, casualty, liability, and health insurance policy.

RESPONSE:

16. For the [past two years/period since [**date of marriage**]], all statements pertaining to any account at a financial institution, including banks, savings and loan institutions, credit unions, and brokerage firms.

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RESPONSE:

Include the following in a suit in which child or spousal support is at issue.

17. Information regarding all policies, statements, and the summary description of benefits for any medical and health insurance coverage that is or would be available for [[**name[s] of child[ren]**]/[Petitioner/Respondent]/[[**name[s] of child[ren]**] and [Petitioner/Respondent]]].

RESPONSE:

18. [Petitioner's/Respondent's] income tax returns for the previous two years or, if no return has been filed, [Petitioner's/Respondent's] Form W-2, Form 1099, and Schedule K-1 for those years.

RESPONSE:

19. [Petitioner's/Respondent's] two most recent payroll check stubs.

RESPONSE:

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Form 5-19

This form is for use only in cases filed on or after January 1, 2021. Amendments to the Texas Rules of Civil Procedure effective for cases filed on or after that date eliminate the previously applicable procedure involving a request for disclosure and provide that certain required disclosures, including information about testifying experts, must be made without waiting for a request. *See* Tex. R. Civ. P. 194, 195.5. For a response to a request for disclosure in a case filed before January 1, 2021, see form 5-22.

For required initial disclosures, see form 5-18. For required pretrial disclosures, see form 5-20.

No objections or assertions of work product are allowed to a rule 194 disclosure. Tex. R. Civ. P. 194.5. However, a party may assert any applicable privileges other than work product.

Include the following notice if a minor is named in the caption or if the response contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Petitioner/Respondent]'s Required Testifying Expert Disclosures

[**Name**], [attorney for Petitioner/attorney for Respondent/Petitioner/Respondent], provides the attached testifying expert disclosures required under rules 194 and 195.

The disclosures must be signed as required by Tex. R. Civ. P. 191.3.

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

Required Testifying Expert Disclosures

1. The name, address, and telephone number of each testifying expert.

RESPONSE:

2. The subject matter on which each testifying expert will testify.

RESPONSE:

3. The general substance of each testifying expert's mental impressions and opinions and a brief summary of the basis for them or, if the expert is not retained by, employed by, or otherwise subject to the control of [Petitioner/Respondent], documents reflecting such information.

RESPONSE:

4. For each testifying expert retained by, employed by, or otherwise subject to the control of [Petitioner/Respondent], all documents, tangible things, reports, models, or data

compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony.

RESPONSE:

5. For each testifying expert retained by, employed by, or otherwise subject to the control of [Petitioner/Respondent], the expert's current resume and bibliography.

RESPONSE:

6. For each testifying expert retained by, employed by, or otherwise subject to the control of [Petitioner/Respondent], the expert's qualifications, including a list of all publications authored in the previous ten years.

RESPONSE:

7. For each testifying expert retained by, employed by, or otherwise subject to the control of [Petitioner/Respondent], other than an expert who is the attorney of [Petitioner/Respondent] who is testifying to attorney's fees, a list of all other cases in which, during the previous four years, the expert testified as an expert at trial or by deposition.

RESPONSE:

8. For each testifying expert retained by, employed by, or otherwise subject to the control of [Petitioner/Respondent], a statement of the compensation to be paid for the expert's study and testimony in the case.

RESPONSE:

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Form 5-20

This form is for use only in cases filed on or after January 1, 2021. For cases filed on or after that date, certain required pretrial disclosures about the evidence a party may present at trial, other than solely for impeachment, must be made without waiting for a request. *See* Tex. R. Civ. P. 194.4.

For required initial disclosures, see form 5-18. For required testifying expert disclosures, see form 5-19.

No objections or assertions of work product are allowed to a rule 194 disclosure. Tex. R. Civ. P. 194.5. However, a party may assert any applicable privileges other than work product.

Include the following notice if a minor is named in the caption or if the response contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Petitioner/Respondent]'s Required Pretrial Disclosures

[**Name**], [attorney for Petitioner/attorney for Respondent/Petitioner/Respondent], provides the attached pretrial disclosures required under rule 194.

The disclosures must be signed as required by Tex. R. Civ. P. 191.3.

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

Required Pretrial Disclosures

1. The name and, if not previously provided, the address and telephone number of each witness [Petitioner/Respondent] expects to present at trial.

RESPONSE:

2. The name and, if not previously provided, the address and telephone number of each witness [Petitioner/Respondent] may call at trial if the need arises.

RESPONSE:

3. Each document or other exhibit, including summaries of other evidence, [Petitioner/Respondent] expects to offer at trial.

RESPONSE:

4. Each document or other exhibit, including summaries of other evidence, [Petitioner/Respondent] may offer at trial if the need arises.

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RESPONSE:

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Form 5-21

This form is for use only in cases filed before January 1, 2021. Amendments to the Texas Rules of Civil Procedure effective for cases filed on or after that date eliminate the request for disclosure and provide instead for required disclosure, without request, of an expanded list of items of discovery. For required disclosures for cases filed on or after January 1, 2021, see forms 5-18 through 5-20.

The request for disclosure may identify the information or material requested merely by reference to rule 194.2 or the specific subdivision of rule 194.2 in which the item is described. Tex. R. Civ. P. 194.1. The following form incorporates the full description of the categories in the rule, however, so that neither party's attorney need spend further time and expense explaining to the client what information or material is being requested, and so that a pro se receiving party can readily understand how to respond to the request.

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Petitioner/Respondent]'s Rule 194 Requests for Disclosure

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

Pursuant to rule 194 of the Texas Rules of Civil Procedure, you are requested to disclose, within [thirty/fifty] days after service of this request, the information or material described in rule 194 as set forth in the attached request. The originals or copies of documents and other tangible items requested must be produced for inspection and copying at [**address**] within [thirty/fifty] days after service of this request, together with a written response. Each written response must be preceded by the request to which it applies. No objection or assertion of work product privilege is permitted to a request under this rule. If you fail to comply with this request, the court may order sanctions against you in accordance with the Texas Rules of Civil Procedure. Your response must be signed.

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[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

[**Name**]
Attorney for [Petitioner/Respondent]

Select only as applicable.

Rule 194 Request

1. State the correct names of the parties to the lawsuit.

2. State the names, addresses, and telephone numbers of any potential parties.

3. State the legal theories and, in general, the factual bases of the claims or defenses of [**name of responding party**].

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4. State the amount and any method of calculating economic damages.

5. State the names, addresses, and telephone numbers of persons having knowledge of relevant facts, and give a brief statement of each identified person's connection with the case.

6. For any testifying expert—

   a. state the expert's name, address, and telephone number;

   b. state the subject matter on which the expert will testify;

   c. state the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them or, if the expert is not retained by, employed by, or otherwise subject to the control of [**name of responding party**], documents reflecting such information;

   d. if an expert is retained by, employed by, or otherwise subject to the control of [**name of responding party**], produce the originals or copies of the following:

      i. all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

      ii. the expert's current resume and bibliography.

7. Produce the originals or copies of any indemnity and insuring agreements described in rule 192.3(f) of the Texas Rules of Civil Procedure. Rule 192.3(f) provides in part as follows:

Indemnity and Insuring Agreements. Except as otherwise provided by law, a party may obtain discovery of the existence and contents of any indemnity or

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insurance agreement under which any person may be liable to satisfy part or all of a judgment rendered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

8. Produce the originals or copies of any settlement agreements described in rule 192.3(g) of the Texas Rules of Civil Procedure. Rule 192.3(g) provides in part as follows:

Settlement Agreements. A party may obtain discovery of the existence and contents of any relevant portions of a settlement agreement.

9. Produce the originals or copies of any witness statements described in rule 192.3(h) of the Texas Rules of Civil Procedure. Rule 192.3(h) provides in part as follows:

Statements of Persons with Knowledge of Relevant Facts. A party may obtain discovery of the statement of any person with knowledge of relevant facts—a "witness statement"—regardless of when the statement was made. A witness statement is (1) a written statement signed or otherwise adopted or approved in writing by the person making it, or (2) a stenographic, mechanical, electrical, or other type of recording of a witness's oral statement, or any substantially verbatim transcription of such a recording. Any person may obtain, upon written request, his or her own statement concerning the lawsuit, which is in the possession, custody or control of any party.

Include 10. and/or 11. only in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case.

10. Produce the originals or copies of all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

11. Produce the originals or copies of all medical records and bills obtained by [**name of responding party**] by virtue of an authorization furnished by [**name of requesting party**].

Include item 12. only in a level 1 case.

12. Produce all documents, electronic information, and tangible items that you have in your possession, custody, or control and may use to support any claim or defense.

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Form 5-22

This form is for use only in cases filed before January 1, 2021. Amendments to the Texas Rules of Civil Procedure effective for cases filed on or after that date eliminate the request for disclosure and provide instead for required disclosure, without request, of an expanded list of items of discovery. For required disclosures for cases filed on or after January 1, 2021, see forms 5-18 through 5-20.

No objections or assertions of work product are allowed to a rule 194 request for disclosure. Tex. R. Civ. P. 194.5. However, a party may assert any applicable privileges other than work product, e.g., a protective order to prevent the person's residence from being revealed if harm could result.

Include the following notice if a minor is named in the caption or if the response contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Petitioner/Respondent]'s Response to Rule 194 Requests for Disclosure

[**Name**], [attorney for Petitioner/attorney for Respondent/Petitioner/Respondent], provides the attached response to the rule 194 requests for disclosure.

The response must be signed as required by Tex. R. Civ. P. 191.3.

_____

[**Name**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]

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Form 5-23

Requests for production and inspection to parties are the subject of Tex. R. Civ. P. 196.

For a notice that documents will be used at trial pursuant to Tex. R. Civ. P. 193.7, see form 5-36.

Include the following notice if a minor is named in the caption or if the request contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Petitioner/Respondent]'s Request for Production and Inspection

[to Party]

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

[**Name**], [Petitioner/Respondent], requests that [Respondent/Petitioner], [**name**], produce for inspection and copying the items described below, at the time and place set out below.

Definitions

"[Respondent/Petitioner]," "you," and "your" refer to and are intended to include [**name**], your employees, and your agents, either individually or as a representative of any corporation, association, or partnership, as the case may be, as well as any testifying expert witnesses retained by you or retained on your behalf relating to this litigation and any consulting experts whose work product has been reviewed by, relates to, or forms the basis, either in whole or in part, of the mental impressions and opinions of any testifying experts.

"Person" includes and is intended to mean any natural person or the representative of any entity or entities, as defined below.

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"Entity" or "entities" includes and is intended to mean any nonpublicly traded—

a. corporation;

b. company;

c. limited liability company;

d. firm;

e. association;

f. trust;

g. business trust;

h. partnership;

i. limited partnership;

j. family limited partnership;

k. limited liability partnership;

l. joint venture;

m. proprietorship; or

n. other form of business entity.

"Relates to" means in whole or in part constitutes, contains, concerns, embodies, relates, analyzes, identifies, states, refers to, deals with, or in any way pertains to.

"Item" or "document" includes each tangible thing, recording, or reproduction of any visual or auditory information, however made, whether handwritten, typewritten, printed, or

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digital, even if kept in only an electronic format, including papers; books; accounts; diaries; notes; memoranda; journals; calendars; letters and correspondence; e-mails; text messages; blogs; instant messages; postings, personal messages, tweets, and comments from any social media platform; logs; drawings; graphs; charts; photographs; electronic or videotape recordings; data; data compilations; and any drafts of the foregoing.

"Parties" means Petitioner or Respondent or both Petitioner and Respondent.

Instructions

All information responsive to this request that is not privileged and that is in your possession, custody, or control is to be produced.

"Possession, custody, or control" of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to that of the person who has physical possession of the item.

If any of this information is available in electronic form, you must produce this information by providing [Petitioner/Respondent] with this information on either CD-ROM computer disks or USB flash drive (also variously known as a USB drive, USB stick, thumb drive, pen drive, jump drive, flash-disk, "memory stick," or USB memory) in an accessible format. In the alternative, you may produce these electronic documents by e-mail or a file-hosting service (for example, Dropbox).

Time Period

The discovery requested is for documents prepared, received, or generated since [**date**] unless otherwise provided in this request. All requested documents, whenever actually prepared or generated, that relate to this period are to be produced.

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Documents to Be Produced

All items set forth in Exhibit A are to be produced electronically or made available for inspection, examination, and copying within [thirty/fifty] days following service of this request at [**state reasonable time and place for production**]. You must either produce documents and tangible things as they are kept in the ordinary course of business or organize and label them to correspond with the categories in this request. If you have produced any of the items set forth in Exhibit A in response to another request for production and inspection, in response to a request for disclosure pursuant to rule 194 of the Texas Rules of Civil Procedure, or as a required disclosure pursuant to rule 194, please refer by Bates number to each document that would be responsive to each such request in Exhibit A.

Amendment or Supplementation of Response

If you learn that your response to this request was incomplete or incorrect when made or that, although it was complete and correct when made, it is no longer complete and correct, you must amend or supplement the response—

1. to the extent that the request seeks the identification of persons with knowledge of relevant facts, trial witnesses, or expert witnesses and

2. to the extent that the request seeks other information, unless the additional or corrective information has been made known to the other parties in writing, on the record at a deposition, or through other discovery responses.

You must make amended or supplemental responses reasonably promptly after you discover the necessity for such a response. Any amended or supplemental response should be provided in the same format as previously produced.

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Content of Response

With respect to each item or category of items, you must state objections and assert privileges as required by the Texas Rules of Civil Procedure and state, as appropriate, that—

1. production, inspection, or other requested action will be permitted as requested;

2. the requested items are being served on [Petitioner/Respondent] with the response;

3. production, inspection, or other requested action will take place at a specified time and place, if you are objecting to the time and place of production; or

4. no items have been identified—after a diligent search—that are responsive to the request.

Include the following if applicable. See form 5-32 for the authorization to disclose protected health information.

HIPAA Release for Personal Health Information

HIPAA releases are provided for your signature for any requests that include personal health information. Please sign a release authorizing disclosure to [**attorney or firm**], [**client name**], and the [**designation**] Court of [**county**] County, Texas.

Continue with the following.

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

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Exhibit A

General Documents

1. All documents, including invoices and billing statements, evidencing the contractual relationships with attorneys not designated as experts, consulting experts on whom testifying experts rely, or investigators in connection with this case.

Include request 2. if parent-child relationship matters are at issue in the case.

2. All documents that relate to—

Include as applicable.

a. conservatorship;

b. possession and access;

c. child support and medical and dental support for the child[ren];

d. family violence;

e. attorney's fees; or

f. requests for permanent injunctions.

Include request 3. if the case involves marital dissolution.

3. All documents that relate to—

Include as applicable.

a. division of property and liabilities, including claims for a disproportionate division of the community estate;

b. value of each asset;

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c. amount of each liability;

d. characterization of any property that you are claiming as your separate property and any liability that you are claiming is separate;

e. attorney's fees;

f. fault in the breakup of the marriage;

g. family violence;

h. tort claims; or

i. requests for permanent injunctions.

Continue with those of the following requests that are applicable.

Income and Cash Flow

4. All documents that relate to federal or state income reporting or gift tax reporting since [**date**], including the following:

a. tax returns with all schedules and amendments, including all schedules and amendments and accountant work papers that are not required to be attached to the applicable tax return but were used in its preparation, whether personal or for any entity in which either party owns or claims, or has owned or claimed, any interest;

b. W-2 forms;

c. 1099 forms; and

d. K-1 forms.

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5. All Social Security Earnings Record forms (Form SSA-7005), Personal Earnings Benefit Estimate Statement forms (PEBES), payroll statements and pay stubs, and other income- and revenue-reporting forms that evidence the parties' income since [**date**].

6. All documents that relate to benefits from an employer apart from salary that you have received or have been eligible to receive since [**date**], including the following:

a. payment of personal expenses;

b. payment of housing expenses;

c. vacation pay;

d. payment of medical, hospitalization, or dental insurance, life insurance, annuities, and disability insurance policies;

e. payment of automobile expenses (including note payment, gasoline, repairs, maintenance, insurance, and mileage compensation);

f. payment of travel allowances;

g. country club or other memberships;

h. use of company airplanes, homes, boats, or cars;

i. interest-free or low-interest loans;

j. payment of legal fees;

k. accounting or bookkeeping services; and

l. payment for items used by you personally.

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7. All documents that relate to your employment compensation, including contracts, overtime compensation, bonuses, deferred compensation, and severance pay that you have received or have been eligible to receive since [**date**].

8. All periodic statements that relate to financial accounts on deposit with banks, brokerage firms, or other financial institutions.

This request applies to all accounts since [**date**] whether held in your name or your name jointly with any other person. This request also applies to any account from which you have the right to make withdrawals.

Assets and Liabilities

9. All documents that relate to the current value of the parties' property described in your answers to interrogatories and in your inventory and appraisement in this suit, whether the property is in your possession, your spouse's possession, or the possession of another person or entity.

10. All documents that relate to the parties' debts since [**date**], including the following:

a. credit card statements;

b. loan applications;

c. credit applications;

d. lease applications;

e. promissory notes;

f. guaranty agreements;

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g. lease agreements;

h. lines of credit;

i. security agreements;

j. credit reports; and

k. other obligations and contractual agreements in the name of the parties or to which the parties are signatories.

11. All documents that relate to certificates of deposit or government bonds, or certificates of safekeeping representing the certificates of deposit or government bonds, in which the parties now claim or have claimed an interest since [**date**].

12. All documents that relate to non–employer-provided individual retirement accounts, stocks (restricted and unrestricted), bonds, options, warrants, mutual funds, commodities, or other securities in which the parties now claim or have claimed an interest since [**date**].

13. All documents that relate to your present or former employer-provided stock options, phantom stock, or retirement, pension, profit-sharing, employee stock ownership, restricted stock, savings, stock appreciation, deferred compensation, or Keogh plans in which the parties claim an interest [**include if applicable:** , including all documents available from the plan administrators of the plans in your name relating to the preparation and submission of a qualified or nonqualified domestic relations order to each plan administrator and, if a domestic relations order is not necessary, all documents necessary to transfer ownership of an interest in the stock options or plans to your spouse].

14. All statements that relate to health savings accounts, medical savings accounts, flexible benefit accounts, or flexible spending accounts in the name of a party.

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15. All notes receivable, accounts receivable, mortgages, and other evidence or information that relate to debts due, lawsuits, claims of any kind (for example, property damage, personal injury, economic claims), or other contingent assets in which you own or claim, or have owned or claimed, any interest, whether payable to you, your spouse, or your child[ren] individually or otherwise since [**date**].

16. All documents that relate to safe-deposit boxes maintained by the parties or on their behalf, including records of entry since [**date**].

17. All deeds, deeds of trust, notes, and closing statements that relate to real property, including oil, gas, or other mineral interests, in which the parties now claim or have claimed an interest since [**date**].

18. All certificates of title for motor vehicles, boats, recreational vehicles, aircraft, or watercraft in which the parties claim an interest.

19. All policies of insurance, whether life, health, automobile, disability, casualty, homeowners, personal articles, or otherwise, in which the parties claim insurance protection.

20. All articles of incorporation or organization, partnership agreements, and joint venture agreements of entities in which the parties now claim or have claimed any legal or equitable interest since [**date**].

21. For each entity owned or claimed by either party, all documents since [**date**] related to the following:

a. credit card statements;

b. loan applications;

c. credit applications;

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d. lease applications;

e. promissory notes;

f. guaranty agreements;

g. lease agreements;

h. lines of credit;

i. security agreements;

j. credit reports; and

k. other obligations and contractual agreements in the name of the entity or to which the entity is a signatory.

22. All financial statements regarding the parties and prepared by or on behalf of the parties since [**date**].

23. All financial statements, profit and loss statements, balance sheets, income and expense statements, operating statements, and general ledgers prepared by or on behalf of the following entities and regarding those entities since [**date**]: [**list entities**].

The information in this request should be produced in its native digital or electronic format (for example, Quickbooks) if available.

24. All documents that relate to funds, property, or accounts held by you for the benefit of another, including 529 plans and custodial accounts held for the benefit of a minor under the Texas Uniform Transfers to Minors Act since [**date**].

25. All documents that relate to funds, property, or accounts held by another for your benefit since [**date**].

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26. All documents that relate to ownership or membership by a party in clubs, associations, frequent flyer or other mileage programs, hotel clubs, rewards programs (for example, grocery, drug store, retail, restaurant, gambling, and credit card), or other organizations, including documents reflecting the value of those interests.

27. All documents that relate to intellectual property or other intangible property, including patents, trademarks, copyrights, artistic works in progress, domain names, licensing agreements, trade secrets, non–mineral interest royalties, and licensing fees, in which a party now owns or has owned an interest since [**date**].

28. All documents that relate to lottery tickets or other games of chance owned or purchased by you since [**date**].

29. All documents that relate to transactions regarding the purchase, mining, sale, or transfer of encrypted digital currency.

Reimbursement and Reconstitution

30. All documents that relate to reimbursement due from a marital estate (that is, your separate estate, your spouse's separate estate, or the community estate) to another marital estate [**include if applicable:** , including offsetting benefits].

31. All documents that support claims by you for reconstitution of the community estate.

Parent-Child/Marital Relationship

32. All correspondence and other documents, including enrollment, attendance, and grade records, as well as progress reports, evaluations, and standardized test scores, that relate to the child[ren] the subject of this suit from camps, schools, or day-care facilities in which the child[ren] [has/have] been enrolled since [**date**].

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33. All documents evidencing gifts or things of value in excess of $[**amount**] [**include if applicable:** in the aggregate] you gave or provided since [**date**] to any entity or person [**include if applicable:** to whom you are not related by blood or marriage].

34. All residence [**include if applicable:** , business,] and wireless telephone records of the parties since [**date**].

35. All records [**include if applicable:** , including invoices,] that relate to medical, psychological, or psychiatric treatments, consultations, or diagnoses of the [parties/child[ren]/ parties and child[ren]], including prescriptions, since [**date**].

36. All court orders requiring you to pay or entitling you to receive spousal maintenance, alimony, or child support.

37. All documents that relate to the parties' involvement with assisted reproduction, including contracts between the parties and assisted reproduction clinics, fertility specialists, or cryopreservation banks.

38. All documents that relate to benefits the child[ren] [is/are] entitled to receive or [has/have] received as a result of disability claims you have filed with the Social Security Administration or any other entity.

39. All documents that relate to Social Security benefits the child[ren] [is/are] entitled to receive or [has/have] received as a result of a claim you have filed with the Social Security Administration for Social Security old age benefits.

40. All passports that have been issued and passport applications that have been submitted on behalf of the child[ren] since [**date**].

Spousal Maintenance

41. All documents that relate to a claim for spousal maintenance.

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Form 5-24

For a response to a notice that documents will be used at trial pursuant to Tex. R. Civ. P. 193.7, see form 5-37.

Include the following notice if a minor is named in the caption or if the response contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Response to Request for Production and Inspection

[**Name**], [Respondent/Petitioner], serves the following Response to the Request for Production and Inspection:

Conditions to Response

1. [Respondent/Petitioner]'s responses are based on [his/her] present knowledge after a reasonable investigation and on [his/her] interpretation and construction of the request.

2. [Respondent/Petitioner] reserves the right to redact any portions of otherwise responsive and nonprivileged documents that contain irrelevant, nonresponsive, or privileged information.

3. [Respondent/Petitioner] will supplement responses when, if, and as required by the Texas Rules of Civil Procedure.

4. Any response that [Respondent/Petitioner] will produce certain documents is not a representation that such documents exist but, rather, an undertaking to produce them if and to the extent that they exist and are in [Respondent/Petitioner]'s possession, custody, or control.

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Request No. 1: [**State other party's request for production.**]

Response No. 1:

Include objection[s] if applicable.

[Respondent/Petitioner] objects to this request for production for the following reason(s): [**state specific objection**].

The following are possible objections that may be used if applicable.

Objection is made to the production request to the extent the proposed discovery is not relevant to the subject matter of the suit and will not lead to the discovery of admissible evidence. Tex. R. Civ. P. 192.3(a). The proposed discovery goes beyond the subject matter[s] of the case and reasonable expectations of obtaining information that will aid resolution of the dispute. Tex. R. Civ. P. 192 cmt. 1.

Objection is made to the production request to the extent the request would require the responding party to create a document not in existence. A party is not required to produce a document or tangible thing unless it is within the person's possession, custody, or control. A document that does not exist is not within a party's "possession, custody, or control." The only exception to the rule involves the factual observations, tests, or supporting data of a testifying expert. *In re Colonial Pipeline Co.*, 968 S.W.2d 938, 942 (Tex. 1998); *see also* Tex. R. Civ. P. 192.3(b).

Objection is made to the production request to the extent that it seeks the identity, mental impressions, opinions, and/or documents or tangible things containing such information of consulting experts either informally consulted or specially retained in anticipation of litigation or preparation for trial that were not reviewed by a testifying expert witness. Tex. R. Civ. P. 192.3(e).

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Objection is made to the production request to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

Objection is made to the production request to the extent the discovery sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

Objection is made to the production request to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. Tex. R. Civ. P. 192.4(b).

Objection is made to the production request to the extent it subjects [Respondent/Petitioner] to undue burden, unnecessary expense, harassment, or annoyance. Tex. R. Civ. P. 192.6(b).

Objection is made to the production request to the extent it subjects [Respondent/Petitioner] to an invasion of personal, constitutional, or property rights. Tex. R. Civ. P. 192.6(b).

Objection is made to the production request because it is overly broad and is not in compliance with rule 196.1(b), which requires the request to specify the items to be produced or inspected, either by individual item or category, and describe with reasonable particularity each item and category. *See also* Tex. R. Civ. P. 193 cmt. 2.

Objection is made to the production request because it was served on [Respondent/Petitioner] later than thirty days before the end of the discovery period. Tex. R. Civ. P. 196.1(a).

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Objection is made to the request for production of data or information that exists in electronic or magnetic form because [Petitioner/Respondent] failed to specify the form in which [Petitioner/Respondent] wants it produced. Tex. R. Civ. P. 196.4.

Objection is made to the request for production of data or information that exists in electronic or magnetic form because [Respondent/Petitioner] cannot—through reasonable efforts—retrieve the data or information requested. Tex. R. Civ. P. 196.4.

Objection is made to the request for production of data or information that exists in electronic or magnetic form because [Respondent/Petitioner] cannot—through reasonable efforts—produce the data requested in the form requested. Tex. R. Civ. P. 196.4.

Check applicable response.

☐ Production, inspection, or other requested action will be permitted as requested [**include if applicable:** subject to and without waiving the objection[s] stated above in this response].

☐ [Respondent/Petitioner] objects to the time and place of production set forth in the request for production. [**Include if applicable:** Subject to and without waiving the objection[s] stated above in this response,] [Respondent/Petitioner] will produce the requested documents and make them available for inspection and copying at [**address**] [on reasonable notice/on [**date**] [at [**time**]/between the hours of [**time**] and [**time**]]].

☐ [**Include if applicable:** Subject to and without waiving the objection[s] stated above in this response,] [The/the] requested items are being served on the requesting party with the response.

☐ No items have been identified—after a diligent search—that are responsive to the request.

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Continue with the following if applicable.

☐ Information or material responsive to the request has been withheld. [Respondent/Petitioner] asserts the following privilege(s):

The following are possible privileges that may be used if applicable.

Work-product privilege

Spousal privilege

Privilege for communications to members of the clergy

Trade secret privilege

Physician-patient privilege

Mental health information privilege

Peer review committee privileges (Texas Occupations Code § 160.007(e))

Hospital committee privilege (Texas Health & Safety Code § 161.032)

Blood donor privilege (Texas Health & Safety Code § 162.010(e))

Privilege against self-incrimination

Disclosure of a membership list

Health and safety audit privilege

Assertions of privilege may be contained in the response or in a separate document. Tex. R. Civ. P. 193.3(a).

Continue with next response to request for production. Repeat as needed.

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[**Name**]
Attorney for [Respondent/Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

[**Name**]
Attorney for [Respondent/Petitioner]

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Form 5-25

This notice may be used, with a subpoena duces tecum, to obtain production of documents and tangible things from a nonparty without a deposition, in accordance with Tex. R. Civ. P. 205.3. The notice must be served on the nonparty and all parties at least ten days before the subpoena is served. Tex. R. Civ. P. 205.2. The notice must be filed with the court. Tex. R. Civ. P. 191.4(b)(1). A form for the subpoena appears at form 5-94.

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Petitioner/Respondent]'s Notice for Production or Inspection of Documents and Other Tangible Things

[to Nonparty]

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

Under rule 205.3 of the Texas Rules of Civil Procedure, you are notified that a subpoena duces tecum will be issued no less than ten days from the date this notice is served. This subpoena will require you to produce and permit inspection and copying of the following documents or tangible things: [**specify**].

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

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Form 5-26

Review Tex. Fin. Code § 59.006 before requesting bank records, particularly by a global request, to ensure that the client can afford and is willing to pay the bank's attorney's fees and costs. Discovery from nonparties is governed by the requirements of Tex. R. Civ. P. 205.

Suggested Language for Production of Bank Records

Select only as applicable.

1. The credit file, loan file, and copies or originals of all promissory notes, guaranty agreements, or other obligations and all financial statements, profit-and-loss statements, balance sheets, income and expense statements, and operating statements submitted or executed by [**name**] or any of the following entities: [**names of partnerships, corporations, and other entities in which the party has an interest**].

2. All signature cards, deposit-box rental agreements, deposit-box entry records, and records of assets in safekeeping in the name of [**name**] or on which [**name**] had or has signatory authority for the period from [**date**] to the date of production of the records.

3. All contractual agreements between [**name of bank**] and [**name**], including lines of credit and security agreements for the period from [**date**] to the date of production of the records.

4. All bank statements, deposit records, withdrawal records, transfer records, and canceled checks for all checking accounts, savings accounts, certificates of deposit, and all other types of accounts maintained in the name of [**name**] or on which [**name**] had or has the right to draw for the period from [**date**] to the date of production of the records, including the following:

   a. Account number [**number**] in the name of [**name of account**].

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b. [**Continue with identification of other records.**]

5. All records maintained for the benefit of [**name**] in the Trust Department.

Instruction

If any records requested herein are exclusively maintained in electronic or magnetic form, produce those records in the following form: [**specify**].

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Form 5-27

Discovery from nonparties is governed by the requirements of Tex. R. Civ. P. 205.

Suggested Language for Production of School Records

All records pertaining to [**name[s] of child[ren]**], including the following:

1. Attendance records

2. Report cards

3. Progress reports

4. Evaluations

5. Standardized test scores

6. Behavioral reports or disciplinary actions taken

7. Teachers' comments or recommendations

8. Notations from parent-teacher conferences

9. Telephone records or other notations between a parent and the school, including dates of the calls and contents

10. Counseling reports or counseling recommendations

11. Authorizations on file on persons who may pick up the child[ren] at school

12. Written letters from a parent to the school as to specific instructions or restrictions concerning the child[ren], release of information concerning the child[ren], or notification of activities or conferences

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13. School health records and school nurses' notes

14. Designations of persons to be contacted in an emergency

15. Records of admission, review, and dismissal (ARD)

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Form 5-28

Discovery from nonparties is governed by the requirements of Tex. R. Civ. P. 205.

Suggested Language for Production of Employment Records

Select only as applicable.

1. The complete personnel file maintained for [**name**] for the entire period of employment.

2. The original employment contract or agreement for [**name**].

3. The payroll records showing the gross pay, including commissions, deferred bonus, and severance pay, withholding deductions, and net pay for all compensation paid to [**name**] for the period from [**date**] to the date of production of the records.

4. The expense-account records showing the nature and amount of all expenses reimbursed to [**name**] under the terms of employment for the period from [**date**] to the date of production of the records.

5. The original or official ERISA wrap document, summary plan description, and current rate sheets for all health and welfare benefits, including the health insurance plan, medical reimbursement plan, life insurance plan, and disability plan in which [**name**] participates or is eligible to participate.

6. The summary plan description or, if none, the plan documents for each employee stock ownership plan, stock option plan, phantom stock plan, stock appreciation plan, restricted stock plan, deferred compensation plan, employee retirement plan, pension plan, profit-sharing plan, savings plan, defined contribution plan, defined benefit plan, qualified

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plan, nonqualified plan, or other employee benefit plan in which [**name**] participates currently or has participated in the past.

7. For all employee and retirement benefit plans in which [**name**] participates or has participated: (a) the full plan name; (b) any loan, withdrawal, or distribution information; (c) quarterly or annual statements; (d) dates of participation; and (e) stock award or grant letters for the period from [**date**] to the date of production of the records. For all defined benefit plans, please include a current age sixty-five benefit estimate assuming that [**name**] terminates employment on [**anticipated date of mediation or divorce or date the request is made**].

8. Any documents and information pertaining to all bonus plans in which [**name**] participates, including how the amount of the bonus is determined, the form in which the bonus is paid, when the bonus is typically paid, and the amounts and dates of any bonuses received for the period from [**date**] to the date of production of the records.

9. The travel records showing the date and place of destination and duration of all periods of travel of [**name**] for the period from [**date**] to the date of production of the records.

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Form 5-29

Discovery from nonparties is governed by the requirements of Tex. R. Civ. P. 205.

Suggested Language to Secure Social Worker's Report

1. All documents, files, field notes, photographs, recordings, and tangible records that may have been obtained or created by the investigator during the investigation of any party, child[ren], or witness involved in this suit.

2. [**Continue as applicable.**]

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Form 5-30

The form of this affidavit is addressed in rule 902(10) of the Texas Rules of Evidence. The business records and the affidavit must be served on each other party to the case at least fourteen days before the trial begins. Tex. R. Evid. 902(10)(A). See the practice notes at section 8.58 concerning affidavits generally.

An unsworn declaration may be used in place of an affidavit. See section 8.58. For a declaration for business records, see form 5-31.

Include the following notice if a minor is named in the caption or if the affidavit contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Affidavit for Business Records

[**Name**] appeared before me today and stated under oath:

"My name is [**name**]. I am above the age of eighteen 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. I am [the custodian of records/an [employee/owner]] of [**name**] and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities.

"2. Attached are [**number**] pages of records. These are the original records or exact duplicates of the original records.

"3. [The records were made at or near the time of each act, event, condition, opinion, or diagnosis set forth./It is the regular practice of [**name**] to make this type of record at or near the time of each act, event, condition, opinion, or diagnosis set forth in the record.]

"4. [The records were made by, or from information transmitted by, persons with knowledge of the matters set forth./It is the regular practice of [**name**] for this type of record to be made by, or from information transmitted by, persons with knowledge of the matters set forth in them.]

"5. [The records were kept in the course of regularly conducted business activity./It is the regular practice of [**name**] to keep this type of record in the course of regularly conducted business activity.]

"6. It is the regular practice of the business activity to make the records."

_____

[**Name**], Affiant

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

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Form 5-31

The form of an affidavit for business records is addressed in rule 902(10) of the Texas Rules of Evidence. An unsworn declaration may be used in lieu of that affidavit. See section 8.58 of the practice notes. The business records and the declaration must be served on each other party to the case at least fourteen days before the trial begins. *See* Tex. R. Evid. 902(10)(A). For an affidavit for business records, see form 5-30.

Include the following notice if a minor is named in the caption or if the declaration contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Declaration for Business Records

My name is [**name**]. I am above the age of eighteen years, and I am fully competent to make this declaration. The facts stated in this declaration are within my personal knowledge and are true and correct.

1. I am [the custodian of records/an [employee/owner]] of [**name**] and am familiar with the manner in which its records are created and maintained by virtue of my duties and responsibilities.

2. Attached are [**number**] pages of records. These are the original records or exact duplicates of the original records.

3. [The records were made at or near the time of each act, event, condition, opinion, or diagnosis set forth./It is the regular practice of [**name**] to make this type of record at or near the time of each act, event, condition, opinion, or diagnosis set forth in the record.]

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4. [The records were made by, or from information transmitted by, persons with knowledge of the matters set forth./It is the regular practice of [**name**] for this type of record to be made by, or from information transmitted by, persons with knowledge of the matters set forth in them.]

5. [The records were kept in the course of regularly conducted business activity./It is the regular practice of [**name**] to keep this type of record in the course of regularly conducted business activity.]

6. It is the regular practice of the business activity to make the records.

My name is [**name**], my date of birth is [**date**], and my address is [**address, city, state, zip code, country**]. I declare under penalty of perjury that the foregoing is true and correct.

Executed in [**county**] County, [**state**], on_____.

_____

[**Name**], Declarant

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Form 5-32

AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

Developed for Texas Health & Safety Code § 181.154(d)
effective June 2013

Please read this entire form before signing and complete all the sections that apply to your decisions relating to the disclosure of protected health information. Covered entities as that term is defined by HIPAA and Texas Health & Safety Code § 181.001 must obtain a signed authorization from the individual or the individual's legally authorized representative to electronically disclose that individual's protected health information. Authorization is not required for disclosures related to treatment, payment, health care operations, performing certain insurance functions, or as may be otherwise authorized by law. **Covered entities may use this form or any other form that complies with HIPAA, the Texas Medical Privacy Act, and other applicable laws.** Individuals cannot be denied treatment based on a failure to sign this authorization form, and a refusal to sign this form will not affect the payment, enrollment, or eligibility for benefits.

NAME OF PATIENT OR INDIVIDUAL

_____
Last First Middle

OTHER NAME(S) USED _____

DATE OF BIRTH Month _____ Day _____ Year _____

ADDRESS _____

_____

CITY _____ **STATE** _____ **ZIP** _____

PHONE (_____)_____ **ALT. PHONE** (_____)_____

EMAIL ADDRESS (Optional): _____

I AUTHORIZE THE FOLLOWING TO DISCLOSE THE INDIVIDUAL'S PROTECTED HEALTH INFORMATION:

Person/Organization Name _____
Address _____
City _____ State _____ Zip Code _____
Phone (_____)_____ Fax (_____)_____

WHO CAN RECEIVE AND USE THE HEALTH INFORMATION?

Person/Organization Name _____
Address _____
City _____ State _____ Zip Code _____
Phone (_____)_____ Fax (_____)_____

REASON FOR DISCLOSURE
(Choose only one option below)

- ☐ Treatment/Continuing Medical Care
- ☐ Personal Use
- ☐ Billing or Claims
- ☐ Insurance
- ☐ Legal Purposes
- ☐ Disability Determination
- ☐ School
- ☐ Employment
- ☐ Other _____

WHAT INFORMATION CAN BE DISCLOSED? Complete the following by indicating those items that you want disclosed. The signature of a minor patient is required for the release of some of these items. If all health information is to be released, then check only the first box.

- ☐ **All health information**
- ☐ Physician's Orders
- ☐ Progress Notes
- ☐ Pathology Reports
- ☐ History/Physical Exam
- ☐ Patient Allergies
- ☐ Discharge Summary
- ☐ Billing Information
- ☐ Past/Present Medications
- ☐ Operation Reports
- ☐ Diagnostic Test Reports
- ☐ Radiology Reports & Images
- ☐ Lab Results
- ☐ Consultation Reports
- ☐ EKG/Cardiology Reports
- ☐ Other_____

Your initials are required to release the following information:

_____Mental Health Records (excluding psychotherapy notes)
_____Drug, Alcohol, or Substance Abuse Records
_____Genetic Information (including Genetic Test Results)
_____ HIV/AIDS Test Results/Treatment

EFFECTIVE TIME PERIOD. This authorization is valid until the earlier of the occurrence of the death of the individual; the individual reaching the age of majority; or permission is withdrawn; or the following specific date (optional): Month _____ Day _____ Year _____

RIGHT TO REVOKE: I understand that I can withdraw my permission at any time by giving written notice stating my intent to revoke this authorization to the person or organization named under "WHO CAN RECEIVE AND USE THE HEALTH INFORMATION." I understand that prior actions taken in reliance on this authorization by entities that had permission to access my health information will not be affected.

SIGNATURE AUTHORIZATION: I have read this form and agree to the uses and disclosures of the information as described. I understand that refusing to sign this form does not stop disclosure of health information that has occurred prior to revocation or that is otherwise permitted by law without my specific authorization or permission, including disclosures to covered entities as provided by Texas Health & Safety Code § 181.154(c) and/or 45 C.F.R. § 164.502(a)(1). I understand that information disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and may no longer be protected by federal or state privacy laws.

SIGNATURE X_____ _____
Signature of Individual or Individual's Legally Authorized Representative **DATE**

Printed Name of Legally Authorized Representative (if applicable): _____
If representative, specify relationship to the individual: ☐ Parent of minor ☐ Guardian ☐ Other _____

A minor individual's signature is required for the release of certain types of information, including for example, the release of information related to certain types of reproductive care, sexually transmitted diseases, and drug, alcohol or substance abuse, and mental health treatment (See, e.g., Tex. Fam. Code § 32.003).

SIGNATURE X_____ _____
Signature of Minor Individual **DATE**

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IMPORTANT INFORMATION ABOUT THE AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

Developed for Texas Health & Safety Code § 181.154(d)
effective June 2013

The Attorney General of Texas has adopted a standard Authorization to Disclose Protected Health Information in accordance with Texas Health & Safety Code § 181.154(d). This form is intended for use in complying with the requirements of the Health Insurance Portability and Accountability Act and Privacy Standards (HIPAA) and the Texas Medical Privacy Act (Texas Health & Safety Code, Chapter 181). **Covered Entities may use this form or any other form that complies with HIPAA, the Texas Medical Privacy Act, and other applicable laws.**

Covered entities, as that term is defined by HIPAA and Texas Health & Safety Code § 181.001, must obtain a signed authorization from the individual or the individual's legally authorized representative to electronically disclose that individual's protected health information. Authorization is not required for disclosures related to treatment, payment, health care operations, performing certain insurance functions, or as may be otherwise authorized by law. (Tex. Health & Safety Code §§ 181.154(b),(c), § 241.153; 45 C.F.R. §§ 164.502(a)(1); 164.506, and 164.508).

The authorization provided by use of the form means that the organization, entity or person authorized can disclose, communicate, or send the named individual's protected health information to the organization, entity or person identified on the form, including through the use of any electronic means.

Definitions - In the form, the terms "treatment," "healthcare operations," "psychotherapy notes," and "protected health information" are as defined in HIPAA (45 CFR 164.501). "Legally authorized representative" as used in the form includes any person authorized to act on behalf of another individual. (Tex. Occ. Code § 151.002(6); Tex. Health & Safety Code §§ 166.164, 241.151; and Tex. Probate Code § 3(aa)).

Health Information to be Released - If "All Health Information" is selected for release, health information includes, but is not limited to, all records and other information regarding health history, treatment, hospitalization, tests, and outpatient care, and also educational records that may contain health information. As indicated on the form, specific authorization is required for the release of information about certain sensitive conditions, including:

- Mental health records (excluding "psychotherapy notes" as defined in HIPAA at 45 CFR 164.501).
- Drug, alcohol, or substance abuse records.
- Records or tests relating to HIV/AIDS.
- Genetic (inherited) diseases or tests (except as may be prohibited by 45 C.F.R. § 164.502).

Note on Release of Health Records - This form is not required for the permissible disclosure of an individual's protected health information to the individual or the individual's legally authorized representative. (45 C.F.R. §§ 164.502(a)(1)(i), 164.524; Tex. Health & Safety Code § 181.102). If requesting a copy of the individual's health records with this form, state and federal law allows such access, unless such access is determined by the physician or mental health provider to be harmful to the individual's physical, mental or emotional health. (Tex. Health & Safety Code §§ 181.102, 611.0045(b); Tex. Occ. Code § 159.006(a); 45 C.F.R. § 164.502(a)(1)). If a healthcare provider is specified in the "Who Can Receive and Use The Health Information" section of this form, then permission to receive protected health information also includes physicians, other health care providers (such as nurses and medical staff) who are involved in the individual's medical care at that entity's facility or that person's office, and health care providers who are covering or on call for the specified person or organization, and staff members or agents (such as business associates or qualified services organizations) who carry out activities and purposes permitted by law for that specified covered entity or person. If a covered entity other than a healthcare provider is specified, then permission to receive protected health information also includes that organization's staff or agents and subcontractors who carry out activities and purposes permitted by this form for that organization. Individuals may be entitled to restrict certain disclosures of protected health information related to services paid for in full by the individual (45 C.F.R. § 164.522(a)(1)(vi)).

Authorizations for Sale or Marketing Purposes - If this authorization is being made for sale or marketing purposes and the covered entity will receive direct or indirect remuneration from a third party in connection with the use or disclosure of the individual's information for marketing, the authorization must clearly indicate to the individual that such remuneration is involved. (Tex. Health & Safety Code §181.152, .153; 45 C.F.R. § 164.508(a)(3), (4)).

Limitations of this form - This authorization form shall not be used for the disclosure of any health information as it relates to: (1) health benefits plan enrollment and/or related enrollment determinations (45 C.F.R. § 164.508(b)(4)(ii), .508(c)(2)(ii); (2) psychotherapy notes (45 C.F.R. § 164.508(b)(3)(ii); or for research purposes (45 C.F.R. § 164.508(b)(3)(i)). **Use of this form does not exempt any entity from compliance with applicable federal or state laws or regulations regarding access, use or disclosure of health information or other sensitive personal information (e.g., 42 CFR Part 2, restricting use of information pertaining to drug/alcohol abuse and treatment), and does not entitle an entity or its employees, agents or assigns to any limitation of liability for acts or omissions in connection with the access, use, or disclosure of health information obtained through use of the form.**

Charges - Some covered entities may charge a retrieval/processing fee and for copies of medical records. (Tex. Health & Safety Code § 241.154).

Right to Receive Copy - The individual and/or the individual's legally authorized representative has a right to receive a copy of this authorization.

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Form 5-33

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Order to Obtain Protected Health Information

This Motion for Order to Obtain Protected Health Information of [**name of patient**] is brought by [**name of movant**], who shows in support:

1. This is a case arising under [title 1/title 2/title 5] of the Texas Family Code.

[**Name of movant**] requests that the Court enter a qualified protective order, pursuant to section 164.512(e) of title 45 of the Code of Federal Regulations, addressing the rights and protections that apply to the protected health information pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). [**Name of movant**] requests that the qualified protective order provide that the requested health information protected by HIPAA be produced by [**name and address of health-care provider**] and further provide that the information is to be used only in connection with this litigation and that the parties to this matter, their counsel, the employees of their counsel, and their respective agents are prohibited from using or disclosing health information protected by HIPAA for any purpose other than in connection with this litigation. [**Name of movant**] further requests that the qualified protective order require the return of health information protected by HIPAA to [**name of health-care provider**] or the destruction of that information (including all copies) at the end of the litigation.

2. The following protected health information of [**name of patient**] is sought:

Dates of health-care services provided:

Select categories as applicable.

Progress notes

Laboratory reports

Operative reports

Discharge summary

Radiology reports

Consultation reports

X-ray or other images

Photographs/videotapes

Test results

Consultations

Correspondence

Hospital records

Entire health records in the possession of health-care provider

Other [**specify**]:

3. The protected health information of [**name of patient**] is relevant and necessary in this suit because [**set forth reasons**].

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[**Name of movant**] prays that the Court grant this Motion for Order to Obtain Protected Health Information.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 5-34

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Order to Obtain Protected Health Information

On [**date**] the Court considered [**name of movant**]'s Motion for Order to Obtain Protected Health Information of [**name of patient**].

The Court finds that the health information is relevant to the issues of this case.

IT IS ORDERED that [**name and address of health-care provider**] shall produce the protected health information of [**name of patient**] described below.

IT IS FURTHER ORDERED that the health information shall be produced on [**date**] at [**time**] at the offices of [**name and address of movant's attorney**].

IT IS FURTHER ORDERED that all parties in this case, their counsel, the employees of their counsel, and their respective agents are prohibited from using or disclosing the health information of [**name of patient**] produced pursuant to this order for any purpose other than the litigation of this case.

IT IS FURTHER ORDERED that the health information (including all copies) produced pursuant to this order be either returned to [**name of health-care provider**] or destroyed at the end of the litigation pending before this Court.

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The costs of production and copying shall be paid in the following manner: [**specify manner of payment**].

Continue with the following.

The following health information of [**name of patient**] is subject to this order:

Dates of health-care services provided:

Select categories as applicable.

Progress notes

Laboratory reports

Operative reports

Discharge summary

Radiology reports

Consultation reports

X-ray or other images

Photographs/videotapes

Test results

Consultations

Correspondence

Hospital records

Entire health records in the possession of health-care provider

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Other [**specify**]:

SIGNED on _____.

_____
JUDGE PRESIDING

© STATE BAR OF TEXAS

Form 5-35

Include the following notice if a minor is named in the style of the case or if the subpoena contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

Subpoena to Compel Production of Protected Health Information of [name of patient]

Issued in the Name of the State of Texas

You, [**name of witness**], are hereby commanded to appear at [**address, city, county**], Texas, on [**date**] at [**time**] and produce at that time and place the following documents or tangible things in your possession, custody, or control relating to the case entitled "[**style of case**]" and filed under Cause No. [**number**], in the [**designation**] Court of [**county**] County, Texas: [**specify**].

This subpoena is based on a qualified protective court order issued by the [**designation**] Court of [**county**] County, Texas. A certified copy of the qualified protective order is attached to this subpoena. This subpoena is issued at the instance of [**name of party**], [Petitioner/Respondent/Intervenor] in the above-referenced case [**include if applicable:** , by and through [his/her/its] attorney of record, [**name of attorney**]].

FAILURE OF ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED ON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.

This subpoena is issued on [**date**] by:

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_____

[**Name of person issuing subpoena**]
[**Capacity**]
[**Address**]
[**Telephone**]
[**Fax**]

Proof of Service

I, [**name of witness**], accept service of the attached subpoena and will appear at the time and place directed in the subpoena.

Date: _____.

_____
(Signature of witness)

I, _____, am over the age of eighteen years. I am not a party in the above-entitled and -numbered cause of action. On _____ I served a subpoena, of which this is a true and correct copy, on [**name of witness**] by personally handing the subpoena to the named individual or in accordance with rule 176.5(a) of the Texas Rules of Civil Procedure. I also tendered to the witness the witness fees required by law at the time the subpoena was delivered.

Date: _____.

_____
(Signature of person serving subpoena)

Attach copy of qualified protective order. See form 5-34.

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Form 5-36

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice That Document[s] Will Be Used at Trial

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

[**Name**], [Petitioner/Respondent], hereby gives notice that the following document[s] produced by you will be used at trial:

List document[s] by title.

If no objection is filed within ten days of this notice, the document[s] will be authenticated. You may object to the authenticity of [a/the] document or any part thereof. An objection must be either on the record or in writing and must have a good faith factual or legal basis. An objection made to the authenticity of only part of a document does not affect the authenticity of the remainder.

This notice is provided in accordance with rule 193.7 of the Texas Rules of Civil Procedure.

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[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

[**Name**]
Attorney for [Petitioner/Respondent]

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Form 5-37

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Response to Notice That Document[s] Will Be Used at Trial

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

[**Name**], [Petitioner/Respondent], objects to the authenticity of the following document[s]:

Objection is made to the authenticity of [**include if applicable:** a portion of] the document entitled [**name of document**] because [**state factual and legal basis of objection**].

Repeat above information for each additional document.

This response is provided in accordance with rule 193.7 of the Texas Rules of Civil Procedure.

_____

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

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Form 5-38

Requests for production and inspection to parties are the subject of Tex. R. Civ. P. 196.

Use this form if the land or property belongs only to a party or the parties. If the land or property belongs in whole or part to a nonparty, use form 5-39.

Include the following notice if a minor is named in the caption or if the request contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Petitioner/Respondent]'s Request for Entry upon Property
[to Party]

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

[**Name**], [Petitioner/Respondent], requests that [Respondent/Petitioner], [**name**], allow entry on the [land/property] to [**include as applicable:** inspect/measure/survey/photograph/test/sample] the property or any designated object thereon at the time and place set out below.

Definitions

"Parties" means Petitioner or Respondent or both Petitioner and Respondent.

Instructions

Entry is to be allowed to the [land/property/land and property] described in Exhibit A.

Time, Place, and Other Conditions

Entry shall be [**state time, place, manner, conditions, and scope of inspection**]. [Inspection/Testing/Sampling/Inspection and testing/Inspection and sampling/Testing and sampling/

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Inspection, testing, and sampling] will be by [**describe as applicable the means, manner, and procedure for inspection, testing, and/or sampling**]. [**Name[s]**] will conduct the [inspection/testing/sampling/inspection and testing/inspection and sampling/testing and sampling/inspection, testing, and sampling].

Content of Response

With respect to each request for entry, you must state objections and assert privileges as required by the Texas Rules of Civil Procedure and state, as appropriate, that—

1. entry or other requested action will be permitted as requested;

2. entry or other requested action will take place at a specified time and place, if the responding party is objecting to the time and place of production; or

3. entry or other requested action cannot be permitted for reasons stated in the response.

_____

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

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service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

Exhibit A

Include land or other property as applicable.

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Form 5-39

Use this form if the land or property belongs in whole or in part to a nonparty. If the land or property belongs in whole or part to a party or the parties, use form 5-38.

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Entry upon Property

[to Nonparty]

This Motion for Entry upon Property is brought by [**name of movant**], [**party designation**], who shows in support:

1. Respondents to this motion are [**name of other party**], [**party designation**], and [**name of nonparty respondent**], [who/which] is the owner of [**describe land or property that is the subject of the motion**].

2. [**Name of nonparty**], a nonparty [who/which] owns an interest in the property to be inspected, can and will be served with notice of this motion at [**address**] pursuant to rule 21a of the Texas Rules of Civil Procedure.

Or

2. The address of [**name of nonparty**], a nonparty [who/which] owns an interest in the property to be inspected, is unknown and cannot be obtained through reasonable diligence. Movant requests the Court to order service on [**name of nonparty**] by means other than rule 21a of the Texas Rules of Civil Procedure that are reasonably calculated to give [**name of nonparty**] notice of the motion and the hearing.

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Or

2. Movant believes there are nonparties who may own an interest in the property to be inspected, and their identities and addresses are unknown and cannot be obtained through reasonable diligence. Movant requests the Court to issue orders that will aid in identifying the names and locations of any additional owners and thereafter to order service on each such nonparty by means other than rule 21a of the Texas Rules of Civil Procedure that are reasonably calculated to give each nonparty notice of the motion and the hearing.

3. Movant requests to [**include as applicable:** inspect/measure/survey/photograph/test/sample] the property or any designated object on the [land/property] described above.

4. The discovery sought is relevant to the claims of [Petitioner/Respondent].

5. Good cause exists for the [inspection/testing/sampling/inspection and testing/inspection and sampling/testing and sampling/inspection, testing, and sampling].

6. Movant requests that entry be allowed [**state time, place, manner, conditions, and scope of inspection**].

7. Movant requests [inspection/testing/sampling/inspection and testing/inspection and sampling/testing and sampling/inspection, testing, and sampling] be allowed by [**describe as applicable the means, manner, and procedure for inspection, testing, and/or sampling**].

8. [**Name[s]**] will conduct the [inspection/testing/sampling/inspection and testing/inspection and sampling/testing and sampling/inspection, testing, and sampling].

[**Name of movant**] prays that the Court grant this Motion for Entry upon Property.

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

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Form 5-40

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Entry upon Property

On [**date**] the Court considered the Motion for Entry upon Property of [**name of movant**]. The Court finds that good cause has been shown and the [land/property/object] is relevant to the subject matter of the action.

IT IS THEREFORE ORDERED that [**specify the order of the court**].

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 5-41

This cover sheet for interrogatories should precede the appropriate questions from forms 5-43 through 5-47. Interrogatories to parties are the subject of Tex. R. Civ. P. 197.

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Petitioner/Respondent]'s Written Interrogatories to [Respondent/Petitioner]

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

Under rules 190 and 197 of the Texas Rules of Civil Procedure, you are required to answer in complete detail and in writing each of the attached interrogatories; sign your answers to the interrogatories as required by rule 191.3(a) of the Texas Rules of Civil Procedure; swear to the truth of your answers before a notary public or other judicial officer as required by rule 197.2(d) of the Texas Rules of Civil Procedure or make an unsworn declaration as allowed by section 132.001 of the Texas Civil Practice and Remedies Code; and deliver a complete, signed copy of your answers, notarized if applicable, to the undersigned attorney within [thirty/fifty] days following service of this request. If you fail to comply with the requirements above, the Court may order sanctions against you in accordance with the Texas Rules of Civil Procedure.

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Definitions

"Identity and location" means the person's name and present or last known address and telephone number. If any of the above information is not available, state any other means of identifying the individual.

"Person" includes and is intended to mean any natural person or the representative of any entity or entities, as defined below.

Include the following definition if applicable.

"Entity" or "entities" includes and is intended to mean any nonpublicly traded—

a. corporation;

b. company;

c. limited liability company;

d. firm;

e. association;

f. trust;

g. business trust;

h. partnership;

i. limited partnership;

j. family limited partnership;

k. limited liability partnership;

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l. joint venture;

m. proprietorship; or

n. other form of business entity.

Include the following definition if applicable.

"Document" includes each tangible thing, recording, or reproduction of any visual or auditory information, however made, whether handwritten, typewritten, printed, or digital, even if kept in only an electronic format, including papers; books; accounts; diaries; notes; memoranda; journals; calendars; letters and correspondence; e-mails; text messages; blogs; instant messages; postings, personal messages, tweets, and comments from any social media platform; logs; drawings; graphs; charts; photographs; electronic or videotape recordings; data; data compilations; and any drafts of the foregoing.

Continue with the following.

Instructions

All information that is not privileged that is in the possession, custody, or control of [Respondent/Petitioner], [his/her] attorney, investigators, agents, and consulting experts, as defined in the Texas Rules of Civil Procedure, employees, or other representatives of [Respondent/Petitioner] is to be divulged. Possession, custody, or control of an item means that the person either has physical possession of the item or has a right to possession of the item that is equal or superior to that of the person who has physical possession of the item.

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If an interrogatory calls for an answer that involves more than one part, each part of the answer must be clearly set out so that it is understandable. You must precede your answer to each separate interrogatory with the question constituting the separate interrogatory.

Option to Produce Records

If the answer to an interrogatory may be derived or ascertained from public records, from your business records, or from a compilation, abstract, or summary of your business records, and the burden of deriving or ascertaining the answer is substantially the same for [Petitioner/Respondent] as for you, you may answer the interrogatory by specifying and, if applicable, producing the records or compilation, abstract, or summary of the records. The records from which the answer may be derived or ascertained must be specified in sufficient detail to permit [Petitioner/Respondent] to locate and identify them as readily as you can. If you have specified business records, you must state a reasonable time and place for examination of the documents. If you have produced any such records in response to a request for production and inspection, in response to a request for disclosure pursuant to rule 194 of the Texas Rules of Civil Procedure, or as a required disclosure pursuant to rule 194, please refer by Bates number to the document that would be responsive to the interrogatory. You must produce the documents at the time and place stated, unless otherwise agreed by the parties or ordered by the court, and must provide [Petitioner/Respondent] a reasonable opportunity to inspect them.

_____

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

Attach the interrogatories.

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Form 5-42

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Answers to Interrogatories

[**Name**], [Respondent/Petitioner], provides the attached Answers to Interrogatories and states under oath that all answers are true, subject to the following qualifications:

1. Answers to [Interrogatory/Interrogatories] number[s] [**number[s]**] are based on information obtained from another person.

2. Answers to interrogatories inquiring about persons with knowledge of relevant facts, trial witnesses, and legal contentions are not made under oath.

_____

[**Name of party**], Affiant

An unsworn declaration may be used in place of a written sworn declaration. See form 8-27.

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

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[**Name**]
Attorney for [Respondent/Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

[**Name**]
Attorney for [Respondent/Petitioner]

Attach answers to interrogatories. Assertions of privilege may be contained in the answers or in a separate document. Tex. R. Civ. P. 193.3(a). The assertion of privilege shown in form 5-24 may be adapted.

The following are sample objections.

Objection is made to this interrogatory because it was served on [Respondent/Petitioner] later than thirty days before the end of the discovery period. Tex. R. Civ. P. 197.1.

Objection is made to this interrogatory because it is in excess of the [twenty-five written interrogatories [Petitioner/Respondent] may serve on [Respondent/Petitioner]/number of

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written interrogatories [Petitioner/Respondent] may serve on [Respondent/Petitioner] under the level 3 discovery control plan in this suit]. Tex. R. Civ. P. 190.

Objection is made to this interrogatory because it seeks discovery of information that is not relevant to the subject matter of this suit and is not reasonably calculated to lead to the discovery of admissible evidence. Tex. R. Civ. P. 192.3(a).

Objection is made to this interrogatory because it is overly broad and seeks to require [Respondent/Petitioner] to provide more than a basic statement of [her/his] legal contentions and the factual bases for those contentions. [Respondent/Petitioner] is not required to marshal [her/his] evidence in response to a written interrogatory. Tex. R. Civ. P. 192.3(j), 192 cmt. 5.

Objection is made to this interrogatory to the extent that the discovery sought is unreasonably cumulative or duplicative. Tex. R. Civ. P. 192.4(a).

Objection is made to this interrogatory to the extent the discovery sought is obtainable from some other source that is more convenient, less burdensome, or less expensive. Tex. R. Civ. P. 192.4(a).

Objection is made to this interrogatory to the extent the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. Tex. R. Civ. P. 192.4(b).

Objection is made to this interrogatory to the extent it subjects [Respondent/Petitioner] to undue burden, unnecessary expense, harassment, or annoyance. Tex. R. Civ. P. 192.6(b).

Objection is made to this interrogatory to the extent it subjects [Respondent/Petitioner] to an invasion of personal, constitutional, or property rights. Tex. R. Civ. P. 192.6(b).

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Objection is made to this interrogatory because it exceeds the scope of discovery by seeking information about testifying expert witnesses through a written interrogatory. Tex. R. Civ. P. 195.1.

Objection is made to this interrogatory because it exceeds the scope of discovery by seeking information about consulting expert witnesses whose mental impressions and opinions have not been reviewed by a testifying expert. Tex. R. Civ. P. 192.3(e).

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Form 5-43

The cover sheet at form 5-41 should precede these and any other interrogatories.

Pattern Interrogatories—General

Select only as applicable.

1. State the identity and location of any person who is expected to be called to testify at the trial of this lawsuit.

2. State which of your answers to these interrogatories are based on information obtained from other persons, and state the identity and location of each person from whom you obtained the information and the date the information was obtained.

3. If you, at any time, had possession or control of a document requested in a request for production, and if the document has been lost, has been destroyed, or is not presently in your possession, custody, or control, describe the document, the date of its loss, destruction, purge, or separation from your possession, custody, or control, and the circumstances surrounding its loss, destruction, purge, or separation from your possession, custody, or control.

4. State the identity and location of your employers since [**date**] and the dates you were employed by each.

5. If any person or entity with which you are associated provides you with any fringe benefits, state for each fringe benefit—

   a. a description of the fringe benefit,

   b. the amount paid monthly and annually by the person or entity for the fringe benefit, and

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c. the specific person or entity providing each fringe benefit.

"Fringe benefit" means any benefit from an employer apart from salary, including payment of personal expenses; payment of housing expenses; vacation pay; payment of medical, hospitalization, or dental insurance, life insurance, annuities, and disability insurance policies; payment of automobile expenses (including note payment, gasoline, repairs, maintenance, insurance, and mileage compensation); payment of travel allowances; restricted stock; warrants; deferred compensation plans, 401(k) contributions, stock options, or retirement or pension benefits; country club or other memberships; use of company airplanes, homes, boats, or cars; payment of business professional dues; interest-free or low-interest loans; payment of legal fees; accounting or bookkeeping services; and payment for items used by you personally.

Include interrogatory 6. if parent-child relationship matters are at issue in the case.

6. If any documents exist that relate to any of the following, describe each document and state its location:

Include as applicable.

a. conservatorship;

b. possession and access;

c. child support and medical and dental support for the child[ren];

d. family violence;

e. attorney's fees; and

f. requests for permanent injunctions.

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Include interrogatory 7. if the case involves marital dissolution.

7. If any documents exist that relate to any of the following, describe each document and state its location:

Include as applicable.

a. division of property and liabilities, including claims for a disproportionate division of the community estate;

b. value of each asset;

c. amount of each liability;

d. characterization of any property that you are claiming as your separate property and any liability that you are claiming is separate;

e. attorney's fees;

f. fault in the breakup of the marriage;

g. family violence;

h. tort claims; and

i. requests for permanent injunctions.

8. State the identity and location and the age of each person with whom you have resided since [**date**] and the dates on which you resided with each person.

9. State the identity and location of all [**include if applicable:** mental and physical] health-care providers with whom you [**include if applicable:** or your child[ren]] consulted or by whom you [**include if applicable:** or your child[ren]] have been treated since [**date**] [**include if applicable:** and the reasons for each consultation or treatment].

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10. If you allege that your [former] spouse has committed an act of family violence (as "family violence" is defined in section 71.004 of the Texas Family Code), for each act of family violence identify facts of which you are specifically aware that establish, demonstrate, or prove your allegation, including—

a. a description of the alleged act of family violence,

b. the date the alleged act of family violence occurred, and

c. a description of the treatment sought or received, if any, for the act of family violence.

11. If it has been alleged that you have committed an act of family violence (as "family violence" is defined in section 71.004 of the Texas Family Code), for each act of family violence:

a. describe the alleged act of family violence,

b. state the date the alleged act of family violence occurred, and

c. describe the circumstances surrounding the alleged act of family violence.

12. If you have engaged in intimate sexual contact (including sexual intercourse, oral sex, fondling, or other sexual stimulation) with anyone other than your spouse during this marriage, state—

a. the identity and location of each person with whom you have had such contact and

b. the dates, times of day, and locations of each occurrence of intimate sexual contact.

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13. If you allege that your spouse has engaged in intimate sexual contact (including sexual intercourse, oral sex, fondling, or other sexual stimulation) with anyone other than you during this marriage, identify facts of which you are specifically aware that establish, demonstrate, or prove your allegation, including—

a. the identity and location of each person with whom you allege your spouse has had such contact and

b. the dates, times of day, and locations of each alleged occurrence of intimate sexual contact.

14. If since [**date**] you have taken or used any controlled substance for which you did not have a valid prescription, state for each use—

a. the controlled substance used and

b. the date you used the controlled substance.

15. If you allege that since [**date**] your spouse has taken or used any controlled substance for which your spouse did not have a valid prescription, for each use identify facts of which you are specifically aware that establish, demonstrate, or prove your allegation, including—

a. the controlled substances used and

b. the date your spouse used the controlled substance.

16. If you and/or anyone on your behalf has employed or used any private investigator in relation to this proceeding, state—

a. the identity and location of the investigator,

b. the dates of hiring and surveillance,

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c. whether any written report has been compiled by the investigator, and

d. the total fees charged.

17. If you have used any expert for consultation who is not expected to be called as a witness, if that expert's opinion or impressions have been reviewed by any expert who may be called as a witness, state—

a. the identity and location of each consulting expert;

b. the subject matter on which each consulting expert was consulted;

c. the mental impressions and opinions held by each consulting expert;

d. the facts known to each consulting expert that relate to or form the basis of the mental impressions and opinions held by that expert; and

e. a description of all documents and other tangible things used by, prepared by, prepared for, or furnished to each consulting expert, including all tests, calculations, reports, models, data, and compilations that form the basis of the consulting expert's opinions or impressions.

18. List those expert witnesses (if any) identified by any party to this suit who you contend are not qualified to render opinions under the standards set forth in *E.I. du Pont de Nemours v. Robinson*, 923 S.W.2d 549 (Tex. 1995), or in any subsequent opinion by the Supreme Court of Texas that you contend extends the holdings of *Robinson.*

19. If you contend that any opinion rendered by an expert designated by any party to this suit is not reliable within the meaning of *E.I. du Pont de Nemours v. Robinson*, 923 S.W.2d 549 (Tex. 1995), or of any subsequent opinion by the Supreme Court of Texas that you contend extends the holdings of *Robinson*—

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a. identify the expert,

b. state the substance of the opinion,

c. describe the basis for your contention that the opinion is not reliable.

20. If you intend or may use impeachment evidence at the trial or at any hearing in this suit concerning any person listed by a party as having knowledge of relevant facts or concerning any person listed by a party as a testifying expert, list each such person who may be impeached along with the specific crime and date of such crime allegedly committed by that person and/or identify and describe the impeachment evidence by which you intend to or may impeach such person.

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Form 5-44

The cover sheet at form 5-41 should precede these and any other interrogatories.

Pattern Interrogatories—Property

Select only as applicable.

1. For each item of property (tangible or intangible) owned by the community estate or the separate estate of either party, state—

   a. a description of the property;

   b. the percentage that each estate (that is, the community estate, your separate estate, and your spouse's separate estate) owns the property;

   c. the value of the property;

   d. in general the legal theories that support your contentions about the value of the property, and identify facts of which you are specifically aware that establish, demonstrate, or prove those contentions; and

   e. in general the legal theories that support your contentions about the character of the property you claim belongs to your separate estate, and identify facts of which you are specifically aware that establish, demonstrate, or prove those contentions.

2. For each sum of money owed by either party to any person or entity, state—

   a. a description of the debt, including the identity and location of the creditor(s);

   b. the percentage that each estate (that is, the community estate, your separate estate, and your spouse's separate estate) is liable for the debt;

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c. the current balance of the debt;

d. the balance of the debt on date of marriage;

e. a description of each item of property that secures the debt, if any;

f. the purpose(s) for which the debt was incurred; and

g. in general the legal theories and factual bases that support your contention about liability for the debt and the purpose(s) for which the debt was incurred.

3. If you have had any interest in any trust during the term of your marriage to [Petitioner/Respondent], for each trust state—

a. the identity and location of the trust and trustee(s) and

b. the identity and location of the entity or institution in which the trust is or was held.

4. If you have made any gifts or transfers of funds, money, property, or property rights in excess of a value of $[**amount**] [**include if applicable:** in the aggregate] to any person [**include if applicable:** unrelated to you by blood or marriage] since [**date**], for each such gift or transfer state—

a. the identity and location of each person;

b. the date and nature of the gift or transfer; and

c. the value of the gift or item transferred.

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5. If you propose that you be awarded more than 50 percent of the community estate, state in general the legal theories that support your proposal and identify facts of which you are specifically aware that establish, demonstrate, or prove that proposal.

6. State each item of property that the court should award to you and each debt or other obligation (including guarantees, contingent liabilities, and debts secured by property) for which the court should require you to be responsible.

7. If you have owned an interest in any entity since [**date**], for each such entity state—

a. the identity and location of the entity;

b. the form of business organization (for example, corporation or partnership) of the entity;

c. the starting date of the entity or the date you began your association with the entity;

d. how much you have contributed (for example, time, money, property, or other things of value) to the entity;

e. your ownership interest in the entity (in shares or percentage); and

f. the annual gross profits of the entity during each year since [**date**].

8. If you have any leasehold interest in any property, for each leasehold interest state—

a. a description of the property, including the street address, legal description, and structures or improvements on any real property, if applicable;

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b. the identity and location of other persons, if any, with an interest in that property; and

c. the amount and frequency of payments made and/or received for each leasehold interest.

9. If you or your business entity owns any motor vehicles, boats, recreational vehicles, watercraft, or aircraft, state the make, model, year, license number, motor number, serial number, vehicle identification number, fair market value, name(s) in which item is titled, and present location.

10. If you or your business entity maintains any accounts with any financial institutions, for each account state—

a. the identity and location of the financial institution;

b. the style and number of the account;

c. the identity and location of all authorized signatories; and

d. the current balance.

11. Identify all real, personal, or intangible property rights, whether legal or equitable, owned by any entity in which you own an interest.

12. If you or your business entity has any claims (liquidated or unliquidated) against others, for each claim state—

a. a description of the claim;

b. the identity and location of the person or entity against whom you have a claim; and

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c. the amount of the claim.

13. If any property is held for you or your business entity by another person or entity, for each property state—

a. the identity and location of the person or entity holding the property;

b. a description of the property being held; and

c. the conditions and/or authority under which the property is being held for your benefit.

14. If you or your business entity has employed any accountant or bookkeeper since [**date**], for each state—

a. the identity and location of the person or entity;

b. the period employed; and

c. the services performed.

15. If you or someone acting in your behalf has one or more safe-deposit boxes, for each box state the identity and location of the financial institution where the box is located and the contents of the box.

16. If you contend that one of the marital estates (that is, the community estate, your separate estate, or your spouse's separate estate) has a reimbursement claim against another marital estate, for each claim, state—

a. the marital estates affected;

b. the nature of the claim (including the elements in section 3.402 of the Texas Family Code on which you base the claim); and

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c. the amount of the claim.

17. If you are claiming any offset to a claim for a reimbursement, state—

a. the marital estate claiming the offset;

b. the facts of which you are specifically aware that establish, demonstrate, or prove the offset;

c. the amount of the offset; and

d. the calculations used to determine the amount of the offset.

18. If you contend that you are entitled to spousal maintenance, identify facts of which you are specifically aware that establish, demonstrate, or prove the elements contained in section 8.051 of the Texas Family Code on which you rely to support your claim.

19. If you contend that your spouse has committed either actual or constructive fraud with regard to the community estate, for each claim identify facts of which you are specifically aware that establish, demonstrate, or prove your contention, including—

a. the type of fraud committed;

b. when the fraud allegedly occurred;

c. the acts of fraud that your spouse has committed;

d. the value by which the community estate was depleted as a result of the fraud on the community; and

e. the basis for calculating the reconstituted estate.

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Form 5-45

The cover sheet at form 5-41 should precede these and any other interrogatories.

Pattern Interrogatories—Conservatorship

Select only as applicable.

1. If any unrelated adult spent the night with you at any time since [**date**] while you were in possession of your child[ren], state—

   a. the identity and location of each person and

   b. the dates and locations of each such occurrence.

2. If you contend that it is not in the best interest of the child[ren] that [**name[s]**] be appointed [sole managing conservator/joint managing conservator/joint managing conservator with the exclusive right to designate the primary residence of the child[ren]], state in general the legal theories that support your contention and identify facts of which you are specifically aware that establish, demonstrate, or prove that contention.

3. If you contend that it is in the best interest of the child[ren] that you be appointed [sole managing conservator/joint managing conservator/joint managing conservator with the exclusive right to designate the primary residence of the child[ren]], state in general the legal theories that support your contention and identify facts of which you are specifically aware that establish, demonstrate, or prove that contention.

4. If you contend that it is in the best interest of the child[ren] that the primary residence of the child[ren] be subject to a geographic restriction, identify the geographic area to which the residence should be restricted and state in general the legal theories that support

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your contention and identify facts of which you are specifically aware that establish, demonstrate, or prove that contention.

5. State what periods of possession and access each conservator should have and, in general, the legal theories that support your contention and identify facts of which you are specifically aware that establish, demonstrate, or prove that contention.

6. If the court requires your periods of possession or access to be supervised, state your contention of how that supervised possession or access should be conducted (including the payment of the cost of any supervisor), state in general the legal theories and factual bases that support your contention, and identify facts of which you are specifically aware that establish, demonstrate, or prove that contention.

7. If you contend the court should require your [former] spouse's periods of possession or access to be supervised, state your contention of how that supervised possession or access should be conducted (including the payment of the cost of any supervisor), state in general the legal theories that support your contention, and identify facts of which you are specifically aware that establish, demonstrate, or prove that contention.

8. State each day you have exercised possession of or access to the child[ren] since [the filing of this suit/[**date**]] and the amount of time you spent with [the/each] child on each such day.

9. If the court orders you to pay child support, state the monthly amount of support the court should order you to pay, state the calculations you used to determine that amount, and identify facts of which you are specifically aware that establish, demonstrate, or prove your contention.

10. If the court orders [**name**] to pay child support, state the monthly amount of support the court should order [**name**] to pay, state the calculations you used to determine that

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amount, and identify facts of which you are specifically aware that establish, demonstrate, or prove your contention.

11. If you have dependent health or dental insurance coverage available to you, state how much it would or does cost you to cover the child[ren] the subject of this suit on that policy in addition to whatever you pay for health or dental insurance coverage for yourself and any other person.

12. State how the court should order that health and dental insurance coverage be provided for the child[ren] and identify facts of which you are specifically aware that establish, demonstrate, or prove your contention.

13. If the child[ren] exhibit[s] changes in demeanor or behavior immediately before or after the child[ren] [has/have] been in the possession of [**name[s]**], state—

a. the changes you have observed and

b. each date on which you have observed these changes.

14. Generally, what hours do you work and on which days of the week?

15. If there are any children not the subject of this suit for whom you owe a legal duty of support, for each child state the identity and location, birth date, Social Security number, and, if applicable, the court of continuing jurisdiction for that child.

16. If your child[ren] [has/have] any special medical, psychological, or educational needs that necessitate additional expenditures or will necessitate additional expenditures in the future, state—

a. the nature of each need;

b. to whom the expenditures will be made;

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c. the amount of the expenditures required or to be required on an annual basis;

d. whether [the/any] child[ren] require[s] or will require substantial care and personal supervision because of a mental or physical disability and will not be capable of self-support; and

e. if [the/any] child[ren] require[s] or will require substantial care and personal supervision because of a mental or physical disability and will not be capable of self-support, the date on which the disability first existed or the cause of the disability was first known to exist.

17. If the child[ren] [is/are] involved in extracurricular activities, for each activity state—

a. the nature of the activity;

b. the average annual cost of the activity; and

c. the schedule of the activity.

18. If you contend that you have been denied possession of or access to the child[ren] since [**date**], for each period of possession or access identify facts of which you are specifically aware that establish, demonstrate, or prove your contention, including—

a. the date;

b. the circumstances of each denial; and

c. any reasons or excuses given for each denial.

19. If the child[ren]'s location is being tracked or monitored by any means, including electronically or digitally, for each method or device used to track or monitor the child[ren] state—

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a. the manner, including the location of any device or identification of any person, by which the child[ren] [is/are] being tracked or monitored;

b. the name, model number, and serial number of any device being used to track or monitor the child[ren]; and

c. each period of time that you have tracked or monitored the child[ren].

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Form 5-46

The cover sheet at form 5-41 should precede these and any other interrogatories.

Pattern Interrogatories—Modification of Child Support

Select only as applicable.

"Household" means a unit composed of all persons living together in the same dwelling in which you reside, whether or not they are related to you or to each other.

1. For each of the [**number**] months immediately preceding [**date of rendition of the order to be modified or signing of the mediated or collaborative law settlement agreement on which the order is based**], state—

   a. the source and amount of your average monthly resources and self-employment income, as defined by sections 154.062(b) and 154.065(a) of the Texas Family Code, and

   b. the identity and location of each of your employers and other sources of income, if any.

2. For each month since [**date after rendition of the order to be modified or signing of the mediated or collaborative law settlement agreement on which the order is based**], state—

   a. the source and amount of your average monthly resources and self-employment income, as defined by sections 154.062(b) and 154.065(a) of the Texas Family Code, and

   b. the identity and location of each of your employers and other sources of income, if any.

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3. If anyone other than yourself is contributing toward the payment of your current household expenses, for each person state—

a. the identity and location of the person and

b. the monthly amount of the contribution.

4. Identify and state the amount of each of your monthly living expenses on [**date of rendition of the order to be modified or signing of the mediated or collaborative law settlement agreement on which the order is based**].

5. Identify and state the amount of each of your current monthly living expenses.

6. State the identity and location of each creditor and the amount owed each creditor on [**date of rendition of the order to be modified or signing of the mediated or collaborative law settlement agreement on which the order is based**].

7. State the identity and location of each of your current creditors and the amount owed each creditor.

8. State each reason the order sought to be modified should not be modified.

9. If, on [**date of rendition of the order to be modified or signing of the mediated or collaborative law settlement agreement on which the order is based**], your child[ren] had any special medical, psychological, or educational needs that necessitated additional expenditures, state—

a. the nature of each need;

b. to whom the expenditures were made;

c. the amount of the expenditures required on an annual basis;

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d. whether [the/any] child[ren] required substantial care and personal supervision because of a mental or physical disability and [was/were] not capable of self-support; and

e. if [the/any] child[ren] required substantial care and personal supervision because of a mental or physical disability and [was/were] not capable of self-support, the date on which the disability first existed or the cause of the disability was first known to exist.

10. If your child[ren] [has/have] any special medical, psychological, or educational needs that necessitate additional expenditures or will necessitate additional expenditures in the future, state—

a. the nature of each need;

b. to whom the expenditures are or will be made;

c. the amount of the expenditures required or to be required on an annual basis;

d. whether [the/any] child[ren] require[s] or will require substantial care and personal supervision because of a mental or physical disability and will not be capable of self-support; and

e. if [the/any] child[ren] require[s] or will require substantial care and personal supervision because of a mental or physical disability and will not be capable of self-support, the date on which the disability first existed or the cause of the disability was first known to exist.

11. If, on [**date of rendition of the order to be modified or signing of the mediated or collaborative law settlement agreement on which the order is based**], the child[ren] [was/were] involved in extracurricular activities, for each activity state—

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a. the nature of the activity;

b. the average annual cost of the activity; and

c. the schedule of the activity.

12. If the child[ren] [is/are] involved in extracurricular activities, for each activity state—

a. the nature of the activity;

b. the average annual cost of the activity; and

c. the schedule of the activity.

13. For each person whose circumstances you allege have materially and substantially changed since the [rendition of the order to be modified/signing of the [mediated/ collaborative law] settlement agreement on which the order to be modified is based]:

a. state the identity and location of the person;

b. describe the circumstances you allege have changed, both as they existed on [**date of rendition of the order to be modified or signing of the mediated or collaborative law settlement agreement on which the order is based**] and as they currently exist; and

c. identify facts of which you are specifically aware that establish, demonstrate, or prove the basis as to why each change of circumstances supports your request that the order be modified.

14. If you contend that a change of residence [has resulted/will result] in increased expenses for you to have possession of or access to the child[ren], state—

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a. the amount of expenses you incurred to have possession of or access to the child[ren] for each month of the calendar year (that is, for January, for February, for March, and so forth) before the change of residence;

b. how you calculated these expenses for each month of the calendar year;

c. the amount of the increased expenses you [have incurred/will incur] to have possession of or access to the child[ren] for each month of the calendar year (that is, for January, for February, for March, and so forth) after the change of residence;

d. how you calculated these increased expenses for each month of the calendar year;

e. how the court should allocate these increased expenses;

f. why your proposed allocation is fair and equitable; and

g. why your proposed allocation is in the best interest of the child[ren].

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Form 5-47

Use the interrogatories in form 5-45 as appropriate.

The cover sheet at form 5-41 should precede these and any other interrogatories.

Pattern Interrogatories—Modification of Conservatorship

Select only as applicable for the particular type of modification being sought.

1. For each person whose circumstances you allege have materially and substantially changed since the [rendition of the order to be modified/signing of the [mediated/collaborative law] settlement agreement on which the order to be modified is based]:

   a. state the identity and location of the person;

   b. describe the circumstances you allege have changed, both as they existed on [**date of rendition of the order to be modified or signing of the mediated or collaborative law settlement agreement on which the order is based**] and as they currently exist; and

   c. identify facts of which you are specifically aware that establish, demonstrate, or prove the basis as to why each change of circumstances supports your request that the order be modified.

2. If you contend that the child[ren]'s present living environment may endanger the child[ren]'s physical health or significantly impair the child[ren]'s emotional development, state in general the legal theories that support your contention and identify facts of which you are specifically aware that establish, demonstrate, or prove that contention.

Forms 5-48 through 5-60 are reserved.

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Form 5-61

Include the following notice if a minor is named in the caption or if the request contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Request for Admissions

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

[Petitioner/Respondent], [**name**], requests [Respondent/Petitioner], [**name**], to admit the truth of the matters, including statements of opinion or of the application of law to fact or the genuineness of any documents served with this request, as set forth in the attachment. These requests for admissions are made under rule 198.1 of the Texas Rules of Civil Procedure, and each of the matters of which an admission is requested shall be deemed admitted unless a response is delivered to [**name**] within [thirty/fifty] days after service of this request. Unless [Respondent/Petitioner] states an objection or asserts a privilege, [Respondent/Petitioner] must specifically admit or deny each request or explain in detail the reasons that [Respondent/Petitioner] cannot admit or deny the request. A response must fairly meet the substance of the request. [Respondent/Petitioner] may qualify an answer, or deny a request in part, only when good faith requires. Lack of information or knowledge is not a proper response unless [Respondent/Petitioner] states that a reasonable inquiry was made but that the information known or easily obtainable is insufficient to enable [Respondent/Petitioner] to admit or deny. An assertion that the request presents an issue for trial is not a proper response.

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[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

[**Name**]
Attorney for [Petitioner/Respondent]

The following are sample admissions.

1. Admit or Deny

that on [**date**] you signed a [Premarital Agreement/Partition and Exchange Agreement/[**title of other property agreement**]] under the name of [**name**], a copy of which is attached as Exhibit [**exhibit number/letter**].

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Answer:

2. *Admit or Deny*

that, as [**name of person answering admissions**], you signed the [Premarital Agreement/ Partition and Exchange Agreement/[**title of other property agreement**]], a copy of which is attached as Exhibit [**exhibit number/letter**], voluntarily, without threat of force or duress.

Answer:

> Note: The enforcement standards for property agreements may vary depending on the date of the execution of the agreement.

3. *Admit or Deny*

that the [Premarital Agreement/Partition and Exchange Agreement/[**title of other property agreement**]], a copy of which is attached as Exhibit [**exhibit number/letter**], provided a fair and reasonable disclosure of the property and financial obligations of [Petitioner/Respondent], [**name**].

Or

that, as [**name of person answering admissions**], you voluntarily signed the waiver of any right to disclosure of the property and financial obligations of [Petitioner/Respondent], [**name**], a copy of which is attached as Exhibit [**exhibit number/letter**].

Or

that you had or reasonably could have had adequate knowledge of the property and financial obligations of [Petitioner/Respondent], [**name**].

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Answer:

4. *Admit or Deny*

that property described in the [Premarital Agreement/Partition and Exchange Agreement/[**title of other property agreement**]], a copy of which is attached as Exhibit [**exhibit number/letter**], signed by you as [**name of person answering admissions**] and by [Petitioner/Respondent], [**name**], is the sole and separate property of [**name**].

Answer:

5. *Admit or Deny*

that, as [**name of person answering admissions**], you have not personally contributed to the operation, management, or control of [**name of corporation or company**].

Answer:

6. *Admit or Deny*

that [**name or description of asset**] is the separate property of [Petitioner/Respondent], [**name**].

Answer:

7. *Admit or Deny*

that the document, a copy of which is attached as Exhibit [**exhibit number/letter**], is genuine.

Answer:

8. *Admit or Deny*

that the nature of your employment requires you to [**describe nature of work-related problem**].

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Answer:

9. Admit or Deny

that on or around [**date**] you became involved in an extramarital sexual relationship with [**name**].

Answer:

10. Admit or Deny

that you are currently residing at [**address**] with [**name of paramour**].

Answer:

11. Admit or Deny

that [**name[s] of child[ren]**] [has/have] expressed a desire to live with [Petitioner/Respondent], [**name**].

Answer:

12. Admit or Deny

that, since your separation from [Petitioner/Respondent], [**name**], on or about [**date**], you have visited with [**name[s] of child[ren]**] only as follows: [**specify**].

Answer:

> Include other admissions warranted by the facts of the particular case.

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Form 5-62

Include the following notice if a minor is named in the caption or if the response contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Response to Request for Admissions

[**Name**], [Petitioner/Respondent], provides this attached Response to Request for Admissions either admitting or denying specifically the matters of which an admission is requested or setting forth in detail the reasons [he/she] cannot truthfully either admit or deny those matters.

_____

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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_____

[Name]
Attorney for [Petitioner/Respondent]

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Form 5-63

The court may permit a party to withdraw or amend admissions under circumstances described in Tex. R. Civ. P. 198.3.

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Withdraw or Amend Admissions

This Motion to Withdraw or Amend Admissions is brought by [**name of movant**], [**party designation**]. On or about [**date**], Movant served on [**name of other party**] responses to the request for admissions propounded to Movant. Movant asks that the Court permit [**name of movant**] to [withdraw/amend/withdraw or amend] the admissions described below. In support, Movant shows:

1. Good cause exists for the [withdrawal/amendment] of admission[s] number[s] [**number[s]**] in that [**state factual grounds supporting claim of good cause**]. [**Repeat if requesting withdrawal of some admissions and amendment of others.**]

2. [**Name of party relying on the responses and deemed admissions**] will not be unduly prejudiced, and the presentation of the merits of the action will be subserved by permitting [**name of movant**] to [withdraw/amend/withdraw or amend] the admissions.

[**Name of movant**] prays that the Court grant the Motion to Withdraw or Amend Admissions.

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

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service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

Form 5-64

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Withdraw or Amend Admissions

On [**date**] the Court considered the Motion to Withdraw or Amend Admissions of [**name of movant**].

Select as applicable.

IT IS ORDERED that [**name of movant**] is permitted to withdraw admission[s] number[s] [**number[s]**].

And/Or

IT IS ORDERED that [**name of movant**] is permitted to amend admission[s] number[s] [**number[s]**].

And/Or

IT IS ORDERED that [**name of movant**] is not permitted to [withdraw/amend/withdraw or amend] admission[s] number[s] [**number[s]**].

Continue with the following.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 5-65

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Determine Sufficiency of Answers or Objections to Request for Admissions

This Motion to Determine Sufficiency of [Answer[s]/Objection[s]/Answer[s] and Objection[s]] to Request for Admissions is brought by [**name of movant**], [**party designation**], who shows in support:

Include one or both of the following.

[**Name of other party**] has provided [an answer/answers] to the following Request for Admissions that [is/are] [insufficient/evasive/incomplete/[**or applicable combination of these terms**]], as follows: [**provide request for admission number and whether the answer given is insufficient, evasive, and/or incomplete**]. [**Name of movant**] asks that the Court order that each such Request for Admission be admitted or that an amended answer be served by [**name of other party**].

And/Or

[**Name of other party**]'s objections to the following Request for Admissions are unjustified, as follows: [**provide request for admission number for each unjustified objection**]. [**Name of movant**] asks that the Court order that [an answer/answers] be served by [**name of other party**].

Continue with the following.

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[**Name of movant**] prays that the Court grant this motion as requested above.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

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[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 5-66

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Determine Sufficiency of Answers or Objections to Request for Admissions

On [**date**] the Court considered the Motion to Determine Sufficiency of [Answer[s]/ Objection[s]/Answer[s] and Objection[s]] to Request for Admissions of [**name of movant**] and ORDERS: [**specify the order of the court**].

SIGNED on _____.

_____
JUDGE PRESIDING

Forms 5-67 through 5-70 are reserved.

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Form 5-71

Include the following notice if a minor is named in the caption or if the notice of intent contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Intent to Take Oral Deposition of [name]

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

Under rule 199 of the Texas Rules of Civil Procedure, you are notified that you are required to be present and give your oral deposition in this case at the offices of [**name of law firm**], [**location**], on [**date**] at [**time**]. This deposition will be taken before an officer authorized by law to take depositions and will continue from day to day until completed. This deposition [will be taken by [telephone/[**describe other remote electronic means**]]/will not be taken by telephone or other remote electronic means]. [**Include if applicable:** This deposition will be recorded by [**specify nonstenographic means, e.g.,** videotape recording]. It [will/will not] also be recorded by stenographic means.]

If an organization is the deponent, include the following two paragraphs.

You are further notified, in accordance with rule 199.2(b)(1) of the Texas Rules of Civil Procedure, that the matters on which examination is requested are as follows: [**describe with reasonable particularity the matters on which examination is requested**].

You are further notified that in response to this notice you must designate, a reasonable time before the deposition, one or more individuals to testify on your behalf and set forth, for each individual designated, the matters on which the individual will testify.

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Include either or both of the following paragraphs if applicable.

You are further notified, in accordance with rule 199.5 of the Texas Rules of Civil Procedure, that the identities of persons who will attend the taking of this deposition, other than the witness, parties, spouses of parties, counsel, employees of counsel, and the officer taking the deposition, are as follows: [**specify**].

And/Or

You are further notified that you are required to bring with you to the above address on the above date all documents in your possession or within your access by law or in fact set forth in Exhibit A attached to this notice and incorporated in it by reference for all purposes and permit [Petitioner/Respondent] to inspect and copy each of those documents.

Continue with the following.

_____

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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[**Name**]
Attorney for [Petitioner/Respondent]

Exhibit A

"Item" or "document" includes each tangible thing, recording, or reproduction of any visual or auditory information, however made, whether handwritten, typewritten, printed, or digital, even if kept in only an electronic format, including papers; books; accounts; diaries; notes; memoranda; journals; calendars; letters and correspondence; e-mails; text messages; blogs; instant messages; postings, personal messages, tweets, and comments from any social media platform; logs; drawings; graphs; charts; photographs; electronic or videotape recordings; data; data compilations; and any drafts of the foregoing.

You are to produce, if you have not previously produced, the following [**include if applicable:** since [**date**]]: [**specify**].

See examples listed in exhibit A in form 5-23.

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Form 5-72

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Recording Deposition [Stenographically/by Video Recording/by Audio Recording]

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

[**Name**], [Petitioner/Respondent], hereby gives notice that [**include if applicable:** , in addition to the method specified in the Notice of Intent to Take Oral Deposition of [**name**],] [Petitioner/Respondent] will record the deposition [stenographically/by video recording/by audio recording/by [**describe other electronic means**]]. [**Include if applicable:** The deposition [will/will not] also be recorded stenographically.] This notice is provided in accordance with rule 199.1(c) of the Texas Rules of Civil Procedure.

_____

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

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[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

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Form 5-73

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Require Transcription of Deposition Recording

This Motion to Require Transcription of Deposition Recording is brought by [**name of movant**], [**party designation**], who shows in support:

Select one of the following.

1. [**Name of responding party**] intends to use a nonstenographic recording of the oral deposition testimony of [**name of witness**] in this suit. The deposition by oral examination of [**name of witness**] is scheduled to be taken in [this cause/[**state other cause number and style of suit in which deposition is to be taken**]] on [**date**] at [**time**]. [**Name of responding party**] intends to record this deposition by [videotape recording/audiotape recording/[**describe other electronic means**]]. [**Name of responding party**] does not intend to have the deposition recording stenographically transcribed.

Or

1. [**Name of responding party**] intends to use a nonstenographic recording of the oral deposition testimony of [**name of witness**] in this suit. The deposition by oral examination of [**name of witness**] was taken in [this cause/[**state other cause number and style of suit in which deposition was taken**]] on [**date**] at [**time**]. This deposition was recorded by [videotape/audiotape/[**describe other electronic means**]] and [none/only a portion] of the testimony has been stenographically transcribed.

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Continue with the following.

2. [**Name of movant**] requests that the Court order [**name of responding party**] to obtain a complete transcript of the deposition recording from a certified court reporter before [**name of responding party**] may use the nonstenographic record in a proceeding in this matter. [**Name of movant**] requests that the Court require that the court reporter's transcription be made from the original or a certified copy of the deposition recording. [**Name of movant**] requests that the Court require that the court reporter transcribing the deposition recording deliver the original transcript to [**name of movant**] and that the court reporter's certificate include a statement that the transcript is a true record of the nonstenographic recording.

3. The Court should order this transcription of the deposition recording for the following reason[s]: [**state good cause why the court should order the transcription**].

Include the following if applicable.

The Court should order [**name of responding party**] to pay the cost of the court reporter's transcription for the following reason[s]: [**explain unavailability of funds, disparity of funds available to each party, expense involved, necessity of evidence, and other such circumstances showing why the responding party should pay for the transcription**].

Continue with the following.

[**Name of movant**] prays that the Court order [**name of responding party**] to obtain the court reporter's transcription of the deposition recording of [**name of witness**] as requested [**include if applicable:** and order [**name of responding party**] to pay the costs associated with this transcription].

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

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service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 5-74

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Require Transcription of Deposition Recording

On [**date**] the Court considered the Motion to Require Transcription of Deposition Recording of [**name of movant**]. The Court finds good cause to grant the motion.

IT IS THEREFORE ORDERED that [**name of responding party**] shall obtain a complete transcript of the nonstenographic recording of the oral deposition testimony of [**name of witness**], [**include if applicable:** scheduled to be] taken in [this cause/[**state other cause number and style of suit in which deposition was taken or is to be taken**]] on [**date**] at [**time**], before [**name of responding party**] may use this oral deposition testimony in this suit.

IT IS FURTHER ORDERED that [**name of responding party**] shall obtain this transcript from a certified court reporter. IT IS ORDERED that [**name of responding party**] shall provide this certified court reporter with the original or a certified copy of the deposition recording. IT IS FURTHER ORDERED that the court reporter shall transcribe the oral deposition recording from the original or a certified copy of the deposition recording. IT IS ORDERED that the court reporter transcribing the deposition recording shall deliver the original transcript to [**name of attorney for movant**], attorney for [**name of movant**], and that the court reporter's certificate shall include a statement that the transcript is a true record of the nonstenographic recording. IT IS FURTHER ORDERED that on reasonable request [**name of**

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movant] shall make the transcription available for inspection and copying by [**name of witness**] and [**name of responding party**].

Include the following if applicable.

IT IS ORDERED that [**name of responding party**] shall obtain this transcription and cause the original transcript to be delivered to [**name of attorney for movant**] not later than [**date**].

Continue with the following.

IT IS ORDERED that the court reporter who transcribes this nonstenographic deposition recording shall comply with the provisions of rule 203 of the Texas Rules of Civil Procedure to the extent applicable.

Select one of the following if applicable.

IT IS ORDERED that [**name of responding party**] shall pay the cost of the court reporter's transcription.

Or

IT IS ORDERED that [**name of responding party**] shall pay [**percent**] percent and [**name of movant**] shall pay [**percent**] percent of the cost of the court reporter's transcription.

Continue with the following.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 5-75

Include the following notice if a minor is named in the caption or if the notice of intent contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Intent to Take Deposition on Written Questions

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

Please take notice that [**name**], [Petitioner/Respondent], intends to take the deposition on written questions of [**name**], [**address**], at [**location**] on [**date**] at [**time**]. This deposition will be taken before a notary public and [will be taken by [telephone/[**describe other remote electronic means**]]/will not be taken by telephone or other remote electronic means]. The deposition is to be used in this case.

If an organization is the deponent, include the following two paragraphs.

You are further notified, in accordance with rule 199.2(b)(1) of the Texas Rules of Civil Procedure, that the matters on which examination is requested are as follows: [**describe with reasonable particularity the matters on which examination is requested**].

You are further notified that in response to this notice you must designate, a reasonable time before the deposition, one or more individuals to testify on your behalf and set forth, for each individual designated, the matters on which the individual will testify.

Include either or both of the following paragraphs if applicable.

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You are further notified, in accordance with rule 199.5 of the Texas Rules of Civil Procedure, that the identities of persons who will attend the taking of this deposition, other than the witness, parties, spouses of parties, counsel, employees of counsel, and the officer taking the deposition, are as follows: [**specify**].

And/Or

You are further notified that you are required to bring with you to the above address on the above date all documents in your possession or within your access by law or in fact set forth in Exhibit A attached to this notice and incorporated in it by reference for all purposes and permit [Petitioner/Respondent] to inspect and copy each of those documents.

Continue with the following.

A copy of the direct questions to be asked is attached to this notice.

_____

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [notice/Notice of Intent to Take Deposition on Written Questions] and all written questions to be asked during the deposition were served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

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service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

Exhibit A

"Item" or "document" includes each tangible thing, recording, or reproduction of any visual or auditory information, however made, whether handwritten, typewritten, printed, or digital, even if kept in only an electronic format, including papers; books; accounts; diaries; notes; memoranda; journals; calendars; letters and correspondence; e-mails; text messages; blogs; instant messages; postings, personal messages, tweets, and comments from any social media platform; logs; drawings; graphs; charts; photographs; electronic or videotape recordings; data; data compilations; and any drafts of the foregoing.

You are to produce, if you have not previously produced, the following [**include if applicable:** since [**date**]]: [**specify**].

See examples listed in exhibit A in form 5-23.

Forms 5-76 through 5-80 are reserved.

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Form 5-81

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Reduction of [Expert's/Experts'] Report[s] to Tangible Form

This Motion for Reduction of [Expert's/Experts'] Report[s] to Tangible Form is brought by [**name of movant**], [**party designation**], who shows in support:

1. [**Name**] has disclosed the name[s] of [an expert/experts] who may be called as [a witness/witnesses] in this case.

2. [**Name of movant**] requests, pursuant to rule 195.5 of the Texas Rules of Civil Procedure, that [each of] [**name**]'s expert[s] prepare a complete written report detailing the expert's factual observations, tests, supporting data, calculations, photographs, and opinions.

3. [The/Each] expert's report should be produced to [**name of movant**] at [**location**] on [**date**] not later than [**time**].

[**Name of movant**] prays that this Motion for Reduction of [Expert's/Experts'] Report[s] to Tangible Form be granted.

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

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service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 5-82

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Reduction of [Expert's/Experts'] Report[s] to Tangible Form

On [**date**] the Court considered the Motion for Reduction of [Expert's/Experts'] Report[s] to Tangible Form of [**name of movant**]. The Court is of the opinion that the motion should be granted as follows:

IT IS ORDERED that [**name**]'s expert[s], previously disclosed, and any other expert who may be called to trial as a witness by [**name**], prepare in full a written report detailing the expert's factual observations, tests, supporting data, calculations, photographs, and opinions.

IT IS FURTHER ORDERED that [the/each] expert's report be delivered to [**name of movant**] by no later than [**time**] on [**date**] at the offices of counsel for [**name of movant**].

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 5-83

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for [Physical/Mental] Examination

This Motion for [Physical/Mental] Examination is brought by [**name of movant**], [**party designation**], who shows in support:

Select 1.–5. as applicable.

1. This is a case arising under [title 2/title 5] of the Texas Family Code. [**Name of movant**] seeks appointment of [a psychologist/psychologists/a psychiatrist/psychiatrists] to make any and all appropriate mental examinations of [**name[s] of child[ren] the subject of the suit and/or of other party[ies]**].

2. This is a case arising under [title 2/title 5] of the Texas Family Code. [**Name of movant**] seeks appointment of [an expert/experts] who [is/are] qualified in paternity testing to take blood, body fluid, or tissue samples to conduct paternity tests as ordered by the Court.

3. [**Name of movant**] seeks an order from the Court compelling [**name of responding party**] to [submit to/produce [**name of person in responding party's custody, conservatorship, or legal control**] for] a [physical/mental] examination by a qualified physician. The [physical/mental] condition [**include if applicable:** , including the blood group,] of [**name**], a [party/person in the custody or conservatorship or under the legal control of [**name**], a party], is in controversy in this case. Good cause to grant the relief sought exists in that [**state factual grounds supporting claim of good cause**].

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4. [**Name of movant**] seeks an order from the Court compelling [**name of responding party**] to [submit to/produce [**name of person in responding party's custody, conservatorship, or legal control**] for] a mental examination by a qualified psychologist. The mental condition of [**name**], a [party/person in the custody or conservatorship or under the legal control of [**name**], a party], is in controversy in this case. Good cause to grant the relief requested exists in that [**state factual grounds supporting claim of good cause**].

5. [**Name of movant**] seeks an order from the Court compelling [**name of responding party**] to [submit to/produce [**name of person in responding party's custody, conservatorship, or legal control**] for] a mental examination by a qualified psychologist. [**Name of responding party**] has [designated a psychologist as a testifying expert/disclosed a psychologist's records for possible use at trial] in this case. Good cause to grant the relief sought exists in that [**state factual grounds supporting claim of good cause**].

Continue with the following.

[**Name of movant**] prays that the Court grant this Motion for [Physical/Mental] Examination and order the examination.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[Name]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record, party, or person to be examined who is unrepresented by counsel to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record, party, or unrepresented person to be served.**]

_____

[Name]
Attorney for [**name of movant**]

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Form 5-84

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for [Physical/Mental] Examination

On [**date**] the Court considered the Motion for [Physical/Mental] Examination of [**name of movant**] and ORDERS:

[**Name and address of physician, psychologist, or psychiatrist**] is appointed to interview, examine, evaluate, and consult with [**names**] to [**detail time, place, manner, conditions, and scope of examination concerning, e.g., mental health of parties, physical condition, blood analysis**]. All the above-named persons shall cooperate with this [physician/psychologist/psychiatrist] and attend all appointments and interviews. The initial appointment shall take place on [**date**] at [**time**] at [**location**]. A detailed written report of the examination by the [physician/psychologist/psychiatrist] setting out the [physician/psychologist/psychiatrist]'s findings, including results of all tests made, diagnoses, and conclusions, together with like reports of all earlier examinations of the same condition shall be prepared by [**name of physician, psychologist, or psychiatrist**] and provided to all parties through their respective attorneys of record on or before [**date**].

The cost of [**name of physician, psychologist, or psychiatrist**]'s services shall be borne in the following manner: [**specify manner of payment**].

SIGNED on _____.

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JUDGE PRESIDING

Forms 5-85 through 5-90 are reserved.

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Form 5-91

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion [to Compel Discovery/for Sanctions/to Compel Discovery and for Sanctions]

This motion is brought by [**name of movant**], [**party designation**], who shows in support:

Select 1.–5. as applicable.

1. Interrogatories
TRCP 197

1. Interrogatories

On [**date**] interrogatories were served on [**name**].

Select one of the following.

No objections were made to the interrogatories. To date, no answers have been served.

Or

Answers to the interrogatories were served on [**date**].

Include a., b., and/or c. as applicable.

a. The answers are so incomplete as to constitute no answer at all.

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b. Objections were made to certain interrogatories. Those objections should be overruled and [**name**] should be required to answer the interrogatories.

c. In the response, information was withheld based on the following privileges asserted: [**specify**]. On [**date**] a written request to identify the information withheld was served on [**name**]. [**Name**] has failed to serve a response to the written request [**include if applicable:** that describes the information withheld that enables assessment of the applicability of the privilege and asserts a specific privilege for each item or group of items withheld].

2. Documents
TRCP 196

2. Documents

On [**date**] a request for production of documents was served on [**name**].

Select one of the following.

To date, no response has been received, nor have proper objections been made, and the documents have not been produced.

Or

A response was served on [**date**].

Include a., b., and/or c. as applicable.

a. The response is inadequate because [**state nature of problem with response**].

b. Objections were made to certain of the requests for production of documents. Those objections should be overruled and [**name**] should be required to produce the requested documents.

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c. In the response, [information was/material was/information and material were] withheld based on the following privileges asserted: [**specify**]. On [**date**] a written request to identify the [information/material/information and material] withheld was served on [**name**]. [**Name**] has failed to serve a response to the written request [**include if applicable:** that describes the [information/material/information and material] withheld that enables assessment of the applicability of the privilege and asserts a specific privilege for each item or group of items withheld].

3. Depositions
TRCP 199, 200

3. Depositions

On [**date**] the deposition of [**name**] was noticed to be taken at the time and place designated in the notice, a copy of which is attached. The witness refused or failed to appear [**include if applicable:** and to produce the items designated in the notice].

4. Request for Disclosure
TRCP 194

4. Request for Disclosure

A request for disclosure under rule 194 of the Texas Rules of Civil Procedure was served on [**date**] [**include if applicable:** , along with a request for production of material allowable under rule 194.2].

Select one of the following.

No assertions of privilege were made to the request for disclosure. To date, no response has been served.

Or

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A response was served on [**date**].

Include a. and/or b. as applicable.

a. The response is inadequate because [**state nature of problem with response**].

b. In the response, [information was/material was/information and material were] withheld based on the following privileges asserted: [**specify**]. On [**date**] a written request to identify the [information/material/information and material] withheld was served on [**name**]. [**Name**] has failed to serve a response to the written request [**include if applicable:** that describes the [information/material/information and material] withheld that enables assessment of the applicability of the privilege and asserts a specific privilege for each item or group of items withheld].

5. Inventory and Appraisement

5. Inventory and Appraisement

On [**date**] [**name**] was ordered to provide an inventory and appraisement in this case on or before [**date**].

Select one of the following.

To date, no inventory and appraisement has been provided.

Or

The inventory and appraisement provided does not contain [the proper affidavit/values of assets/an adequate description of the property/characterization of property as separate or community].

Continue with the following.

6. Relief Requested

6. Relief Requested

[**Name of movant**] asks the Court, after notice and hearing, to make such orders with regard to the failure to comply with discovery procedures as are just and right, including the following:

> See form 5-92 and rule 215 of the Texas Rules of Civil Procedure regarding appropriate orders.

[**Name of movant**] prays that the Court grant this motion.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Conference

I certify that a reasonable effort has been made to resolve the discovery dispute without the necessity of court intervention and has failed.

_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

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SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

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Form 5-92

> Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion [to Compel Discovery/for Sanctions/to Compel Discovery and for Sanctions]

On [**date**] the Court considered the Motion [to Compel Discovery/for Sanctions/to Compel Discovery and for Sanctions] of [**name of movant**].

> The following are examples of some types of relief. Choose only relief that is applicable. See Tex. R. Civ. P. 215 regarding appropriate orders.

1. [**Name**] is ORDERED to provide answers responsive to [Interrogatory/Interrogatories] number[s] [**number[s]**] by [**date**].

2. [**Name**] is ORDERED to produce document[s] responsive to Request[s] for Production number[s] [**number[s]**] in the offices of [**name of attorney for movant**] by [**date**].

3. [**Name**] is ORDERED to appear for deposition at [**location**] on [**date**] at [**time**] and to produce all items designated in the notice for deposition.

4. [**Name**] is ORDERED to provide a response to Requests for Disclosure number[s] [**number[s]**] by [**date**].

5. [**Name**] is ORDERED prohibited from further discovery [of any kind/**designate particular type of discovery**] while this case is pending.

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6. [**Name**] is ORDERED to pay [expenses of discovery/court costs/expenses of discovery and court costs] of [**number**] dollars ($[**amount**]) to [**name**] by [**date**] at [**location**].

7. [**Name**] is ORDERED to pay attorney's fees of [**number**] dollars ($[**amount**]) to [**name of attorney for movant**] by [**date**] at [**location**].

8. A continuance is GRANTED, and the case is postponed until [**date**]. [**Include if applicable:** The discovery control plan is modified as follows: [**specify**].]

> The trial court must consider the availability of lesser sanctions and state a reasoned explanation as to the appropriateness of the greater sanction before imposing the death-penalty sanction. An order merely listing instances where the party failed to comply with discovery orders, with no indication why the death-penalty sanctions were warranted, will not be upheld. See section 5.112 in the practice notes.

9. The pleadings of [**name**] are stricken, and judgment is GRANTED in favor of [**name of movant**], together with a judgment for attorney's fees of [**number**] dollars ($[**amount**]), for which let execution issue.

> Continue with the following.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 5-93

Include the following notice if a minor is named in the style of the case or if the subpoena contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

Subpoena

[Deposition]

Issued in the Name of the State of Texas

You, [**name of witness**], are hereby commanded to appear at [**address, city, county**], Texas, on [**date**] at [**time**] to attend and give testimony at a deposition relating to the case entitled "[**style of case**]" and filed under Cause No. [**number**], in the [**designation**] Court of [**county**] County, Texas, and remain at that place from day to day until discharged by [**name of attorney**].

Include the following if applicable.

You are further commanded to produce, at the time and place specified above, the following documents or tangible things in your possession, custody, or control: [**specify**]. [**See form 5-23.**]

Continue with the following.

This subpoena is issued at the instance of [**name of party**], [Petitioner/Respondent/Intervenor] in the above-referenced case [**include if applicable:** , by and through [his/her/its] attorney of record, [**name of attorney**]].

FAILURE OF ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED ON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA

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IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.

This subpoena is issued on [**date**] by:

_____

[**Name of person issuing subpoena**]
[**Capacity**]
[**Address**]
[**Telephone**]
[**Fax**]

Proof of Service

I, [**name of witness**], accept service of the attached subpoena and will appear at the time and place directed in the subpoena.

Date: _____.

_____

(Signature of witness)

I, _____, am over the age of eighteen years. I am not a party in the above-entitled and -numbered cause of action. On _____ I served a subpoena, of which this is a true and correct copy, on [**name of witness**] by personally handing the subpoena to the named individual or in accordance with rule 176.5(a) of the Texas Rules of Civil Procedure. I also tendered to the witness the witness fees required by law at the time the subpoena was delivered.

Date: _____.

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_____

(Signature of person serving subpoena)

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Form 5-94

Include the following notice if a minor is named in the style of the case or if the subpoena contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

Subpoena to Compel Production of Documents and Tangible Things

Issued in the Name of the State of Texas

You, [**name of witness**], are hereby commanded to appear at [**address, city, county**], Texas, on [**date**] at [**time**] and produce at that time and place the following documents or tangible things in your possession, custody, or control relating to the case entitled "[**style of case**]" and filed under Cause No. [**number**], in the [**designation**] Court of [**county**] County, Texas: [**specify**]. [**See form 5-23.**]

This subpoena is issued at the instance of [**name of party**], [Petitioner/Respondent/Intervenor] in the above-referenced case [**include if applicable:** , by and through [his/her/its] attorney of record, [**name of attorney**]].

FAILURE OF ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED ON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.

This subpoena is issued on [**date**] by:

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_____

[**Name of person issuing subpoena**]
[**Capacity**]
[**Address**]
[**Telephone**]
[**Fax**]

Proof of Service

I, [**name of witness**], accept service of the attached subpoena and will appear at the time and place directed in the subpoena.

Date: _____.

_____

(Signature of witness)

I, _____, am over the age of eighteen years. I am not a party in the above-entitled and -numbered cause of action. On _____ I served a subpoena, of which this is a true and correct copy, on [**name of witness**] by personally handing the subpoena to the named individual or in accordance with rule 176.5(a) of the Texas Rules of Civil Procedure. I also tendered to the witness the witness fees required by law at the time the subpoena was delivered.

Date: _____.

_____

(Signature of person serving subpoena)

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Form 5-95

If the attorney sends a nonparty a business records affidavit for the nonparty's custodian of records to complete and return with the requested records, the attorney may include a letter asking for the execution of the affidavit in order to avoid having to depose the business records custodian or having to compel the testimony of the custodian at trial. An unsworn declaration may be used in lieu of the affidavit. See section 8.58 of the practice notes.

Letter to Nonparty Requesting Execution of Affidavit or Declaration for Business Records

[**Date**]

[**Name and address of nonparty**]

Re: [**style of case**]
Cause No. [**number**]

[**Salutation**]

With this letter, please find an official subpoena by the state of Texas issued on behalf of [**name of client**] in the above-styled and -numbered legal action. The purpose of this correspondence is to inform the intended recipient of the subpoena that [his/her] personal appearance at the designated location for the production of records will not be required if—

1. the appropriate custodian of the records completes and executes the enclosed [affidavit/declaration] for business records [**include if applicable**: in the presence of a notary public],

2. the completed and executed [affidavit/declaration] for business records is attached to the requested records, and

3. these documents are delivered to my office at [**address, city, state, zip code**] before the due date for the records stated in the subpoena.

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I appreciate your cooperation in this matter and hope we can resolve it with as little inconvenience to you and your staff as possible. If you have any questions, please feel free to contact my office. Thank you for your attention to this matter.

Sincerely,

_____

[**Name of attorney**]

Enc.
c: [**name of client**]

> For affidavit for business records, see form 5-30. For declaration for business records, see form 5-31.

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Form 5-96

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Business Records [Affidavit/Declaration]

To: [**name**], by and through [his/her] attorney of record, [**name and address of attorney**].

Pursuant to Rule 902(10) of the Texas Rules of Evidence, attached please find [an affidavit/a declaration] for business records made by [**name**], along with [**number**] pages of records from [**name of person or organization**].

_____

[**Name**]
Attorney for [Petitioner/Respondent]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [Petitioner/Respondent]

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Chapter 6

Information Gathering and Third-Party Notices

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Form 6-1

Inquiry On
Court Of Continuing Jurisdiction For A Child

This document is used to identify the court that has exclusive jurisdiction in a suit affecting the parent-child relationship or a certification that no suit affecting the child is on file with the Vital Statistics Unit.

Section 155.101 of the Texas Family Code provides that "the vital statistics unit shall, on the written request of the court, an attorney or a party: 1) identify the court that last had continuing, exclusive jurisdiction of the child in a suit and give the document number of the suit; or 2) state that the child has not been the subject of a suit". The provisions of this section apply to suits affecting the parent-child relationship filed on or after January 1, 1974. This request can be faxed to us at (512) 458-7164 or mailed to:

Texas Department of State Health Services – MC 1966
Vital Statistics Unit
Attn: CCJ Registry
PO BOX 149347
Austin Texas 78714-9347

Please type or print clearly

_____
Child's full name first middle last

_____
Prior name of child (if any)

Date of birth __ __ __ __ __ __ __ __, in _____
m m d d y y y y city county state

to _____
Mother's first last name

_____
Name of Person making inquiry

_____
Address city state zip code

Would you like the response faxed? ☐ Yes ☐ No Fax No. (__ __ __) __ __ __-- __ __ __ __

Would you like the response mailed? ☐ Yes ☐ No Phone No. (__ __ __) __ __ __-- __ __ __ __

Questions? Please contact us at (512) 458-7111, extension 3393.

TEXAS Department of State Health Services

BVS Use Only	Date Sent	☐ Positive	☐ Negative

VS-168 revised 1/11

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Form 6-2

SOCIAL SECURITY ADMINISTRATION
Application for a Social Security Card

Form Approved
OMB No. 0960-0066

1	NAME TO BE SHOWN ON CARD	First	Full Middle Name	Last
	FULL NAME AT BIRTH IF OTHER THAN ABOVE	First	Full Middle Name	Last
	OTHER NAMES USED			
2	Social Security number previously assigned to the person listed in item 1	☐☐☐ – ☐☐ – ☐☐☐☐		
3	PLACE OF BIRTH (Do Not Abbreviate) City _____ State or Foreign Country	Office Use Only FCI	4 DATE OF BIRTH	MM/DD/YYYY
5	CITIZENSHIP (Check One)	☐ U.S. Citizen	☐ Legal Alien Allowed To Work	☐ Legal Alien **Not** Allowed To Work(See Instructions On Page 3) ☐ Other (See Instructions On Page 3)
6	ETHNICITY Are You Hispanic or Latino? (Your Response is Voluntary) ☐ Yes ☐ No	7 RACE Select One or More (Your Response is Voluntary)	☐ Native Hawaiian ☐ Alaska Native ☐ Asian	☐ American Indian ☐ Black/African American ☐ Other Pacific Islander ☐ White
8	SEX	☐ Male	☐ Female	
9	A. PARENT/ MOTHER'S NAME AT HER BIRTH	First	Full Middle Name	Last
	B. PARENT/ MOTHER'S SOCIAL SECURITY NUMBER (See instructions for 9 B on Page 3)	☐☐☐ – ☐☐ – ☐☐☐☐		☐ Unknown
10	A. PARENT/ FATHER'S NAME	First	Full Middle Name	Last
	B. PARENT/ FATHER'S SOCIAL SECURITY NUMBER (See instructions for 10B on Page 3)	☐☐☐ – ☐☐ – ☐☐☐☐		☐ Unknown
11	Has the person listed in item 1 or anyone acting on his/her behalf ever filed for or received a Social Security number card before? ☐ Yes (If "yes" answer questions 12-13) ☐ No ☐ Don't Know (If "don't know," skip to question 14.)			
12	Name shown on the most recent Social Security card issued for the person listed in item 1	First	Full Middle Name	Last
13	Enter any different date of birth if used on an earlier application for a card	MM/DD/YYYY		
14	TODAY'S DATE MM/DD/YYYY	15 DAYTIME PHONE NUMBER	Area Code	Number
16	MAILING ADDRESS (Do Not Abbreviate)	Street Address, Apt. No., PO Box, Rural Route No.	City State/Foreign Country	ZIP Code
17	**I declare under penalty of perjury that I have examined all the information on this form, and on any accompanying statements or forms, and it is true and correct to the best to my knowledge.** YOUR SIGNATURE	18 YOUR RELATIONSHIP TO THE PERSON IN ITEM 1 IS: ☐ Self ☐ Natural Or Adoptive Parent ☐ Legal Guardian ☐ Other Specify _____		

DO NOT WRITE BELOW THIS LINE (FOR SSA USE ONLY)							
NPN		DOC	NTI	CAN		ITV	
PBC	EVI	EVA	EVC	PRA	NWR	DNR	UNIT
EVIDENCE SUBMITTED					SIGNATURE AND TITLE OF EMPLOYEE(S) REVIEWING EVIDENCE AND/OR CONDUCTING INTERVIEW DATE		
					DCL DATE		

Form **SS-5** (08-2011) ef (08-2011) Destroy Prior Editions Page 5

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Form 6-3

Form **4506**
(March 2019)
Department of the Treasury
Internal Revenue Service

Request for Copy of Tax Return

▶ **Do not sign this form unless all applicable lines have been completed.**
▶ **Request may be rejected if the form is incomplete or illegible.**
▶ **For more information about Form 4506, visit *www.irs.gov/form4506.***

OMB No. 1545-0429

Tip. You may be able to get your tax return or return information from other sources. If you had your tax return completed by a paid preparer, they should be able to provide you a copy of the return. The IRS can provide a **Tax Return Transcript** for many returns free of charge. The transcript provides most of the line entries from the original tax return and usually contains the information that a third party (such as a mortgage company) requires. See **Form 4506-T, Request for Transcript of Tax Return,** or you can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Get a Tax Transcript..." or call 1-800-908-9946.

1a Name shown on tax return. If a joint return, enter the name shown first.	**1b First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions)**
2a If a joint return, enter spouse's name shown on tax return.	**2b Second social security number or individual taxpayer identification number if joint tax return**

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions)

4 Previous address shown on the last return filed if different from line 3 (see instructions)

5 If the tax return is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Caution: If the tax return is being mailed to a third party, ensure that you have filled in lines 6 and 7 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your tax return to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your return information, you can specify this limitation in your written agreement with the third party.

6 **Tax return requested.** Form 1040, 1120, 941, etc. and all attachments as originally submitted to the IRS, including Form(s) W-2, schedules, or amended returns. Copies of Forms 1040, 1040A, and 1040EZ are generally available for 7 years from filing before they are destroyed by law. Other returns may be available for a longer period of time. Enter only one return number. If you need more than one type of return, you must complete another Form 4506. ▶ _____

Note: If the copies must be certified for court or administrative proceedings, check here . . . . . ☐

7 **Year or period requested.** Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than eight years or periods, you must attach another Form 4506.

_____	_____	_____	_____
_____	_____	_____	_____

8	**Fee.** There is a $50 fee for each return requested. **Full payment must be included with your request or it will be rejected. Make your check or money order payable to "United States Treasury." Enter your SSN, ITIN, or EIN and "Form 4506 request" on your check or money order.**	
a	Cost for each return	$
b	Number of returns requested on line 7	
c	Total cost. Multiply line 8a by line 8b	$
9	If we cannot find the tax return, we will refund the fee. If the refund should go to the third party listed on line 5, check here	☐

Caution: Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax return requested. If the request applies to a joint return, at least one spouse must sign. If signed by a corporate officer, 1 percent or more shareholder, partner, managing member, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506 on behalf of the taxpayer. **Note:** This form must be received by IRS within 120 days of the signature date.

☐ **Signatory attests that he/she has read the attestation clause and upon so reading declares that he/she has the authority to sign the Form 4506.** See instructions.

Phone number of taxpayer on line 1a or 2a

Sign Here

▶ _____ _____ _____
Signature (see instructions) Date

▶ _____
Title (if line 1a above is a corporation, partnership, estate, or trust)

▶ _____ _____
Spouse's signature Date

For Privacy Act and Paperwork Reduction Act Notice, see page 2. Cat. No. 41721E Form **4506** (Rev. 3-2019)

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Form 6-4

DR-1 (Rev. 10/16)

TEXAS DPS

APPLICATION FOR COPY OF DRIVER RECORD

MAIL TO: Texas Department of Public Safety, Box 149008, Austin, TX 78714-9008

DO NOT MAIL CASH. Mail check or money order payable to: Texas Department of Public Safety

Any questions regarding the information on this form should be directed to the Contact Center at 512-424-2600. Allow 2-3 weeks for delivery.

Check Type of Record Desired — **FEE**

- ☐ 1. Name – DOB – License Status – Latest Address. — $ 4.00
- ☐ 2. Name – DOB – License Status – 3 Year Record only lists Crashes/Moving Violations. — $ 6.00
- ☐ 2A. CERTIFIED version of #2. This Record is Not acceptable for a Defensive Driving Course (DDC). — $ 10.00
- ☐ 3. Name – DOB – License Status – Record of ALL Crashes/Violations. **Furnished to Licensee Only.** — $ 7.00
- ☐ 3A. CERTIFIED version of #3. **Furnished to Licensee Only and is Acceptable for DDC.** — $ 10.00
- ☐ 4. Abstract Record – Certified abstract of completed driver record. — $ 20.00
- ☐ Other: (Original Application, DWLI, etc.) _____ — $ ___.00 (If Required)

Mail Driver Record To: (Please Print or Type)

Requestor's Last Name _____ Requestor's First Name _____

Street Address _____ Texas Driver License Number _____

City _____ State _____ Zip Code _____ Daytime Telephone Number (include area code) ___-___-____

If requesting on behalf of a business, organization, or other entity, please include the following:

Name of business, organization, entity, etc. _____

Your Title or Affiliation with above _____

Type of business, organization, etc. (i.e., insurance provider, towing company, private investigation, firm, etc.) _____

Information Requested On:

Texas Driver License Number _____ Date of Birth MM/DD/YYYY _____ Suffix (SR., JR., etc.) _____

Last Name _____

First Name _____

Middle Name/Maiden Name _____

Individual's Written Consent For *ONE TIME* Release to Above Requestor

(Requestor, if you do not meet one of the exceptions listed on the back of this form, please be advised that without the written consent of the driver license/ID card holder, the record you receive will not include personal information.)

I, _____, hereby certify that I granted access on this one occasion to my Driver License/ID Card record, inclusive of the personal information (name, address, driver identification number, etc.) to _____.

Signature of License / ID Card Holder or Parent / Legal Guardian _____ Date _____

State and Federal Law Requires Requestors to Agree to the Following:

In requesting and using this information, I acknowledge that this disclosure is subject to the federal Driver's Privacy Protection Act (18 U.S.C. Section 2721 et seq.) and Texas Transportation Code Chapter 730. False statements or representations to obtain personal information pertaining to any individual from the DPS could result in the denial to release any driver record information to myself and the entity for which I made the request. Further, I understand that if I receive personal information as a result of this request, it may only be used for the stated purpose and I may only resell or redisclose the information pursuant to Texas Transportation Code §730.013. Violations of that section may result in a criminal charge with the possibility of a $25,000 fine.

I certify that I have read and agree with the above conditions and that the information provided by me in this request is true and correct. If I am requesting this driver record on behalf of an entity, I also certify that I am authorized by that entity to make this request on their behalf. I also acknowledge that failure to abide by the provisions of this agreement and any state and federal privacy law can subject me to both criminal and civil penalties.

Signature of Requestor _____ Date _____

If you are not requesting a copy of your own record or do not have the written consent of DL/ID holder, you must provide the information requested on the reverse.

© STATE BAR OF TEXAS

Texas Department of Public Safety	**Save Time – Request Your Driver Record Online www.texas.gov**

Important Instructions – Read Carefully

The Texas Department of Public Safety may disclose personal information to a requestor without written consent of the DL/ID holder, on proof of their identity and a certification by the requestor that the use of the personal information is authorized under state and federal law and that the information will be used only for the purpose stated and in complete compliance with state and federal law.

You must meet one or more of the following exceptions if you do not have written consent of the DL/ID holder to be entitled to receive personal information on the above named individual. Please *initial* each category that applies to the requested driver record.

_____ 1. For use in connection with any matter of (a) motor vehicle or motor vehicle operator safety; (b) motor vehicle theft; (c) motor vehicle emissions; (d) motor vehicle product alterations, recalls, or advisories; (e) performance monitoring of motor vehicles or motor vehicle dealers by a motor vehicle manufacturer; or (f) removal of nonowner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of the Automobile Information Disclosure Act, the Anti Car Theft Act of 1992, the Clean Air Act, and any other statute or regulation enacted or adopted under or in relation to a law included in the above.

_____ 2. *(Valid for Certified Abstract)* For use by a government agency in carrying out its functions or a private entity acting on behalf of a government agency in carrying out its functions.

_____ 3. For use in connection with a matter of (a) motor vehicle or motor vehicle operator safety; (b) motor vehicle theft; (c) motor vehicle product alterations, recalls, or advisories; (d) performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers; (e) motor vehicle market research activities, including survey research; or (f) removal of nonowner records from the original owner records of motor vehicle manufacturers.

_____ 4. For use in the normal course of business by a legitimate business or an authorized agent of the business, but only to verify the accuracy of personal information submitted by the individual to the business or the authorized agent of the business and to obtain correct information if the submitted information is incorrect to prevent fraud by pursuing a legal remedy against, or recovering on a debt or security interest against the individual.

_____ 5. *(Valid for Certified Abstract)* For use in conjunction with a civil, criminal, administrative, or arbitral proceeding in any court or government agency or before any self regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgement or order, or under an order of any court.

_____ 6. For use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual.

_____ 7. For use by an insurer or insurance support organization, or by a self insured entity, or an authorized agent of the entity, in connection with claims investigation activities, antifraud activities, rating or underwriting.

_____ 8. For use in providing notice to an owner of a towed or impounded vehicle.

_____ 9. For use by a licensed private investigator agency or licensed security service for a purpose permitted as stated on this page.

_____ 10. *(Valid for Certified Abstract)* For use by an employer or an authorized agent or insurer of the employer to obtain or verify information relating to a holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.

_____ 11. For use in connection with the operating of a private toll transportation facility.

_____ 12. For use by a consumer-reporting agency as defined by the Fair Credit Reporting Act (15 U.S.C. §1681 et seq.) for a purpose permitted under the Act.

_____ 13. For any other purpose specifically authorized by law that relates to the operation of a motor vehicle or to public safety.

Please state specific statutory authority _____

_____ 14. For use in the preventing, detecting, or protecting against identity theft or other acts of fraud. The Department prior to release of personal information may require additional information.

Below is an example of how numbers and letters should be written on front of this form:

1 2 3 4 5 6 7 8 9 0

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

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Form 6-5

This form may be obtained by fax request at (888) 232-7033 (form 0275) or online at **www.dot.state.tx.us** (form VTR-275).

Texas Department *of* Motor Vehicles

Request for Texas Motor Vehicle Information

Information and Instructions

The Driver Privacy Protection Act restricts access to personal information on vehicle title and registration records. Your signature and a copy of your current government issued photo ID are required with this application to certify the statements are true and correct for the described vehicle.

Submit completed and signed form with copy of your government issued photo ID, written authorization and required documentation, if applicable, to the following address or visit a Texas Department of Motor Vehicles (TxDMV) Regional Service Center for assistance.

Include payment in the form of a personal check, money order, or cashier's check made payable to TxDMV. **Do not mail cash**. Fees are not refundable.

Texas Department of Motor Vehicles
Vehicle Titles and Registration Division
Austin, TX 78779-0001

Applicant Information

First Name	Middle Name	Last Name	Suffix
Business Name (if applicable)			
Address	City	State	ZIP
Email		Phone Number	

Government Issued Photo Identification – Submit Photocopy

Entity Issuing ID and Type (e.g., TX Driver License, US Passport, etc.)	Government Photo ID Number	Expires

Search Information

Texas License Plate	Year	Make
Vehicle Identification Number	Title Document Number	

Records Request

If you are not the owner/lienholder, initial a **Permitted Use** on page 2 - unless you have written authorization. Select from the following:

- ☐ Title history $5.75
- ☐ Certified title history $6.75
- ☐ Title and registration verification of a vehicle record (current or expired) $2.30
- ☐ Certified title and registration verification of a vehicle record - for court use $3.30
- ☐ Duplicate registration receipt for current registration period $2.00
- ☐ Other - Please attach documentation explaining the request. You will be contacted with the fee total, which is based on the effort to fill the request.

Certification – State law makes falsifying information a third degree felony.

I certify that the statements on this application are true and correct and request the TxDMV provide me with the requested information contained in the motor vehicle record for the vehicle indicated. In making this request, I also certify that the:

- Information requested is for a lawful and legitimate purpose and will be used only in accordance with 18 U.S. Code §§2721-2725 and Texas Transportation Code, Chapter 730 (Driver Privacy Protection Acts);
- Personal information obtained pursuant to this request **will not** be used for marketing, solicitation or survey purposes; and
- I have not been convicted of a violation of either of the Driver Privacy Protection Acts, or violated a rule adopted by the department relating to the terms and conditions for release of personal information from vehicle records.

Name of Applicant _____ Date _____

Signature of Applicant _____

Violators can be prosecuted under Texas Transportation Code, Section 730.013 and Penal Code, Section 37.10.

Form VTR-275 Rev. 8/2018 Form available online at www.TxDMV.gov Page 1 of 2

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Request for Texas Motor Vehicle Information

Permitted Use – Sign or print your initials on the appropriate line for your use of the requested information.

Choose one of the following options.

1. ☐ I am the current recorded owner or lienholder of the vehicle;
2. ☐ Written authorization is attached from the person(s) listed as the recorded owner, lienholder or previous owner; or
3. ☐ My authority to obtain vehicle information is for the permitted use noted below. I understand the use of the requested information is strictly limited to:

_____ A governmental entity, including law enforcement (check applicable box):
- ☐ A government agency, including any court or law enforcement agency, in carrying out its functions.
- ☐ A private person or entity acting on behalf of a government agency in carrying out the functions of the agency.

_____ Use in connection with one of the following (check applicable box):
- ☐ Motor vehicle safety or motor vehicle operator safety.
- ☐ Motor vehicle theft.
- ☐ Motor vehicle emissions.
- ☐ Motor vehicle product alterations, recalls or advisories.
- ☐ Performance monitoring of motor vehicles, motor vehicle parts, or motor vehicle dealers.
- ☐ Motor vehicle market research activities, including survey research.
- ☐ Removal of non-owner records from the original owner records of a motor vehicle manufacturer to carry out the purposes of the Automobile Information Disclosure Act, the Anti Car Theft Act of 1992, and the Clean Air Act.
- ☐ For child support enforcement.
- ☐ Enforcement by the Texas Workforce Commission.
- ☐ Voter registration or the administration of elections by the secretary of state.

_____ Use in the normal course of business by a legitimate business or its authorized agent, but only to verify accuracy of personal information submitted by the individual; and, if the information is not correct, to obtain the correct information for the sole purpose of preventing fraud by, pursuing a legal remedy against or recovering on a debt or security interest against the individual. (Requestor must submit the information to be verified against the department's records.)

_____ In conjunction with a civil, criminal, administrative or arbitral proceeding in any court or government agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, execution or enforcement of a judgment or order, or under an order of any court. (Requestor must submit proof of legal proceeding or proof of anticipated proceeding.)

_____ Use in research or in producing statistical reports, but **only if the personal information is NOT published, redisclosed, or used to contact any individual.** (Requestor must submit proof of employment in a research occupation.)

_____ Use by an insurer or insurance support organization, a self-insured entity or as an authorized agent of the entity in connection with claims investigation activities, antifraud activities, rating or underwriting. (Requestor must submit a license number provided by the Texas Department of Insurance or out-of-state equivalent, a license number the insurance support organization is working under, or proof of self-insurance. License Number: _____)

_____ Use in providing notice to an owner of a towed or impounded vehicle. (Requestor must submit a license number provided by the Texas Department of Licensing and Regulation or out-of-state equivalent. License Number: _____)

_____ Use by a licensed private investigation agency or licensed security service authorized to use the information for a permitted purpose. (Requestor must submit a license number provided by the Texas Department of Public Safety or out-of-state equivalent. License Number: _____)

_____ Use in connection with the operation of a private toll transportation facility. (Requestor must submit documentation to relate the requested personal information with operation of a private toll transportation facility.)

_____ Use by a consumer reporting agency, as defined by the Fair Credit Reporting Act, for a purpose permitted under that Act. (Requestor must submit documentation on official letterhead indicating a permitted use for personal information as defined by the Fair Credit Reporting Act.)

Resale and Redisclosure

Motor vehicle record information obtained by an authorized recipient for a permitted use may not be resold or redisclosed unless the information is provided to other authorized recipients and used only for the permitted use. Information obtained as a result of this request may not be resold or redisclosed in the same or substantially identical format as it is received from the TxDMV. Any original recipient is responsible for misuse of the motor vehicles records, regardless if they approved or were aware of subsequent transfers of the information.

An authorized recipient who resells or rediscloses motor vehicle records is required to maintain records of that transaction for a period of not less than five years. The department has the authority to request and review records kept by all authorized recipients. For further information regarding resale and redisclosure requirements, refer to the Texas Administrative Code, Rule §§217.127 and 217.128.

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Form 6-6

The Motor Vehicle Division may be contacted at (512) 465-7611. Either the vehicle identification number or the license plate number must be provided in the letter. The address for ground delivery is 4000 Jackson Avenue, Austin, TX 78731.

Letter of Inquiry—Motor Vehicle

[**Date**]

Motor Vehicle Division
Texas Department of Transportation
V.T.R.
Austin, TX 78779-0001

Re: License plate number:
Vehicle identification number:
[**If unknown, insert** "unknown"]

[**Salutation**]

Please provide me with the name and address of the registered owner of the above-referenced vehicle. Also, please furnish the make, year, and model of the vehicle and the name and address of any listed lienholder.

My check for $[**amount**] for your fee is enclosed.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-7

The Boat Registration Division may be contacted at (800) 262-8755. Form PWD763, used to obtain ownership/lienholder name, address, and description, may be obtained online at **www.tpwd.state.tx.us**.

Letter of Inquiry—Boat

[**Date**]

Boat Registration Division
Texas Parks & Wildlife Department
4200 Smith School Road
Austin, TX 78744

Re: Boat registration number: TX-

[**Salutation**]

Please provide me with the name and address of the registered owner of the above-referenced boat. Also please provide the make, year of manufacture, length of the boat, and the name and address of any listed lienholder.

My check for $[**amount**] for your fee is enclosed.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-8

The Aircraft Registration Branch may be contacted at (866) 762-9434. Mark the envelope "Freedom of Information Act Request." To conduct an online search, go to **registry.faa.gov**.

Letter of Inquiry—Airplane

[**Date**]

Aircraft Registration Branch
Federal Aviation Administration
P.O. Box 25504
Oklahoma City, OK 73125-0504

Re: Registration number:
Make:
Model:
Serial number: [**if unknown, insert** "unknown"]

[**Salutation**]

Please provide me with the name and address of the registered owner of the above-described aircraft. Also please provide or confirm the make, model, and manufacturer's serial number of the aircraft.

My check for $[**amount**] for your fee is enclosed.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-9

Letter of Inquiry—Deeds (County Clerk)

[**Date**]

County Clerk
[**Address**]

Re: Name: [**name of owner of property, as complete as possible**]
Address: [**if unknown, insert** "unknown"]

[**Salutation**]

Please provide me with the volume and page number of each deed by which the above-referenced party acquired or conveyed any interest (mineral or otherwise) in real property. I believe a search of the indexes from [**year**] to the present would be sufficient.

I would greatly appreciate a notation of the date of each conveyance and a brief description of the property involved.

I enclose a stamped, self-addressed envelope for your convenience in replying.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

© STATE BAR OF TEXAS

Form 6-10

Letter of Inquiry—Property Tax Rolls

[**Date**]

[**County**] County Appraisal District
[**Address**]

Re: Name: [**name of owner of property, as complete as possible**]
Address: [**if unknown, insert** "unknown"]

[**Salutation**]

Please provide me with a description of all real and personal property recorded on your rolls in the name of the above-referenced party.

Please let me know if there is a fee for this service.

I enclose a stamped, self-addressed envelope for your convenience in replying.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-11

Letter of Inquiry—Creditor

[**Date**]

[**Name of creditor**]
Credit Manager
[**Address**]

Re: Account number:
Account name:

[**Salutation**]

I represent [**name of client**], whose name appears on the above-referenced account.

There is now pending a divorce action between my client and [his/her] spouse, [**name**]. The parties cannot agree on the responsibility for the outstanding balance on the account. Please send me copies of the last six months of statements and supporting invoices so that it can be determined who incurred the charges and who benefited from the purchases.

Sincerely yours,

_____
[**Name of attorney**]

Consent for release of information:

_____
[**Name of client**]

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Form 6-12

The secretary of state's office may be contacted at (512) 463-5701, and certain information may be obtained through the website at **www.sos.state.tx.us/**. The address for ground delivery is 1019 Brazos Street, Austin, TX 78701.

Letter of Inquiry—Business Interests

[**Date**]

Secretary of State
P.O. Box 13697
Austin, TX 78711

[**Salutation**]

Please provide me with the name of each corporation, limited liability partnership, limited liability company, and/or limited partnership that lists [**name of opposing party**] as a director, officer, or registered agent or the noncorporate entity's equivalent.

My check for $[**amount**] for your fee is enclosed.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-13

The U.S. Patent and Trademark office may be contacted at (800) 786-9199. The website address is **www.uspto.gov**.

Letter of Inquiry—Patents

[**Date**]

U.S. Patent and Trademark Office
Office of Electronic Product
Madison East Building
600 Delaney
Alexandria, VA 22314

[**Salutation**]

Please research the past twenty years of patents and advise me if [**name**] of [**city**] has been awarded any patents or applied for any patents.

Please send me copies of all pertinent documents.

My check for $[**amount**] for your fee is enclosed.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-14

Communications may be sent to the Texas & Southwestern Cattle Raisers Association by fax to (817) 332-8523. The telephone number is (817) 332-7064, and the website address is **www .texascattleraisers.org**.

Letter of Inquiry—Cattle

[**Date**]

Texas & Southwestern Cattle Raisers Association
1301 W. 7th Street, Suite 201
Fort Worth, TX 76102

[**Salutation**]

A divorce has been filed and is pending between [**name**] and [**name**]. I represent [**name**] in this matter.

A release for information signed by [**name**] is enclosed.

Please send me copies of [**name**]'s application for membership and membership renewal forms so that I may verify [his/her] acreage and number of head of cattle.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-15

Letter of Inquiry—Assumed Name Filings

[**Date**]

Assumed Name Office
c/o County Clerk
[**Address**]

[**Salutation**]

Please send me copies of any assumed name filings and/or DBA filings in the name of [**name**].

My check for $[**amount**] for your fee is enclosed.

Sincerely yours,

_____
[**Name of attorney**]

Enc.

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Form 6-16

The secretary of state's office may be contacted at (512) 463-5701, and certain information may be obtained through the website at **www.sos.state.tx.us/**. The address for ground delivery is 1019 Brazos Street, Austin, TX 78701.

Letter of Inquiry—Financial Statement/U.C.C. Filings (State)

[**Date**]

Secretary of State
P.O. Box 13193
Austin, TX 78711

[**Salutation**]

Please send me a copy of each financial statement and/or U.C.C. filing filed by [**name**] or on behalf of the business known as [**name of business**].

My check for $[**amount**] for your fee is enclosed.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-17

Letter of Inquiry—Financial Statement/U.C.C. Filings (County)

[**Date**]

Financial Statements Office
c/o County Clerk
[**Address**]

[**Salutation**]

Please send me a copy of each financial statement and/or U.C.C. filing filed by [**name**] or on behalf of the business known as [**name of business**].

My check for $[**amount**] for your fee is enclosed.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-18

Letter of Inquiry—Financial Accounts

[**Date**]

[**Name and address of stockbroker**]

[**Salutation**]

A divorce has been filed and is pending between [**name**] and [**name**]. I represent [**name**] in this matter.

A release for financial records, which has been executed by [**name**] as ordered by Judge [**name**] after a hearing for temporary orders, is enclosed.

Please send me a complete listing of all accounts on which [**name**]'s name appears, or in which [he/she] has an interest, or on which [he/she] has the right of withdrawal. [**Name**]'s Social Security number is [**number**].

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-19

Letter of Inquiry—Life Insurance

[**Date**]

[**Name and address of insurance company**]

Re: [**name**], Social Security number [**number**]
[**name**], Social Security number [**number**]

[**Salutation**]

A divorce has been filed and is pending between [**name**] and [**name**]. I represent [**name**] in this matter.

A release for financial and business records, which was executed by [**name**] as ordered by Judge [**name**] after a hearing for temporary orders, is enclosed.

Please send me a copy of each insurance policy that insures the life of either [**name**] or [**name**]. Further, please indicate the cash value of each policy and whether the cash value has been reduced by any loans against the policy. If there are loans against the policy, please forward all information regarding the loans, including the date of the loan, the loan amount, and to whom the loan was paid, as well as a copy of the front and back of the loan check.

In addition, please provide all information on any annuities that might be in the name of [**name**] and/or [**name**].

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-20

Letter of Inquiry—Health/Dental Coverage

[**Date**]

[**Name and address of business**]

[**Salutation**]

A divorce has been filed and is pending between [**name**] and [**name**]. I represent [**name**] in this matter.

It is my understanding that [**name**], whose Social Security number is [**number**], is your employee.

So that [**name**] may determine whether [he/she] wishes to continue [health care coverage/dental coverage/health care and dental coverage] through the policy you offer after the divorce, please forward all information on health care insurance available to [**name**] or [**name**]. Please advise me of the monthly premium for each plan that [**name**] would be charged after the divorce should [he/she] elect to exercise [his/her] COBRA rights.

Sincerely yours,

_____

[**Name of attorney**]

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Form 6-21

Letter of Inquiry and Notice of TRO/Injunction—Group Health/Dental Insurance

[**Date**]

[**Name and address of group policyholder/plan administrator or employer**]

Re: Group policy number:
Name of group member:
Social Security number of group member:
Name of nonemployee spouse:
Name[s] of minor child[ren]:

[**Salutation**]

I represent [**name of client**], the spouse of the above-referenced group member.

A divorce action is pending between my client and [his/her] spouse, [**name**]. You are notified that a [temporary restraining order/temporary injunction] has been issued prohibiting [**name of group member**] from canceling, altering, or in any manner affecting level of coverage of the [health insurance policies/dental insurance policies/health and dental insurance policies] insuring the parties [**include if applicable:** and their minor child[ren]]. Please notify me immediately if [**name of group member**] attempts to cancel, alter, or in any manner affect the above-referenced policy.

Please notify me immediately if [**name of client and, if applicable, name[s] of child[ren]**] [is/are] not currently qualified beneficiaries or dependents under the above-referenced policy.

Sincerely yours,

_____

[**Name of attorney**]

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Forms 6-22 through 6-30 are reserved.

Form 6-31

Letter to Creditor—Closing Account

[**Date**]

[**Name and address of creditor**]

Re: Account number:
Account name:
Social Security number:

[**Salutation**]

I represent the person named above in a divorce action. Please close the account immediately after this date. My client will not be responsible for any charges incurred by others on this account.

Include the following paragraph if applicable.

Enclosed is my client's check for $[**amount**] to pay the current balance. Please establish a new account for my client and send new charge cards to:

[**Name of client**]
[**New address**]

Continue with the following.

Sincerely yours,

_____

[**Name of attorney**]

Enc.

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Form 6-32

Letter to Creditor—Requesting Forbearance

[**Date**]

[**Name and address of creditor**]

Re: Name of debtor:
Account number:

[**Salutation**]

A divorce has been filed and is pending between [**name**] and [**name**]. I represent [**name**] in this matter. Until a hearing may be held to determine how payment of this account shall be handled, I would sincerely appreciate your refraining from bringing any action concerning the arrearages. My client is aware of the indebtedness and intends that it be paid.

Sincerely yours,

_____

[**Name of attorney**]

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Form 6-33

Records Authorization—Life Insurance

I, [**name**], authorize [**name of company**] Life Insurance Company to release all life insurance records concerning policy number[s] [**number[s]**] to [**name**] and the law firm of [**name of law firm**]. This authorization specifically includes:

1. Names of beneficiaries.
2. Loans made against the policies and the loan balances.
3. Cash surrender value.
4. Amounts of premiums and if premiums are current.
5. Date or dates of purchase.
6. Full name of insured.
7. Changes in beneficiary or requests for changes.
8. Face value of each policy.
9. Owner of each policy.

I authorize reliance on a photocopy of this authorization.

_____

[**Name**]
Social Security number [**number**]

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STATE OF TEXAS)

COUNTY OF)

This instrument was acknowledged before me on _____ by [**name of person acknowledging**].

_____

Notary Public, State of Texas

© STATE BAR OF TEXAS

Form 6-34

AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

Developed for Texas Health & Safety Code § 181.154(d)
effective June 2013

Please read this entire form before signing and complete all the sections that apply to your decisions relating to the disclosure of protected health information. Covered entities as that term is defined by HIPAA and Texas Health & Safety Code § 181.001 must obtain a signed authorization from the individual or the individual's legally authorized representative to electronically disclose that individual's protected health information. Authorization is not required for disclosures related to treatment, payment, health care operations, performing certain insurance functions, or as may be otherwise authorized by law. **Covered entities may use this form or any other form that complies with HIPAA, the Texas Medical Privacy Act, and other applicable laws.** Individuals cannot be denied treatment based on a failure to sign this authorization form, and a refusal to sign this form will not affect the payment, enrollment, or eligibility for benefits.

NAME OF PATIENT OR INDIVIDUAL

_____
Last First Middle

OTHER NAME(S) USED _____

DATE OF BIRTH Month _____ Day _____ Year _____

ADDRESS _____

_____

CITY _____ **STATE** _____ **ZIP** _____

PHONE (_____) _____ **ALT. PHONE** (_____) _____

EMAIL ADDRESS (Optional): _____

I AUTHORIZE THE FOLLOWING TO DISCLOSE THE INDIVIDUAL'S PROTECTED HEALTH INFORMATION:

Person/Organization Name _____
Address _____
City _____ State _____ Zip Code _____
Phone (_____) _____ Fax (_____) _____

WHO CAN RECEIVE AND USE THE HEALTH INFORMATION?

Person/Organization Name _____
Address _____
City _____ State _____ Zip Code _____
Phone (_____) _____ Fax (_____) _____

REASON FOR DISCLOSURE (Choose only one option below)

- ☐ Treatment/Continuing Medical Care
- ☐ Personal Use
- ☐ Billing or Claims
- ☐ Insurance
- ☐ Legal Purposes
- ☐ Disability Determination
- ☐ School
- ☐ Employment
- ☐ Other _____

WHAT INFORMATION CAN BE DISCLOSED? Complete the following by indicating those items that you want disclosed. The signature of a minor patient is required for the release of some of these items. If all health information is to be released, then check only the first box.

- ☐ **All health information**
- ☐ Physician's Orders
- ☐ Progress Notes
- ☐ Pathology Reports
- ☐ History/Physical Exam
- ☐ Patient Allergies
- ☐ Discharge Summary
- ☐ Billing Information
- ☐ Past/Present Medications
- ☐ Operation Reports
- ☐ Diagnostic Test Reports
- ☐ Radiology Reports & Images
- ☐ Lab Results
- ☐ Consultation Reports
- ☐ EKG/Cardiology Reports
- ☐ Other _____

Your initials are required to release the following information:

_____ Mental Health Records (excluding psychotherapy notes)
_____ Drug, Alcohol, or Substance Abuse Records
_____ Genetic Information (including Genetic Test Results)
_____ HIV/AIDS Test Results/Treatment

EFFECTIVE TIME PERIOD. This authorization is valid until the earlier of the occurrence of the death of the individual; the individual reaching the age of majority; or permission is withdrawn; or the following specific date (optional): Month _____ Day _____ Year _____

RIGHT TO REVOKE: I understand that I can withdraw my permission at any time by giving written notice stating my intent to revoke this authorization to the person or organization named under "WHO CAN RECEIVE AND USE THE HEALTH INFORMATION." I understand that prior actions taken in reliance on this authorization by entities that had permission to access my health information will not be affected.

SIGNATURE AUTHORIZATION: I have read this form and agree to the uses and disclosures of the information as described. I understand that refusing to sign this form does not stop disclosure of health information that has occurred prior to revocation or that is otherwise permitted by law without my specific authorization or permission, including disclosures to covered entities as provided by Texas Health & Safety Code § 181.154(c) and/or 45 C.F.R. § 164.502(a)(1). I understand that information disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and may no longer be protected by federal or state privacy laws.

SIGNATURE X _____ _____
Signature of Individual or Individual's Legally Authorized Representative **DATE**

Printed Name of Legally Authorized Representative (if applicable): _____
If representative, specify relationship to the individual: ☐ Parent of minor ☐ Guardian ☐ Other _____

A minor individual's signature is required for the release of certain types of information, including for example, the release of information related to certain types of reproductive care, sexually transmitted diseases, and drug, alcohol or substance abuse, and mental health treatment (See, e.g., Tex. Fam. Code § 32.003).

SIGNATURE X _____ _____
Signature of Minor Individual **DATE**

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IMPORTANT INFORMATION ABOUT THE AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

Developed for Texas Health & Safety Code § 181.154(d)
effective June 2013

The Attorney General of Texas has adopted a standard Authorization to Disclose Protected Health Information in accordance with Texas Health & Safety Code § 181.154(d). This form is intended for use in complying with the requirements of the Health Insurance Portability and Accountability Act and Privacy Standards (HIPAA) and the Texas Medical Privacy Act (Texas Health & Safety Code, Chapter 181). **Covered Entities may use this form or any other form that complies with HIPAA, the Texas Medical Privacy Act, and other applicable laws.**

Covered entities, as that term is defined by HIPAA and Texas Health & Safety Code § 181.001, must obtain a signed authorization from the individual or the individual's legally authorized representative to electronically disclose that individual's protected health information. Authorization is not required for disclosures related to treatment, payment, health care operations, performing certain insurance functions, or as may be otherwise authorized by law. (Tex. Health & Safety Code §§ 181.154(b),(c), § 241.153; 45 C.F.R. §§ 164.502(a)(1); 164.506, and 164.508).

The authorization provided by use of the form means that the organization, entity or person authorized can disclose, communicate, or send the named individual's protected health information to the organization, entity or person identified on the form, including through the use of any electronic means.

Definitions - In the form, the terms "treatment," "healthcare operations," "psychotherapy notes," and "protected health information" are as defined in HIPAA (45 CFR 164.501). "Legally authorized representative" as used in the form includes any person authorized to act on behalf of another individual. (Tex. Occ. Code § 151.002(6); Tex. Health & Safety Code §§ 166.164, 241.151; and Tex. Probate Code § 3(aa)).

Health Information to be Released - If "All Health Information" is selected for release, health information includes, but is not limited to, all records and other information regarding health history, treatment, hospitalization, tests, and outpatient care, and also educational records that may contain health information. As indicated on the form, specific authorization is required for the release of information about certain sensitive conditions, including:

- Mental health records (excluding "psychotherapy notes" as defined in HIPAA at 45 CFR 164.501).
- Drug, alcohol, or substance abuse records.
- Records or tests relating to HIV/AIDS.
- Genetic (inherited) diseases or tests (except as may be prohibited by 45 C.F.R. § 164.502).

Note on Release of Health Records - This form is not required for the permissible disclosure of an individual's protected health information to the individual or the individual's legally authorized representative. (45 C.F.R. §§ 164.502(a)(1)(i), 164.524; Tex. Health & Safety Code § 181.102). If requesting a copy of the individual's health records with this form, state and federal law allows such access, unless such access is determined by the physician or mental health provider to be harmful to the individual's physical, mental or emotional health. (Tex. Health & Safety Code §§ 181.102, 611.0045(b); Tex. Occ. Code § 159.006(a); 45 C.F.R. § 164.502(a)(1)). If a healthcare provider is specified in the "Who Can Receive and Use The Health Information" section of this form, then permission to receive protected health information also includes physicians, other health care providers (such as nurses and medical staff) who are involved in the individual's medical care at that entity's facility or that person's office, and health care providers who are covering or on call for the specified person or organization, and staff members or agents (such as business associates or qualified services organizations) who carry out activities and purposes permitted by law for that specified covered entity or person. If a covered entity other than a healthcare provider is specified, then permission to receive protected health information also includes that organization's staff or agents and subcontractors who carry out activities and purposes permitted by this form for that organization. Individuals may be entitled to restrict certain disclosures of protected health information related to services paid for in full by the individual (45 C.F.R. § 164.522(a)(1)(vi)).

Authorizations for Sale or Marketing Purposes - If this authorization is being made for sale or marketing purposes and the covered entity will receive direct or indirect remuneration from a third party in connection with the use or disclosure of the individual's information for marketing, the authorization must clearly indicate to the individual that such remuneration is involved. (Tex. Health & Safety Code §181.152, .153; 45 C.F.R. § 164.508(a)(3), (4)).

Limitations of this form - This authorization form shall not be used for the disclosure of any health information as it relates to: (1) health benefits plan enrollment and/or related enrollment determinations (45 C.F.R. § 164.508(b)(4)(ii), .508(c)(2)(ii); (2) psychotherapy notes (45 C.F.R. § 164.508(b)(3)(ii); or for research purposes (45 C.F.R. § 164.508(b)(3)(i)). **Use of this form does not exempt any entity from compliance with applicable federal or state laws or regulations regarding access, use or disclosure of health information or other sensitive personal information (e.g., 42 CFR Part 2, restricting use of information pertaining to drug/alcohol abuse and treatment), and does not entitle an entity or its employees, agents or assigns to any limitation of liability for acts or omissions in connection with the access, use, or disclosure of health information obtained through use of the form.**

Charges - Some covered entities may charge a retrieval/processing fee and for copies of medical records. (Tex. Health & Safety Code § 241.154).

Right to Receive Copy - The individual and/or the individual's legally authorized representative has a right to receive a copy of this authorization.

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Form 6-35

Records Authorization—Financial

I, [**name**], authorize [**name of bank or other financial institution**] to release all financial records and information to [**name**] and the law firm of [**name of law firm**]. This authorization specifically includes the following:

1. The credit file, loan file, and copies or originals of all promissory notes, guaranty agreements, or other obligations and all financial statements, profit and loss statements, balance sheet statements, and operating statements submitted or executed by [**name of party**] or any of the following entities: [**names of partnerships, corporations, or other entities in which the party has an interest**].

2. All signature cards, deposit-box rental agreements, deposit-box entry records, records of assets in safekeeping, bank statements, deposit records, withdrawal records of all checking accounts, savings accounts, certificates of deposit, or interest-bearing accounts maintained in the name of [**name of party**] or on which that person had the right to draw for the period [**date**] to the date of production thereof, including but not limited to the following:

   a. Account number [**number**] in the name of [**name of account**].

   b. [**Continue with identification of other accounts.**]

3. All contractual agreements between [**name of bank or other financial institution**] and [**name**], including but not limited to lines of credit, contracts for drafting authority, and security agreements for the period [**date**] to the date of production thereof.

4. All the above records maintained for the benefit of [**name of party**] in the Trust Department.

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I authorize reliance on a photocopy of this authorization.

_____

[Name]
Social Security number [**number**]

STATE OF TEXAS)

COUNTY OF)

This instrument was acknowledged before me on _____ by [**name of person acknowledging**].

_____

Notary Public, State of Texas

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Form 6-36

Written Authorization for Disclosure of Substance Use Disorder Patient Records under 42 C.F.R. Part 2

I, [[**name of patient**]/[**name of parent or guardian of patient**]/[**name of person authorized to sign in lieu of patient**]], authorize:

[**Name or general designation of substance use disorder program, entity, or individual permitted to make the disclosure**] to disclose [**kind and amount of information to be disclosed, including an explicit description of the substance use disorder information that may be disclosed**] regarding [**name, address, Social Security number, and date of birth of patient**] to [**name[s], address[es], and telephone number[s] of individuals to whom disclosure is to be made**] for [**purpose of the disclosure**] in Cause No. [**full style of suit**].

I am [the patient/a parent of the patient/the guardian of the patient/a person authorized to sign in lieu of the patient] whose records are the subject of this authorization.

In accordance with 42 C.F.R. § 2.32, each disclosure made with this written consent must be accompanied by one of the following written statements:

> (1) This information has been disclosed to you from records protected by federal confidentiality rules (42 CFR part 2). The federal rules prohibit you from making any further disclosure of information in this record that identifies a patient as having or having had a substance use disorder either directly, by reference to publicly available information, or through verification of such identification by another person unless further disclosure is expressly permitted by the written consent of the individual whose information is being disclosed or as otherwise permitted by 42 CFR part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose (see § 2.31). The federal

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rules restrict any use of the information to investigate or prosecute with regard to a crime any patient with a substance use disorder, except as provided at §§ 2.12(c)(5) and 2.65; or

(2) 42 CFR part 2 prohibits unauthorized disclosure of these records.

This consent is subject to revocation at any time except to the extent that the program or person permitted to make the disclosure has already acted in reliance on it. If not previously revoked, this consent will terminate on [**specific date, event, or condition**].

Date of authorization: _____

_____

[**Name of patient/name of parent or guardian of patient/name of person authorized to sign in lieu of patient**]

Forms 6-37 through 6-40 are reserved.

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Form 6-41

Notice of Lis Pendens

STATE OF TEXAS)

COUNTY OF)

Notice is given that on [**date**] a lawsuit, styled "[**style of case**]," bearing Cause No. [**number**], which may affect the title to real property, was commenced by Petitioner, [**name**], against Respondent, [**name**], in [**designation**] Court in [**county**] County, Texas.

The purpose of the lawsuit is to obtain a divorce, to adjudicate the separate or community character of the property, and to obtain a division of that property between the parties.

The real property affected by this proceeding is: [**legal description of the property**].

_____

[**Name**]

STATE OF TEXAS)

COUNTY OF)

This instrument was acknowledged before me on _____ by [**name of person acknowledging**].

_____

Notary Public, State of Texas

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When recorded, please return this instrument to:

[**Name of attorney**]
[**Firm**]
[**Address**]

> Not later than the third day after the date a person files a notice of lis pendens for record, the person must serve a copy of the notice on each party to the action who has an interest in the real property affected by the notice. Tex. Prop. Code § 12.007(d).

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Form 6-42

Release of Lis Pendens

STATE OF TEXAS)

COUNTY OF)

The lis pendens filed by the undersigned on [**date**] and filed of record with the County Clerk of [**county**] County, Texas, in volume [**volume**], page [**page**], of the Real Property Records is released, canceled, and annulled as to the following described property: [**legal description of the property**].

_____

[**Name**]

STATE OF TEXAS)

COUNTY OF)

This instrument was acknowledged before me on _____ by [**name of person acknowledging**].

_____

Notary Public, State of Texas

When recorded, please return this instrument to:

[**Name of attorney**]
[**Firm**]
[**Address**]

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Form 6-43

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Cancel Lis Pendens

This Motion to Cancel Lis Pendens is filed by [**name of movant**], [**party designation**], who shows in support:

1. [**Name**] filed a lis pendens on [**date**] affecting the following real property: [**legal description of the property**].

Select one of the following.

2. [**Name**] can be adequately protected by the deposit of money into the Court. [**Name of movant**] offers to deposit $[**amount**] into the registry of the Court until the resolution of this divorce proceeding.

Or

2. [**Name**] can be adequately protected by the giving of an undertaking. [**Name of movant**] will make the following undertakings: [**describe undertakings**].

Continue with the following.

[**Name of movant**] prays that the Court grant this Motion to Cancel Lis Pendens.

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 6-44

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Cancel Lis Pendens

On [**date**] the Court considered the Motion to Cancel Lis Pendens of [**name of movant**].

The real property affected by this order is as follows: [**legal description of the property**].

If appropriate, include payment of amount into court or undertaking required of prevailing party under Tex. Prop. Code § 12.008(b), (c).

IT IS ORDERED that the lis pendens on the real property described above is canceled.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 6-45

Evidence, including declarations, may be filed with this motion. Notice of the motion must be served on each affected party on or before the twentieth day before the date of hearing. Tex. Prop. Code § 12.0071(a)(2), (d).

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Expunge Lis Pendens

This Motion to Expunge Lis Pendens is filed by [**name of movant**], [**party designation**], who shows in support:

1. [**Name**] filed a notice of lis pendens on [**date**] affecting the following real property: [**legal description of the property**].

Select one or more of the following.

2. The pleading on which the notice of lis pendens is based does not contain a real property claim.

And/Or

3. The real property claim contained in the notice of lis pendens is not valid.

And/Or

4. [**Name**] did not serve a copy of the notice of lis pendens on each party entitled to a copy under section 12.007(d) of the Texas Property Code.

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Continue with the following.

[**Name of movant**] prays that the Court grant this Motion to Expunge Lis Pendens.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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[**Name**]
Attorney for Movant

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Form 6-46

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Expunge Lis Pendens

On [**date**] the Court considered the Motion to Expunge Lis Pendens of [**name of movant**].

The real property affected by this order is as follows: [**legal description of the property**].

Select one of the following.

IT IS ORDERED that the notice of lis pendens filed on the real property described above is expunged.

Or

IT IS ORDERED that the Motion to Expunge Lis Pendens is DENIED.

If applicable, include undertaking required of prevailing party under Tex. Prop. Code § 12.0071(g).

Continue with the following.

SIGNED on _____.

_____
JUDGE PRESIDING

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Forms 6-47 through 6-50 are reserved.

Form 6-51

Retirement Benefits Checklist

For All Plans:

This part of the checklist and information requests should be completed as soon as possible and before mediation or negotiations take place.

☐ Request that the plan freeze the participant's benefit to prevent distributions/withdrawals

☐ Request a Summary Plan Description (SPD)

☐ Request QDRO Procedures and model QDROs

☐ Request complete (i.e., no screenshots) and current benefits statements and/or a benefit estimate

☐ Request complete benefits statements from the date of marriage if the participant worked at the company before marriage or it is anticipated that there will be a separate-property claim

☐ Review all documents received and determine what benefits are available and how they can be divided, specifically:

What type of plan is it (defined benefit vs. defined contribution)?

When is the benefit payable to an alternate payee?

How is the benefit payable (e.g., lump sum, monthly benefit)?

☐ Determine which party is responsible for preparing and paying for the QDRO

For Defined Contribution Plans (e.g., 401(k) plans, profit-sharing plans):

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This part of the checklist focuses on considerations specific to defined contribution plans. This information should be determined before coming to an agreement on the division, in order to ensure that what is negotiated is a division allowed under the plan.

Determine the following:

☐ Is the participant fully vested?

☐ Does the plan permit unvested amounts to be divided?

☐ Is there a current outstanding loan? If yes,

What is the outstanding value?

When was the loan taken out?

Was it used for community purposes?

☐ Is there a separate-property claim? If so,

Is it possible to obtain the value at the date of marriage?

Do you have the statements and data needed to do a tracing on the account?

☐ Is there a QDRO review fee charged by the plan? If so,

What is the amount of the fee?

Who can the fee be assigned to (participant, alternate payee, split)?

☐ What method of divisions are allowed (e.g., percentage, dollar amount)?

Note: Many plans will <u>not</u> divide between two dates or perform a calculation (e.g., 50 percent of the balance minus $10,000). It is critical that attorneys know what divisions are allowed to avoid issues when drafting the QDRO.

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Note: Some plans will accept only whole percentages, and it is wise to confirm.

☐ What valuations dates are permitted?

Earliest date allowed?

Note: Plans change recordkeepers, and not all data is turned over. If trying to divide the benefit in such a way that a prior date is being used, make sure the information is available.

Special dates of division (e.g., plan will accept only an end-of-month division date)

☐ Should gains and losses be included or excluded?

Note: Gains and losses may be included when the award is a flat dollar amount.

☐ Should the value of any outstanding loans be included or excluded?

For Defined Benefit Plans (e.g., traditional pension plans, cash balance plans)

This part of the checklist focuses on considerations specific to defined benefit plans. This information should be determined before coming to an agreement on the division, in order to ensure that what is negotiated is a division allowed under the plan.

Determine the following:

☐ Is the participant in pay status and already receiving benefits?

☐ If the participant is in pay status, does the form of payment elected provide for survivor benefits?

☐ What is the estimated monthly benefit at normal retirement age based on current salary and service?

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Note: Unless otherwise requested, most estimates are run assuming that the participant works until age sixty-five. This will give a much higher benefit amount than what the alternate payee would actually be entitled to, since it includes future salary increases and additional service after the date of divorce.

☐ Is there a separate property component? If so,

What formula should be used? (*Berry* if not in pay status, *Taggart* if in pay status)

☐ Should a shared-interest or separate-interest QDRO be used?

☐ Does the plan provide for cost-of-living adjustments?

☐ Does the plan provide for early retirement subsidies?

☐ Does the plan have any other benefits or features that need to be considered?

☐ Are survivor benefits needed to secure the alternate payee's benefit and if so,

Which survivor benefits?

To what extent?

☐ When can the alternate payee receive the benefit and in what form of payment?

MSA/Decree Language

It is important to remember that a QDRO cannot change the property award. All terms of the division should be in the MSA and decree. If they are not included, they were not awarded.

Also, make sure to use language appropriate for the benefits being divided. Gains and losses should not be referenced for a pension, and cost-of-living adjustments should not be referenced for a 401(k). Improper language can cause issues when drafting the QDRO.

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Make sure the following are included in your language:

☐ The full and accurate plan name

Note: Unless the participant works for Fidelity, "Fidelity 401(k)" is NOT the plan name.

☐ The precise method of division

☐ The date of division (typically the date of the MSA or date of divorce)

☐ All features (e.g., loans, survivor benefits) awarded

☐ Who is responsible for the QDRO preparation and submission and for all fees associated with it?

Special Consideration for Defined Contribution Plans:

☐ If gains and losses are not included, determine how to handle the shortfall if the amount available at segregation is less than the amount awarded. Will the QDRO award the alternate payee 100 percent of the account balance in this event? How will the deficiency be handled?

Special Consideration for Defined Benefit Plans:

☐ If the participant is already receiving a monthly benefit, will the participant have to pay the alternate payee the portion of the benefit between the date of divorce and the date the plan starts paying the alternate payee directly? If so, be specific as to how and use enforceable language.

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Form 6-52

Notice Letter—Pension Claim

[**Date**]

To: [**name and address of employer**]

[**Salutation**]

Notice under the provisions of chapter 82 of the Texas Labor Code is given that in Cause No. [**number**] styled "[**style of case**]" in the [**designation**] Court of [**county**] County, Texas, a dissolution of marriage lawsuit is pending in which [**name**] is Petitioner and [**name**] is Respondent.

My client, [**name**], claims an interest in all retirement, stock bonus, pension, disability or death benefit, savings, profit-sharing, or other employee benefit plans of your employee [**name of employee**], whose Social Security number is [**number**], and requests that no payment or refund be made while the litigation is pending.

Sincerely yours,

_____

[**Name of attorney**]

c: [**pension trustee and address**]

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Form 6-53

An unsworn declaration may be used in place of an affidavit. See section 8.58 of the practice notes and form 8-27.

Include the following notice if a minor is named in the caption or if the affidavit contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Affidavit Concerning Cost and Necessity of Services

[**Name**] appeared in person before me today and stated on oath:

"My name is [**name of affiant**]. I am above the age of eighteen 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.

Select one of the following.

"On [**date**] I provided a service to [**name of recipient**]. An itemized statement of the service and the charge for the service is attached to this affidavit and is a part of this affidavit.

Or

"I am the person in charge of records of [**name of service provider**]. Attached to this affidavit are records that provide an itemized statement of the service and the charge for the service that [**name of service provider**] provided to [**name of recipient**] on [**date**]. The attached records are a part of this affidavit.

"I keep the attached records in the regular course of business. The information contained in the records was transmitted to me in the regular course of business by [**name of ser-**

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vice provider] or an employee or representative of [**name of service provider**] who had personal knowledge of the information. The records were made at or near the time or reasonably soon after the time that the service was provided. The records are the original or an exact duplicate of the original.

Continue with the following.

"The service [I] provided was necessary and the amount [that I] charged for the service was reasonable at the time and place that the service was provided."

_____
Affiant

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [Petitioner/Respondent]

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Chapter 7

Inventory and Appraisement

Form 7-1 Inventory and Appraisement 593

Form 7-2 Instructions for Preparation of Marital Property Inventory Worksheet 631

Form 7-3 Marital Property Inventory Worksheet. 638

Form 7-4 Information Required to Evaluate Rights of Reimbursement 698

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Form 7-1

If the inventory is filed, include the following notice if a minor is named in the caption or if the inventory contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Inventory and Appraisement of [name of party]

[**Name**], [Petitioner/Respondent], submits this inventory and appraisement of all assets and liabilities, community and separate estates, as follows:

Community Estate of the Parties

1. **Real Property** (include any property purchased by contract for deed, such as Texas Veterans Land Board property, property purchased in recreational developments, and time-shares)

1.1. Street address:

County of location:

Description of improvements, if any:

Legal description:

Current fair market value (as of [**date**]): $[**amount**]

Name of mortgage company and account number, if any:

Current balance of mortgage (as of [**date**]): $[**amount**]

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Other liens against property (as of [**date**]): $[**amount**]

Current net equity in property: $[**amount**]

Source(s) of value:

Repeat for each piece of real estate.

2. **Mineral Interests** (include any property in which the parties own the mineral estate, separate and apart from the surface estate, such as oil and gas leases; also include royalty interests, working interests, and producing and nonproducing oil and gas wells)

2.1. Name of mineral interest/lease/well:

Type of interest:

County of location:

Legal description:

Name of producer/operator:

Current value (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

3. **Other Real Property-Related Assets** (include any other assets and property rights related to real property, e.g., surface water rights, groundwater rights, crop share leases, hunting leases, wind power leases, solar power leases, timber rights, and so forth)

3.1. Description of asset or property right:

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County of location:

Legal description:

Ownership percentage:

Name(s) of any other owner(s) and respective percentage(s):

Current value (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

4. **Cash and Accounts with Financial Institutions** (include cash, traveler's checks, money orders, and accounts with commercial banks, savings banks, credit unions, and funds on deposit with attorneys and other third parties; exclude accounts with brokerage houses and all retirement accounts)

4.1. Name of financial institution:

Account name:

Account number:

Type of account: [checking/savings/money market/certificate of deposit]

Name(s) on withdrawal cards:

Current account balance (as of [**date**]): $[**amount**]

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Source(s) of value/balance:

Repeat for each such item of property.

5. Brokerage and Mutual Fund Accounts

5.1. Name of brokerage firm or mutual fund:

Address of brokerage firm or mutual fund:

Name(s) account held in:

Name of account (and subaccounts if any):

Account number (and numbers of subaccounts if any):

Margin loan balance (as of [**date**]): $[**amount**]

Value of community interest in each account (and subaccounts if any) (as of [**date**]): $[**amount**]

Tax basis of each security held: $[**amount**]

Source(s) of value:

Repeat for each such item of property.

6. Publicly Traded Stocks, Bonds, and Other Securities (include securities not in a brokerage account, mutual fund, or retirement fund)

6.A. Stocks

6.A.1. Name of security:

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Number of shares:

Type of security: [common stock/preferred stock/[**other security**]]:

Certificate number(s):

Location of certificate(s):

Name of exchange on which listed:

Pledged as collateral? [Yes/No]

Date acquired:

Tax basis: $[**amount**]

Current market value (as of [**date**]): $[**amount**]

Value of community interest (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

6.B. Bonds

6.B.1. Name of issuer:

Address:

Serial number of bond: Denomination:

Date acquired:

Cost: $[**amount**]

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Registered owner:

Source of funds:

Interest rate: Interest payable:

Convertible: Due date:

Pledged: [Yes/No]

Value (as of [**date**]): $[**amount**]

Value of community interest (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

7. Employee Stock Benefit Plans (include all stock options (qualified and nonqualified), restricted stock awards (RSAs), restricted stock units (RSUs), and Employee Stock Purchase Plans)

7.A. *Stock Options* (include all stock options, whether exercisable, nonexercisable, vested, nonvested, transferable, or nontransferable, regardless of any restrictions on transfer, but if the stock was once an option and is currently owned without restrictions, list that stock under section 5.)

7.A.1. Name of company:

Date of option/grant:

Number of options:

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Vesting schedule:

Are the options exercisable? [Yes/No]

Are the options registered? [Yes/No]

Current stock price:

Strike price:

If purchased, total purchase price of option contract (including commissions): $[**amount**]

Current net market value (as of [**date**]): $[**amount**]

Value of community interest (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

7.B. *Restricted Stock* (include all restricted stock awards and restricted stock units regardless of any restrictions on transfer, but if the stock was once restricted and is currently owned without restrictions, list that stock under section 5.)

7.B.1. Name of company:

Date of award/grant:

Number of shares/units:

Vesting schedule:

Current stock price:

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Current net market value (as of [**date**]): $[**amount**]

Value of community interest (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

7.C. Employee Stock Purchase Plan

7.C.1. Name of company:

Number of shares/units:

Current stock price:

Current net market value (as of [**date**]): $[**amount**]

Value of community interest (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

8. Bonuses

8.1. Name of company:

Spouse earning bonus:

Date bonus expected to be paid:

Time period covered by bonus:

Anticipated amount of bonus: $[**amount**]

Source(s) of value:

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Repeat for each such item of property.

9. Closely Held Business Interests (include sole proprietorships, professional practices, corporations, partnerships, limited liability companies and partnerships, joint ventures, and other nonpublicly traded business entities)

9.1. Name of business:

Address:

Type of business organization:

Percentage of ownership (if partnership or LLC):

Number of shares owned (if corporation):

Value (as of [**date**]): $[**amount**]

Balance of accounts receivable if on cash basis accounting: $[**amount**]

Balance of liabilities if on cash basis accounting: <$[**amount**]>

Source(s) of value:

Assets owned by business (include financial accounts, real property, vehicles, equipment, etc. owned by the business):

Repeat for each such item of property.

10. Retirement Benefits

10.A. Defined Contribution Plans (a plan that provides for an individual account for a participant and for benefits based solely

on the amount contributed to the participant's account; IRC §§ 401(k), 403(b))

10.A.1. Exact name of plan:

Name and address of plan administrator:

Employee spouse:

Employer:

Starting date of creditable service:

Account name:

Account number:

Account balance as of date of marriage:

Payee of survivor benefits:

Designated beneficiary(ies):

Current account balance (as of [**date**]): $[**amount**]

Balance of loan against plan: $[**amount**]

Value of community interest in plan (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

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10.B. Defined Benefit Plan (any plan that is not a defined contribution plan and that usually involves payment of benefits according to a formula)

10.B.1. Exact name of plan:

Name and address of plan administrator:

Employee spouse:

Employer:

Starting date of creditable service:

Designated beneficiary(ies):

Payee of survivor benefits:

Description of benefits:

Value of community interest in plan (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

10.C. IRA/SEP

10.C.1. Name of financial institution:

Account name:

Account number:

Payee of survivor benefits:

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Designated beneficiary(ies):

Current account balance (as of [**date**]): $[**amount**]

Value of community interest (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

10.D. Military Benefits

10.D.1. Branch of service:

Name of servicemember:

Rank/pay grade of servicemember:

Starting date of creditable service:

Status of servicemember: [active/reserve/retired]

Payee of survivor benefits:

Description of benefits:

Monthly benefit payable: $[**amount**]

Value of community interest in plan (as of [**date**]): $[**amount**]

Percentage of plan that is community: [**percent**]%

Source(s) of value:

Repeat for each such item of property.

10.E. Nonqualified Plans (Not under ERISA)

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10.E.1. Name of financial institution:

Account name:

Account number:

Account balance as of date of marriage:

Payee of survivor benefits:

Designated beneficiary(ies):

Value of community interest in plan (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

10.F. Government Benefits (civil service, teacher, railroad, state, and local)

10.F.1. Name of plan:

Account name:

Account number:

Account balance as of date of marriage:

Payee of survivor benefits:

Designated beneficiary(ies):

Value of community interest in plan (as of [**date**]): $[**amount**]

Source(s) of value:

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Repeat for each such item of property.

11. Other Deferred Compensation Benefits (e.g., worker's compensation, disability benefits, other "special payments," and any other forms of compensation)

11.1. [**Name of party A**]—description of assets:

Value: $[**amount**]

Source(s) of value:

11.2. [**Name of party B**]—description of assets:

Value: $[**amount**]

Source(s) of value:

Repeat for each such item of property.

12. Insurance and Annuities

12.A. Life Insurance

12.A.1. Name of insurance company:

Policy number:

Name of insured:

Name of owner:

Type of insurance: [term/whole/universal]

Amount of premiums [monthly/quarterly/ semiannually]: $[**amount**]

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Date of issue:

Face amount:

Cash surrender value on date of marriage:

Current cash surrender value: $[**amount**]

Designated beneficiary(ies):

Balance of loan against policy: $[**amount**]

Value of community interest (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

12.B. Annuities

12.B.1. Name of company:

Policy number:

Name of annuitant:

Name of owner:

Type of annuity:

Amount of premiums [monthly/quarterly/ semiannually]: $[**amount**]

Date of issue:

Face amount:

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Designated beneficiary(ies):

Value on date of marriage:

Current value (as of [**date**]): $[**amount**]

Balance of loan against policy: $[**amount**]

Value of community interest (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

12.C. Health Savings Accounts

12.C.1. Institution holding account:

Account number:

Name of high-deductible health plan with which the HSA is coupled:

Value of assets in account (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

12.D. Medical Savings Accounts

12.D.1. Institution holding account:

Account number:

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Name of high-deductible health plan with which the MSA is coupled:

Value of assets in account (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

13. **Motor Vehicles, Boats, Airplanes, Cycles, Etc.** (include mobile homes, trailers, and recreational vehicles, but do not include vehicles owned by a business entity)

13.1. Year:

Make:

Model:

Name on title:

In possession of:

Vehicle identification number:

Name of creditor if loan against vehicle:

Current balance (as of [**date**]): $[**amount**]

Current fair market value (as of [**date**]): $[**amount**]

Current net equity in vehicle: $[**amount**]

Source(s) of value:

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Repeat for each such item of property.

14. Money Owed to Me or My Spouse (do not include any expected federal or state income tax refund or receivables connected with a business entity)

14.1. Name of debtor:

Debtor's relationship to you:

Is debt evidenced in writing? [Yes/No]

Is debt secured? [Yes/No]

Current loan amount owed (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

15. Household Furniture, Furnishings, and Fixtures

15.1. In possession of [**name of party A**] (attach separate sheet by room if necessary):

Description and value of each item in possession of [**name of party A**]: $[**amount**]

Source(s) of value:

15.2. In possession of [**name of party B**] (attach separate sheet by room if necessary):

Description and value of each item in possession of [**name of party B**]: $[**amount**]

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Source(s) of value:

16. Electronics and Computers

16.1. In possession of [**name of party A**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party A**]: $[**amount**]

Source(s) of value:

16.2. In possession of [**name of party B**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party B**]: $[**amount**]

Source(s) of value:

17. Antiques, Artwork, and Collections (include any works of art, such as paintings, tapestry, rugs, and coin or stamp collections)

17.1. In possession of [**name of party A**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party A**]: $[**amount**]

Source(s) of value:

17.2. In possession of [**name of party B**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party B**]: $[**amount**]

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Source(s) of value:

18. Miscellaneous Sporting Goods and Firearms

18.1. In possession of [**name of party A**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party A**]: $[**amount**]

Source(s) of value:

18.2. In possession of [**name of party B**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party B**]: $[**amount**]

Source(s) of value:

19. Jewelry and Other Personal Items

19.1. In possession of [**name of party A**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party A**]: $[**amount**]

Source(s) of value:

19.2. In possession of [**name of party B**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party B**]: $[**amount**]

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Source(s) of value:

20. Livestock and Pets (include cattle, horses, frozen semen or embryos, dogs, cats, and so forth)

20.1. In possession of [**name of party A**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party A**]: $[**amount**]

Source(s) of value:

20.2. In possession of [**name of party B**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party B**]: $[**amount**]

Source(s) of value:

21. Club Memberships

21.1. Name of club:

Name membership held in:

Account number:

Current value (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

22. Travel Award Benefits (include frequent-flyer mileage accounts)

22.1. Name of airline:

Account number and name on account:

Current number of miles or points (as of [**date**]):

Current value (if any): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

23. Other Assets

23.A. *Miscellaneous Assets* (include intellectual property (such as musical, literary, and artistic/creative works; discoveries and inventions; copyright, trademarks, patents, and so forth), licenses, crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection described elsewhere in this inventory, estimated tax payments, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names)

23.A.1. In possession of [**name of party A**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party A**]: $[**amount**]

Source(s) of value:

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23.A.2. In possession of [**name of party B**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party B**]: $[**amount**]

Source(s) of value:

23.B. Digital Assets (identify assets—anything that exists in digital form, i.e., data in the form of binary digits, including such things as Bitcoin or other forms of cryptocurrency, e-mail addresses, social network accounts, websites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts)

23.B.1. In possession of [**name of party A**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party A**]: $[**amount**]

Source(s) of value:

23.B.2. In possession of [**name of party B**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party B**]: $[**amount**]

Source(s) of value:

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23.C. Virtual Assets (identify assets—intangibles used in virtual worlds or MMORPGs (massively multiplayer online role playing games), virtual pets, avatars, accessories for characters, prizes, virtual real estate, and virtual currency)

23.C.1. In possession of [**name of party A**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party A**]: $[**amount**]

Source(s) of value:

23.C.2. In possession of [**name of party B**] (attach separate sheet if necessary):

Description and value of each item in possession of [**name of party B**]: $[**amount**]

Source(s) of value:

23.D. Tax Assets (tax refunds, estimated tax payments, carryovers, carryforwards, etc.)

23.D.1. Income tax refunds

Income tax year for the refund:

Amount of income tax refund: $[**amount**]

23.D.2. Estimated tax payments

Applicable income tax year:

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Amount of estimated payments made: $[**amount**]

23.D.3. Income tax carryover/carryforward

Applicable income tax year:

Amount of income tax carryover/carryforward: $[**amount**]

24. Safe-Deposit Boxes

24.1. Name of financial institution or other depository:

Box number:

Names of persons with access to contents:

Items in safe-deposit box:

Value(s) of items in safe-deposit box:

Source(s) of value:

Repeat for each safe-deposit box.

25. Storage Facilities

25.1. Name and location:

Unit number:

Terms and length of lease:

Names of persons with access to contents:

Items in storage unit:

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Value(s) of items in storage unit:

Source(s) of value:

Repeat for each storage facility.

26. Community Claim for Reimbursement

26.1. Reimbursement claim against [**name of party A**]'s separate estate:

Basis of claim:

Amount claimed (as of [**date**]): $[**amount**]

Source(s) of value:

26.2. Reimbursement claim against [**name of party B**]'s separate estate:

Basis of claim:

Amount claimed (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such claim.

27. Reconstitution of the Community Estate for Fraud on the Community

27.1. [**Name of party A**]'s claim for reconstitution of the community estate

Value: $[**amount**]

Source(s) of value:

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27.2. [**Name of party B**]'s claim for reconstitution of the community estate

Value: $[**amount**]

Source(s) of value:

28. Contingent Assets (e.g., lawsuits by either party against a third party)

28.1. Nature of claim:

Amount of claim: $[**amount**]

Source(s) of value:

Repeat for each such asset.

Separate Estates of the Parties

(generally defined as assets owned before marriage or assets acquired during marriage by gift or inheritance or as a result of personal injury; may include real property, mineral interests, cash and financial accounts, brokerage and mutual fund accounts, stocks, bonds, other securities, stock options, bonuses, closely held business interests, retirement benefits, deferred compensation benefits, insurance and annuities, vehicles, boats, airplanes, cycles, notes receivable, household furnishings, electronics, antiques, art, miscellaneous sporting goods and firearms, jewelry and other personal items, livestock, club memberships, travel awards, miscellaneous assets, digital assets, virtual assets, and contingent assets)

29. Separate Assets of [name of party A]

29.1. Description of asset:

Date property acquired:

How acquired (e.g., by gift, by devise, by descent, or owned before marriage):

Current value (as of [**date**]): $[**amount**]

Source(s) of value:

29.2. [**Name of party A**]'s separate reimbursement claim against community estate:

Value (as of [**date**]): $[**amount**]

Source(s) of value:

29.3. [**Name of party A**]'s separate reimbursement claim against [**name of party B**]'s separate estate:

Value (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such asset or claim.

30. Liabilities of [name of party A]'s Separate Estate

30.1. Description of liability:

Date of liability:

How liability acquired:

Amount of liability (as of [**date**]): <$[**amount**]>

Source(s) of amount:

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30.2. [**Name of party B**]'s separate property reimbursement claim against [**name of party A**]'s separate estate:

Value (as of [**date**]): <$[**amount**]>

Source(s) of value:

30.3. Community estate's reimbursement claim against [**name of party A**]'s separate estate:

Value (as of [**date**]): <$[**amount**]>

Source(s) of value:

Repeat for each such liability.

31. Separate Assets of [name of party B]

31.1. Description of asset:

Date property acquired:

How acquired (e.g., by gift, by devise, by descent, or owned before marriage):

Value (as of [**date**]): $[**amount**]

Source(s) of value:

31.2. [**Name of party B**]'s separate reimbursement claim against community estate:

Value (as of [**date**]): $[**amount**]

Source(s) of value:

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31.3. [**Name of party B**]'s separate reimbursement claim against [**name of party A**]'s separate estate:

Value (as of [**date**]): $[**amount**]

Source(s) of value:

32. Liabilities of [name of party B]'s Separate Estate

32.1. Description of liability:

Date of liability:

How liability acquired:

Amount of liability (as of [**date**]): <$[**amount**]>

Source(s) of amount:

32.2. [**Name of party A**]'s separate property reimbursement claim against [**name of party B**]'s separate estate:

Value (as of [**date**]): <$[**amount**]>

Source(s) of value:

32.3. Community estate's reimbursement claim against [**name of party B**]'s separate estate:

Value (as of [**date**]): <$[**amount**]>

Source(s) of value:

Repeat for each such liability.

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Sole and Joint Liabilities

33. Credit Cards and Charge Accounts

33.1. Name of creditor:

Account number:

Cardholder(s)/Authorized user(s):

Person(s) liable on account:

Current balance (as of [**date**]): <$[**amount**]>

Balance on date of marriage: <$[**amount**]>

Balance as of [**date of separation**]: <$[**amount**]>

Source(s) of balance:

Repeat for each such liability.

34. Federal, State, and Local Tax Liability

34.1. Description of liability (e.g., federal income tax/property taxes)

Tax year for which liability is due:

Person(s) liable for tax:

Amount owed (as of [**date**]): <$[**amount**]>

Source(s) of amount owed:

Repeat for each such liability.

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35. Attorney's Fees in This Case

35.A. ***[Name of party A]***

35.A.1. Amount paid by/on behalf of [**name of party A**] as of [**date**]: <$[**amount**]>

35.A.2. Amount owed by [**name of party A**] as of [**date**]: <$[**amount**]>

35.B. ***[Name of party B]***

35.B.1. Amount paid by/on behalf of [**name of party B**] as of [**date**]: <$[**amount**]>

35.B.2. Amount owed by [**name of party B**] as of [**date**]: <$[**amount**]>

36. Other Professional Fees in This Case

36.A. ***[Name of party A]***

36.A.1. Amount paid by [**name of party A**] as of [**date**]: <$[**amount**]>

36.A.2. Amount owed by [**name of party A**] as of [**date**]: <$[**amount**]>

36.B. ***[Name of party B]***

36.B.1. Amount paid by [**name of party B**] as of [**date**]: <$[**amount**]>

36.B.2. Amount owed by [**name of party B**] as of [**date**]: <$[**amount**]>

37. Reimbursement Claims against Community Estate

37.1. Reimbursement claim by [**name of party A**]'s separate estate:

Basis of claim:

Amount of claim (as of [**date**]): <$[**amount**]>

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Source(s) of amount:

37.2. Reimbursement claim by [**name of party B**]'s separate estate:

Basis of claim:

Amount of claim (as of [**date**]): <$[**amount**]>

Source(s) of amount:

38. Pledges (include charitable, church, and school-related)

38.1. Name and address of recipient:

Person(s) liable for pledge:

Date of pledge:

Total amount of pledge: <$[**amount**]>

Is pledge payable in installments? [Yes/No]

Date each installment payment is due:

Amount of each installment:

Repeat for each such liability.

39. Contingent Liabilities (e.g., lawsuit against either party, guaranty either party may have signed)

39.1. Name of creditor:

Person(s) liable:

Amount of contingent liability: <$[**amount**]>

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Nature of contingent liability:

Source(s) of amount:

40. Other Liabilities Not Otherwise Listed in This Inventory (e.g., loans and margin accounts)

40.1. Name of creditor:

Account number:

Person(s) liable:

Is loan evidenced in writing? [Yes/No]

Current balance (as of [**date**]): <$[**amount**]>

Security, if any:

Source(s) of balance:

Repeat for each such sole or joint liability.

Child[ren]'s Property

41. Child[ren]'s Property (e.g., custodial accounts under the Texas Uniform Gifts to Minors Act or Uniform Transfers to Minors Act, 529 plans)

41.A. Custodial Account under Texas Uniform Transfers to Minors Act

41.A.1. Name of financial institution:

Address of financial institution:

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Name of account:

Account number:

Amount on deposit (as of [**date**]): $[**amount**]

Name of minor for whom funds were deposited:

Source(s) of value:

Repeat for each such item of property.

41.B. 529 Plans/Other College Savings Plans

41.B.1. Financial institution or entity administering plan:

Name on account:

Account number:

Type of plan: [529/prepaid/savings]

Value of assets in plan (as of [**date**]): $[**amount**]

Name of child for whom funds were deposited:

Custodian of account:

Source(s) of funds:

Source(s) of value:

Repeat for each such item of property.

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Trust and Estate Assets

42. Trusts

42.1. Name of trust:

Type of trust:

Name and address of trustee:

Beneficiary(ies):

Description of assets held in trust:

Date trust was created:

Value of assets held in trust (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

43. Assets Held by Either Party for the Benefit of Another (Other than Trusts)

43.1. Name(s) of person(s) holding assets:

Description of assets:

Name and title of fiduciary (e.g., executor):

Name of owner of beneficial interest:

Value of assets (as of [**date**]): $[**amount**]

Source(s) of value:

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Repeat for each such item of property.

44. Assets Held for the Benefit of Either Party as a Beneficiary (Other than Trusts)

44.1. Name(s) of person(s) holding assets:

Description of assets:

Name and title of fiduciary (e.g., executor):

Name of owner of beneficial interest:

Value of assets (as of [**date**]): $[**amount**]

Source(s) of value:

Repeat for each such item of property.

See the practice notes at section 7.4 regarding whether to include the following verification.

Verification

I, [**name of party filing inventory and appraisement**], state on oath that, to the best of my knowledge, this inventory and appraisement contains—

1. a full and complete list of all properties that I claim belong to the community estate of me and my spouse, with the values thereof;

2. a full and complete list of all properties in my possession or subject to my control that I claim or admit are my or my spouse's separate property and estate, with the values thereof; and

3. a full and complete list of the debts that I claim are community indebtedness.

There may be other assets and liabilities in the control of my spouse of which I am not aware as of this date, and the omission of those items from this inventory should not be construed as a waiver of my interest in them.

Unless otherwise indicated, all values stated in this inventory and appraisement are my personal opinions and may change after additional information is obtained. I reserve the right to amend or correct this inventory and appraisement at a later date as additional information becomes available.

I further expressly reserve the right to change the characterization of any of the property listed in this inventory and appraisement from community to separate, depending on facts developed through discovery or trial of this case.

_____

[**Name**]

An unsworn declaration may be used in place of a verification. See form 8-27.

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

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Form 7-2

Instructions for Preparation of Marital Property Inventory Worksheet

Client's Name: _____ Date: _____

General Instructions

Accurate information concerning property and debts is very important in divorce cases. Please fill out the attached Marital Property Inventory Worksheet as completely as you can, drawing on any source of information to which you have access. DO NOT ENLIST YOUR SPOUSE'S HELP UNLESS YOUR ATTORNEY SPECIFICALLY PERMITS IT. DO NOT LET ANYONE SEE THIS DOCUMENT. THIS PREPARATION OF YOUR INVENTORY AND APPRAISEMENT IS A CONFIDENTIAL MATTER BETWEEN YOU AND YOUR ATTORNEY. Be cautious: You and your spouse are now legal adversaries, and you should verify all information on your own. When it comes to questions of the current value of property, you should make your own independent estimate, whether you decide the value or consult another source (for example, NADA, Kelly Blue Book, or an appraiser). Please list all property whether the property is in your possession or name or in your spouse's possession or name. This inventory and appraisement should include all property, even if you have no specifics on the property.

The attached worksheet provides for only a few items under each type of property. If you need to provide additional information, photocopy an extra page or use a separate piece of paper and number the information as it is numbered on the inventory. If you do not know the answer to an item, do not leave it blank; write "I don't know," and follow this statement with the reason you do not know.

Understand that this worksheet is your attorney's main key to your estate, from which all spreadsheets will be generated. The inventory and appraisement to be based

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on this worksheet, once filed with the court, may create an admission about its contents. This document is extremely important and will be used throughout your case.

YOU SHOULD RETURN YOUR COMPLETED MARITAL PROPERTY INVENTORY WORKSHEET AND ALL SUPPORTING DOCUMENTS TO OUR OFFICE BY _____. This will allow our office ample time to put the document in final form.

This task will not be easy. Do not expect to complete the form at one sitting. Be assured, however, that your effort is necessary and worthwhile, because the inventory will be one of the most important documents in your divorce.

Property Division

In addition to factual data, I need to know your wishes about division of the property. Please indicate your wishes in the left margin of the worksheet by placing a "Y" next to items you want to go to you and an "S" next to items you want to go to your spouse.

Definitions

Separate Property—If either you or your spouse has any property you think is separate property, complete the section marked "Separate Estates of the Parties." Separate property is defined as follows:

1. Property owned or claimed by a spouse before marriage.

2. Property acquired by a spouse during marriage by gift, will, or inheritance.

3. Funds received as a result of personal injury sustained by a spouse during marriage, except any recovery for loss of earning capacity during marriage.

4. Property set aside to the spouse by an agreement between the spouses.

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5. Property acquired with funds that are separate property. Property may be purchased with funds that are both community and separate property. In such a case, please be sure to list pro rata the part of the property that is separate property in the separate property section and the part that is community property in the community property section.

Community Property—All property that is not separate property is community property.

Fair Market Value—A generally accepted definition of fair market value is the price at which the asset would change hands between a willing seller, under no compulsion to sell, and a willing buyer, under no compulsion to buy, with both parties having reasonable knowledge of the relevant facts. Use this value whenever possible. If an asset has no fair market value, state the actual value of the asset to you considering its present condition.

Reimbursement

Before completing any items involving reimbursement claims, please read this section.

Texas law recognizes three marital estates: the community estate, owned by the spouses together; one spouse's separate estate; and the other spouse's separate estate. A spouse's separate estate consists of the spouse's separate property, as defined above. The community estate consists of all other property, other than separate property, acquired by either spouse during marriage.

Please answer the following questions "Yes" or "No." If you answer "Yes" to any of the following questions, then consult with your attorney on how to proceed, what information and documents you will need, and how to complete the items on this schedule that correspond to the numbers:

25.1, 25.2, 30.3, 32.3 Has the community estate made any payments on the unsecured liabilities of your separate estate or your spouse's separate estate?

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25.1, 25.2, 30.3, 32.3 Has the community estate made any payments on the secured liabilities of your separate estate or your spouse's separate estate?

25.1, 25.2, 30.3, 32.3 Has the community estate been used to make capital improvements to your separate estate or to your spouse's separate estate other than by incurring debt?

25.1, 25.2, 30.3, 32.3 Has either spouse received inadequate compensation for the time, toil, talent, and effort spent working for a separate-property business owned by the spouse that is under the spouse's control and direction?

28.F, 29.2, 31.2 Has your separate estate or your spouse's separate estate made any payments on the unsecured liabilities of the community estate?

28.F, 29.2, 31.2 Has your separate estate or your spouse's separate estate made any payments on the secured liabilities of the community estate?

28.F, 29.2, 31.2 Has your separate estate or your spouse's separate estate been used to make capital improvements to the community estate other than by incurring debt?

29.3, 32.2 Has your separate estate made any payments on the unsecured liabilities of your spouse's separate estate?

29.3, 32.2 Has your separate estate made any payments on the secured liabilities of your spouse's separate estate?

29.3, 32.2 Has your separate estate been used to make capital improvements to your spouse's separate estate other than by incurring debt?

30.2, 31.3 Has your spouse's separate estate made any payments on the unsecured liabilities of your separate estate?

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30.2, 31.3 Has your spouse's separate estate made any payments on the secured liabilities of your separate estate?

30.2, 31.3 Has your spouse's separate estate been used to make capital improvements to your separate estate other than by incurring debt?

Copies of Documents to Be Returned

If an asset has a statement of account, return a copy of the current statement of account with this Preparation of Inventory and Appraisement. If an asset has a title document (deed, deed of trust, title to motor vehicle), return a copy with this Preparation of Inventory and Appraisement. If an asset has any document that can clearly identify it, return a copy with this Preparation of Inventory and Appraisement.

Here is a checklist of some of the copies of items you should return with this Preparation of Inventory and Appraisement:

1. financial institution statements;
2. bank statements;
3. annuity statements;
4. IRA statements;
5. SEP statements;
6. certificate of deposit statements;
7. retirement benefits statements of account;
8. life insurance policies and premium notices;
9. broker statements;

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10. deeds;

11. deeds of trust;

12. mortgage company payment coupon books (usually one page is enough);

13. titles to motor vehicles;

14. stocks;

15. last statement from each creditor, including credit card statements;

16. appraisals;

17. any other documents that may lead to the discovery of assets or liabilities.

PLEASE ATTACH SUPPORTING DOCUMENTS FOR EACH ITEM LISTED IN THE MARITAL PROPERTY INVENTORY WORKSHEET AND LABEL EACH DOCUMENT (BY USING A SEPARATE FILE OR STICKY NOTE) WITH THE CORRESPONDING NUMBER IN THE INVENTORY AND APPRAISEMENT. PLEASE PERFORM THIS TASK EVEN IF YOU HAVE OTHERWISE GIVEN US THE DOCUMENTS. IF YOU NEED ACCESS TO A DOCUMENT FOR THIS PURPOSE, PLEASE COME TO OUR OFFICE AND USE ONE OF THE CONFERENCE ROOMS TO COMPLETE THIS ASSIGNMENT. IT IS VERY IMPORTANT WE HAVE BACKUP DOCUMENTATION FOR EACH ASSET AND DEBT.

WARNING—Please do not write on the original documents themselves. Use sticky notes, please.

Full Disclosure

Finally, your attorney will rely on your completed worksheet to prepare your Inventory and Appraisement in the case. If you omit any asset, the court could set it aside to your spouse now or at a later date. If you omit a liability, you may be solely responsible for it. By your sig-

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nature below, you verify that these are all the assets and liabilities of community and separate property of which you have knowledge.

Verification

"I have read these instructions and I state that all the community- and separate-property assets and liabilities are fully disclosed on the attached Marital Property Inventory Worksheet."

_____

[**Name**]
Date:

Form 7-3

Client Name: _____

Marital Property Inventory Worksheet

We will need the following information in preparing your divorce proceedings. Please answer all questions; if a question does not apply, please mark it "N/A." Please do not hesitate to ask if you have any questions. If more pages are required for any category of asset, please attach additional pages.

NOTICE OF CONFIDENTIALITY

THE CONTENTS OF THIS DOCUMENT CONSTITUTE ATTORNEY WORK PRODUCT, ARE CONFIDENTIAL, AND ARE NOT TO BE DISCLOSED TO THIRD PERSONS OTHER THAN THOSE TO WHOM DISCLOSURE IS MADE IN FURTHERANCE OF THE RENDITION OF PROFESSIONAL LEGAL SERVICES.

1. Real Estate

(Include any property purchased by contract for deed, such as Texas Veterans Land Board property, property purchased in recreational developments, and time-shares.)

1.1 Home Owned:

Street address: _____

County of location: _____

General description: _____

_____

Legal description: _____

_____

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Current fair market value: $ _____ as of _____

Sources of value (i.e., local appraisal district, independent appraisal) _____

_____

Exact name of mortgage company and account number, if any: _____

_____

Current balance of mortgages: $ _____

a. First mortgage

Name of lienholder and account number: _____

_____

Current balance of lien: $ _____ as of _____

Monthly payment: $ _____ Due date: _____ Interest rate: _____

b. Second lien

Name of second lienholder and account number: _____

_____

Current balance of second lien: $ _____ as of _____

Monthly payment: $ _____ Due date: _____ Interest rate: _____

Current net equity in property: $ _____

Date property was acquired: _____

Amount of purchase price: $ _____

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Down payment and source of down payment: $_____

Exact name on title: _____

Who lives in the house now? _____

Who wishes to live in the house after the divorce? _____

Comments: _____

_____

1.2 Other Real Estate:

General description: _____

_____

Location: _____

Description of improvements, if any: _____

_____

Source(s) of value (i.e., local appraisal district, independent appraisal) _____

_____

Legal description: _____

_____

Other owners: _____

Date acquired: _____ Total cost: $ _____

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Amount of purchase price: $_____

Record title owner: _____

Down payment and source of down payment: $_____

First lienholder: _____

Address: _____

Monthly payment: $ _____ Due date: _____ Interest rate: _____

Balance due: $ _____ as of _____

Second lienholder: _____

Address: _____

Monthly payment: $ _____ Due date: _____ Interest rate: _____

Balance due: $ _____ as of _____

1.3 Transfer on Death Deeds

If you have signed a transfer on death deed in favor of your spouse, please specifically identify the real property above that is affected by the deed.

2. Mineral Interests

(Include any property in which the parties own the mineral estate, separate and apart from the surface estate, such as oil and gas leases; also include royalty interests, working interests, and producing and nonproducing oil and gas wells.)

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a. Name of mineral interest/lease/well: _____

Type of interest: _____

County of location: _____

Legal description: _____

Name of producer or operator: _____

Current value: $ _____

Source(s) of value: _____

b. Name of mineral interest/lease/well: _____

Type of interest: _____

County of location: _____

Legal description: _____

Name of producer or operator: _____

Current value: $ _____

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Source(s) of value: _____

3. Cash and Accounts with Financial Institutions

(Include cash, traveler's checks, money orders, and accounts with commercial banks, savings and loan associations, and credit unions; exclude accounts with brokerage houses and all retirement accounts.)

3.1 Checking Accounts:

a. Name of financial institution: _____

Address: _____

Account officer: _____

Account number: _____

Account name: _____

Type of account: _____

Name(s) on withdrawal cards: _____

Current balance: $ _____ as of _____

Source(s) of value/balance: _____

When account opened: _____

Source of funds: _____

Use of account: _____

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b. Name of financial institution: _____

Address: _____

Account officer: _____

Account number: _____

Account name: _____

Type of account: _____

Name(s) on withdrawal cards: _____

Current balance: $ _____ as of _____

Source(s) of value/balance: _____

When account opened: _____

Source of funds: _____

Use of account: _____

c. Name of financial institution: _____

Address: _____

Account officer: _____

Account number: _____

Account name: _____

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Type of account: _____

Name(s) on withdrawal cards: _____

Current balance: $ _____ as of _____

Source(s) of value/balance: _____

When account opened: _____

Source of funds: _____

Use of account: _____

3.2 Savings Accounts:

a. Name of financial institution: _____

Address: _____

Account officer: _____

Account number: _____

Account name: _____

Type of account: _____

Name(s) on withdrawal cards: _____

Current balance: $ _____ as of _____

Source(s) of value/balance: _____

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When account opened: _____

Source of funds: _____

Use of account: _____

Pledged: _____ To: _____

Reason: _____

b. Name of financial institution: _____

Address: _____

Account officer: _____

Account number: _____

Account name: _____

Type of account: _____

Name(s) on withdrawal cards: _____

Current balance: $ _____ as of _____

Source(s) of value/balance: _____

When account opened: _____

Source of funds: _____

Use of account: _____

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Pledged: _____ To: _____

Reason: _____

3.3 Certificates of Deposit:

a. Name of financial institution: _____

Address: _____

Account officer: _____

Phone: _____

C.D. in the name of: _____

Amount of C.D.: $ _____ Interest rate: _____

Source(s) of value/balance: _____

When purchased: _____ When due: _____

Where is C.D. now? _____

Source of funds: _____

Pledged: _____ To: _____

Reason: _____

b. Name of financial institution: _____

Address: _____

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Account officer: _____

Phone: _____

C.D. in the name of: _____

Amount of C.D.: $ _____ Interest rate: _____

Source(s) of value/balance: _____

When purchased: _____ When due: _____

Where is C.D. now? _____

Source of funds: _____

Pledged: _____ To: _____

Reason: _____

4. Brokerage and Mutual Fund Accounts

a. Name of brokerage firm or mutual fund: _____

Address of brokerage firm or mutual fund: _____

Name(s) account held in: _____

Name of account (and subaccounts, if any): _____

Account number (and numbers of subaccounts, if any): _____

_____

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Margin loan balance: $_____ as of _____

Value of community interest in each account (and subaccounts, if any):

$ _____ as of _____

Source(s) of value/balance: _____

Tax basis of each security held: $_____

b. Name of brokerage firm or mutual fund: _____

Address of brokerage firm or mutual fund: _____

Name(s) account held in: _____

Name of account (and subaccounts, if any): _____

Account number (and numbers of subaccounts, if any): _____

Margin loan balance: $_____ as of _____

Value of community interest in each account (and subaccounts, if any):

$ _____ as of _____

Source(s) of value/balance: _____

Tax basis of each security held: $_____

5. Publicly Traded Stocks, Bonds, and Other Securities

(Include securities not in a brokerage account, mutual fund, or retirement fund.)

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5.1 Stocks:

a. Name of security: _____

Number of shares: _____

Type of security (common stock, preferred stock, bond, or other description):

_____

Certificate numbers: _____

Location of certificates: _____

Name of exchange on which listed: _____

Pledged as collateral? ___ yes ___ no

If yes, explain terms, to whom pledged, and other details surrounding pledge of securities as collateral: _____

_____

Date acquired: _____

Tax basis: $_____

Current market value: $ _____ as of _____

Source(s) of value: _____

Value of community interest: $ _____ as of _____

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5.2 Bonds:

a. Name of issuer: _____

Address: _____

Serial number of bond: _____ Denomination: _____

Date acquired: _____

Cost: $ _____ Value: $ _____ as of _____

Source(s) of value: _____

Value of community interest: $ _____ as of _____

Registered owner: _____

Source of funds: _____

Interest rate: _____ Interest payable: _____

Convertible: _____ Due date: _____

Pledged: _____ To: _____

Reason: _____

6. Employee Stock Benefit Plans

(Include all stock options (qualified and nonqualified), restricted stock awards (RSAs), restricted stock units (RSUs), and Employee Stock Purchase Plans.)

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6.1 Stock Options (include all stock options, whether exercisable, nonexercisable, vested, nonvested, transferable, or nontransferable, regardless of any restrictions on transfer, but if the stock was once an option and is currently owned without restrictions, list that stock in section 5. above)

a. Name of company: _____

Date of option or grant: _____

Number of options: _____

Vesting schedule: _____

Are the options exercisable? _____ Are the options registered? _____

Current stock price: $ _____ as of _____

Strike price: $ _____

Current net market value: $ _____ as of _____

Source(s) of value: _____

Value of community interest: $ _____ as of _____

If purchased, total purchase price of option contract (including commissions):

$ _____

b. Name of company: _____

Date of option or grant: _____

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Number of options. _____

Vesting schedule: _____

Are the options exercisable? _____ Are the options registered? _____

Current stock price: $ _____ as of _____

Strike price: $ _____

Current net market value: $ _____ as of _____

Source(s) of value: _____

Value of community interest: $ _____ as of _____

If purchased, total purchase price of option contract (including commissions):

$ _____

6.2 Restricted Stock (include all restricted stock awards and restricted stock units regardless of any restrictions on transfer, but if the stock was once restricted and currently owned without restrictions, list that stock in section 5. above)

a. Name of company: _____

Date of award/grant: _____

Number of shares/units: _____

Vesting schedule: _____

Current stock price: $ _____ as of _____

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Current net market value: $ _____ as of _____

Value of community interest: $ _____ as of _____

Source(s) of value: _____

b. Name of company: _____

Date of award/grant: _____

Number of shares/units: _____

Vesting schedule: _____

Current stock price: $ _____ as of _____

Current net market value: $ _____ as of _____

Value of community interest: $ _____ as of _____

Source(s) of value: _____

6.3 Employee Stock Purchase Plans

a. Name of company: _____

Number of shares/units: _____

Current stock price: $ _____ as of _____

Current net market value: $ _____ as of _____

Value of community interest: $ _____ as of _____

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Source(s) of value: _____

b. Name of company: _____

Number of shares/units: _____

Current stock price: $ _____ as of _____

Current net market value: $ _____ as of _____

Value of community interest: $ _____ as of _____

Source(s) of value: _____

7. Bonuses

a. Name of company: _____

Spouse earning bonus: _____

Date bonus expected to be paid: _____

Time period covered by bonus: _____

Anticipated amount of bonus: $ _____

Source(s) of value: _____

b. Name of company: _____

Spouse earning bonus: _____

Date bonus expected to be paid: _____

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Time period covered by bonus: _____

Anticipated amount of bonus: $ _____

Source(s) of value: _____

8. Closely Held Business Interests

(Include sole proprietorships, professional practices, corporations, partnerships, limited liability companies and partnerships, joint ventures, and other nonpublicly traded business entities.)

a. Name of business: _____

Address of business: _____

Type of business organization: _____

Percentage of ownership (if partnership or LLC): _____

Number of shares owned (if corporation): _____

Members in business: _____

Annual income from business: $ _____

Type of business: _____

Date business began: _____

Source of funds in business: _____

Value of interest: $ _____ as of _____

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Source(s) of value: _____

Is there a written organizational agreement? _____

Assets owned by business (include financial accounts, real property, vehicles, equipment, etc. owned by the business): _____

_____

_____

_____

Comments: _____

_____

9. Retirement Benefits

9.1 Defined Contribution Retirement Plans (a plan that provides for an individual account for a participant and for benefits based solely on the amount contributed to the participant's account, such as 401(k), Thrift Plans, etc.):

a. Exact name of plan: _____

Name and address of plan administrator: _____

Employee spouse: _____

Employer: _____

Starting date of creditable service: _____

Account name: _____

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Account number: _____

Account balance as of date of marriage: $ _____

Payee of survivor benefits: _____

Has beneficiary been designated? ___ yes ___ no

If so, identify beneficiary(ies): _____

Current balance: $ _____ as of _____

Source(s) of value/balance: _____

Value of community interest in plan: $ _____ as of _____

Current loan balance: $ _____ as of _____

9.2 Defined Benefit Retirement Plans or Pensions (any plan that is not a defined contribution plan and that usually involves payment of benefits according to a formula):

a. Exact name of plan: _____

Name and address of plan administrator: _____

Employee spouse: _____

Employer: _____

Starting date of creditable service: _____

Designated beneficiary(ies): _____

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Payee of survivor benefits: _____

Description of benefits: _____

Current balance: $ _____ as of _____

Source(s) of value/balance: _____

Value of community interest in plan: $ _____ as of _____

9.3 IRA/SEP:

a. Name of financial institution: _____

Account name: _____

Account number: _____

Payee of survivor benefits: _____

Designated beneficiary(ies): _____

Current account balance: $ _____ as of _____

Source(s) of value/balance: _____

Value of community interest in plan: $ _____ as of _____

b. Name of financial institution: _____

Account name: _____

Account number: _____

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Payee of survivor benefits: _____

Designated beneficiary: _____

Current account balance: $ _____ as of _____

Source(s) of value/balance: _____

Value of community interest in plan: $ _____ as of _____

9.4 Military Retirement Benefits:

a. Branch of service: _____

Name of servicemember: _____

Rank/pay grade of servicemember: _____

Starting date of creditable service: _____

Status of servicemember (active, reserve, or retired): _____

Payee of survivor benefits: _____

Description of benefits: _____

Monthly benefit payable: $ _____

Source(s) of value: _____

Value of community interest in plan: $ _____ as of _____

Percentage of plan that is community: _____%

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9.5 Nonqualified Plans (Not under ERISA):

a. Name of financial institution: _____

Account name: _____

Account number: _____

Account balance as of date of marriage: $ _____

Payee of survivor benefits: _____

Has beneficiary been designated? ___ yes ___ no

If so, identify beneficiary(ies): _____

Value of community interest in plan: $ _____ as of _____

Source(s) of value: _____

9.6 Government Benefits (civil service, teacher, railroad, state, and local):

a. Name of plan: _____

Account name: _____

Account number: _____

Account balance as of date of marriage: $ _____

Has beneficiary been designated? ___ yes ___ no

If so, identify beneficiary(ies): _____

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Value of community interest in plan: $ _____ as of _____

Source(s) of value: _____

10. Other Deferred Compensation Benefits

(Examples include workers' compensation, disability benefits, other "special payments," and any other forms of compensation.)

10.1 Yours:

a. Description of assets: _____

_____

Value: $ _____

Source(s) of value: _____

10.2 Your Spouse's:

a. Description of assets: _____

_____

Value: $ _____

Source(s) of value: _____

11. Insurance and Annuities

11.1 Life Insurance:

a. Name of insurance company: _____

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Policy number: _____

Name of insured: _____

Name of owner: _____

Type of insurance (term/whole/universal): _____

Amount of premiums: $ _____ (monthly/quarterly/semiannually)

Date of issue: _____

Face amount: $ _____

Cash surrender value on date of marriage: $ _____

Current cash surrender value: $ _____

Source(s) of value: _____

Designated beneficiary(ies): _____

Balance of loan against policy, if any: $ _____

Value of community interest: $ _____ as of _____

b. Name of insurance company: _____

Policy number: _____

Name of insured: _____

Name of owner: _____

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Type of insurance (term/whole/universal): _____

Amount of premiums: $ _____ (monthly/quarterly/semiannually)

Date of issue: _____

Face amount: $ _____

Cash surrender value on date of marriage: $ _____

Current cash surrender value: $ _____

Source(s) of value: _____

Designated beneficiary(ies): _____

Balance of loan against policy, if any: $ _____

Value of community interest: $ _____ as of _____

11.2 Annuities:

a. Name of company: _____

Policy number: _____

Name of annuitant: _____

Name of owner: _____

Type of annuity: _____

Amount of premiums: $ _____ (monthly/quarterly/semiannually)

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Date of issue: _____

Face amount: $ _____

Designated beneficiary(ies): _____

Value on date of marriage: $ _____

Current value: $ _____ as of _____

Source(s) of value: _____

Balance of loan against policy, if any: $ _____

Value of community interest: $ _____ as of _____

11.3 Health Savings Accounts:

a. Institution holding account: _____

Account number: _____

Value of assets in account: $ _____ as of _____

Source(s) of value/balance: _____

Name of high-deductible health plan with which the HSA is coupled: _____

_____

11.4 Medical Savings Accounts:

a. Institution holding account: _____

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Account number: _____

Value of assets in account: $ _____ as of _____

Source(s) of value/balance: _____

Name of high-deductible health plan with which the MSA is coupled: _____

_____

12. Motor Vehicles, Boats, Airplanes, Cycles, Etc.

(Include mobile homes, trailers, and recreational vehicles, but do not include vehicles owned by a business entity.)

12.1 Vehicles Owned:

a. Year: _____ Make: _____ Model: _____

Name on title: _____

In possession of: _____

Vehicle identification number: _____

Current fair market value: $ _____

Source(s) of value: _____

Does vehicle have loan against it? ____ yes ____ no

If yes, state:

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Exact name of creditor: _____

Current balance: $ _____ as of _____

Current net equity in vehicle: $ _____ Date acquired: _____

Source of down payment: _____

Who drives the vehicle? _____

b. Year: _____ Make: _____ Model: _____

Name on title: _____

In possession of: _____

Vehicle identification number: _____

Current fair market value: $ _____

Source(s) of value: _____

Does vehicle have loan against it? ____ yes ____ no

If yes, state:

Exact name of creditor: _____

Current balance: $ _____ as of _____

Current net equity in vehicle: $ _____ Date acquired: _____

Source of down payment: _____

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Who drives the vehicle? _____

c. Year: _____ Make: _____ Model: _____

Name on title: _____

In possession of: _____

Vehicle identification number: _____

Current fair market value: $ _____

Source(s) of value: _____

Does vehicle have loan against it? ____ yes ____ no

If yes, state:

Exact name of creditor: _____

Current balance: $ _____ as of _____

Current net equity in vehicle: $ _____ Date acquired: _____

Source of down payment: _____

Who drives the vehicle? _____

13. Money Owed to Me or My Spouse

(Do not include any expected federal or state income tax refund or receivables connected with a business entity.)

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a. Name of debtor: _____

Debtor's relationship to you: _____

Purpose of loan: _____

Is debt evidenced in writing? ___ yes ___ no

Is debt secured? ___ yes ___ no

If so, detail security: _____

Is debt reasonably expected to be paid? ___ yes ___ no

Current loan balance: $ _____ as of _____

Balance of any accounts receivable: $ _____

Source(s) of value/balance: _____

b. Name of debtor: _____

Debtor's relationship to you: _____

Purpose of loan: _____

Is debt evidenced in writing? ___ yes ___ no

Is debt secured? ___ yes ___ no

If so, detail security: _____

Is debt reasonably expected to be paid? ___ yes ___ no

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Current loan balance: $ _____ as of _____

Balance of any accounts receivable: $ _____

Source(s) of value/balance: _____

14. Household Furniture, Furnishings, and Fixtures

State your opinion of the fair market value of the household furniture, furnishings, and fixtures. Fair market value is not necessarily the cost or the replacement value. If you expect a dispute about the division of this property, you may want to attach an itemized list of major items by room. If you or your spouse will contend that any of the property was owned before your marriage or acquired during the marriage by gift or inheritance, please so indicate.

14.1 In Your Possession (attach separate sheet(s) by room if necessary): _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

14.2 In Your Spouse's Possession (attach separate sheet(s) by room if necessary): _____

_____

_____

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_____

_____

Fair market value: $ _____

Source(s) of value: _____

15. Electronics and Computers

15.1 In Your Possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

15.2 In Your Spouse's Possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

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16. Antiques, Artwork, and Collections

(Include any works of art, such as paintings, tapestry, rugs, and coin or stamp collections.)

16.1 In Your Possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

16.2 In Your Spouse's Possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

17. Miscellaneous Sporting Goods and Firearms

17.1 In Your Possession: _____

_____

_____

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_____

_____

Fair market value: $ _____

Source(s) of value: _____

17.2 In Your Spouse's Possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

18. Jewelry and Other Personal Items

(List major items and state value.)

18.1 In Your Possession: _____

_____

_____

_____

_____

Fair market value: $ _____

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Source(s) of value: _____

18.2 In Your Spouse's Possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

19. Livestock and Pets

(Include cattle, horses, frozen semen or embryos, dogs, cats, and so forth.)

19.1 In Your Possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

19.2 In Your Spouse's Possession: _____

_____

_____

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_____

_____

Fair market value: $ _____

Source(s) of value: _____

20. Club Memberships

a. Name of club: _____

Name membership held in: _____

Account number: _____

Current value: $ _____ as of _____

Source(s) of value: _____

21. Travel Award Benefits

(Include frequent-flyer mileage accounts.)

a. Name of airline: _____

Account number: _____

Name on account: _____

Current number of miles or points: _____ as of _____

Value (if any): $ _____

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Source(s) of value: _____

22. Other Assets

22.1 Miscellaneous Assets

(Include intellectual property (such as musical, literary, and artistic/creative works; discoveries and inventions; copyright, trademarks, patents, and so forth), licenses, crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection described elsewhere in this document, estimated tax payments, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names.)

22.1.A. In your possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

22.1.B. In your spouse's possession: _____

_____

_____

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_____

_____

Fair market value: $ _____

Source(s) of value: _____

22.2 Digital Assets

(Anything that exists in digital form, that is, data in the form of binary digits, including such items as Bitcoin or other forms of cryptocurrency, e-mail addresses, social network accounts, websites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts.)

22.2.A. In your possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

22.2.B. In your spouse's possession: _____

_____

_____

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_____

_____

Fair market value: $ _____

Source(s) of value: _____

22.3 Virtual Assets

(Intangibles used in virtual worlds or MMORPGs (massively multiplayer online role playing games), virtual pets, avatars, accessories for characters, prizes, virtual real estate, or virtual currency.)

22.3.A. In your possession: _____

_____

_____

_____

_____

Fair market value: $ _____

Source(s) of value: _____

22.3.B. In your spouse's possession: _____

_____

_____

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_____

_____

Fair market value: $ _____

Source(s) of value: _____

22.4 Tax Assets

(Tax refunds, estimated tax payments, carryovers, carryforwards, etc.)

22.4.A. Income tax refunds

Income tax year for the refund: _____

Amount of income tax refund: $ _____

22.4.B. Estimated tax payments

Applicable income tax year: _____

Amount of estimated payments made: $ _____

22.4.C. Income tax carryover or carryforward

Applicable income tax year: _____

Amount of income tax carryover/carryforward: $ _____

23. Safe-Deposit Boxes

a. Name of financial institution or other depository: _____

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Box number: _____

Names of persons who have access to contents: _____

_____

Items in safe-deposit box: _____

Value of items in safe-deposit box: _____

Source(s) of value: _____

b. Name of financial institution or other depository: _____

Box number: _____

Names of persons who have access to contents: _____

_____

Items in safe-deposit box: _____

Value of items in safe-deposit box: _____

Source(s) of value: _____

24. Storage Facilities

a. Name of facility: _____

Address of facility: _____

Unit number: _____

Length of lease: _____

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Terms of lease: _____

Names of persons who have access to contents: _____

_____

Items in storage unit: _____

Value of items in storage unit: _____

Source(s) of value: _____

b. Name of facility: _____

Address of facility: _____

Unit number: _____

Length of lease: _____

Terms of lease: _____

Names of persons who have access to contents: _____

_____

Items in storage unit: _____

Value of items in storage unit: _____

Source(s) of value: _____

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25. Community Claims for Reimbursement

25.1 Reimbursement Claim against Your Separate Estate: (See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of value: _____

25.2 Reimbursement Claim against Your Spouse's Separate Estate: (See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of value: _____

26. Reconstitution of the Community Estate for Fraud or Waste

26.1 Your Claim for Reconstitution of the Community Estate:

Description of basis of claim: _____

Value: $ _____

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Source(s) of value: _____

26.2 Your Spouse's Claim for Reconstitution of the Community Estate:

Description of basis of claim: _____

Value: $ _____

Source(s) of value: _____

27. Contingent Assets

(For example, lawsuits by either party against a third party.)

Nature of claim: _____

Amount of claim: _____

Source(s) of value: _____

Legal representative, if any: _____

Address: _____

Cause number: _____

Court where case is pending: _____

Name of opposing attorney, if any: _____

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Address: _____

28. Sole and Joint Liabilities

28.1 Credit Cards and Charge Accounts:

a. Name of creditor: _____

Account number: _____

Name(s) on account: _____

Current balance: $ _____ as of _____

Balance as of date of separation: $ _____

Balance on date of marriage: $ _____

Who charged what on this account? _____

Who will be responsible after divorce? _____

Source(s) of balance: _____

b. Name of creditor: _____

Account number: _____

Name(s) on account: _____

Current balance: $ _____ as of _____

Balance as of date of separation: $ _____

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Balance on date of marriage: $ _____

Who charged what on this account? _____

Who will be responsible after divorce? _____

Source(s) of balance: _____

c. Name of creditor: _____

Account number: _____

Name(s) on account: _____

Current balance: $ _____ as of _____

Balance as of date of separation: $ _____

Balance on date of marriage: $ _____

Who charged what on this account? _____

Who will be responsible after divorce? _____

Source(s) of balance: _____

d. Name of creditor: _____

Account number: _____

Name(s) on account: _____

Current balance: $ _____ as of _____

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Balance as of date of separation: $ _____

Balance on date of marriage: $ _____

Who charged what on this account? _____

Who will be responsible after divorce? _____

Source(s) of balance: _____

28.2 Federal, State, and Local Tax Liability:

28.2.A. Amount owed in any previous tax year(s):

Year(s) and amount(s) owed: _____

Description of liability, such as federal income tax, property taxes: _____

Source(s) of amount owed: _____

28.2.B. Amount owed for current year:

Amount owed: $ _____

Source(s) of amount owed: _____

28.3 Attorney's Fees in This Case:

a. You: $ _____ as of _____

b. Your spouse: $ _____ as of _____

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28.4 Other Professional Fees in This Case:

a. You: $ _____ as of _____

b. Your spouse: $ _____ as of _____

28.5 Other Liabilities Not Otherwise Listed Elsewhere in This Document:

Name of creditor: _____

Name(s) on account: _____

Account number: _____

Is loan evidenced in writing? _____

Margin account balances: _____

Party incurring liability: _____

Party actually signing: _____

Current balance: $ _____ as of _____

Source(s) of balance: _____

Security, if any: _____

28.6 Reimbursement Claims against Community Estate:

28.6.A. Reimbursement claim by your separate estate against community estate: (See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

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Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of amount: _____

28.6.B. Reimbursement claim by your spouse's separate estate against community estate: (See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of amount: _____

28.7 Pledges: (include charitable, church, and school related):

Name of recipient: _____

Address of recipient: _____

Date of pledge: _____

Total amount of pledge: $ _____

Is pledge payable in installments? _____

If payable in installments, date each installment payment is due: _____

If payable in installments, amount of each installment: $ _____

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28.8 Contingent Liabilities (for example, lawsuit against either party, guaranty either party may have signed):

Name of creditor: _____

Name of person primarily liable: _____

Amount of contingent liability: $ _____

Source(s) of balance: _____

Nature of contingency: _____

29. Your Separate Assets

(Generally defined as assets owned before marriage or assets acquired during marriage by gift or inheritance or as a result of personal injury; may include real property, mineral interests, cash and financial accounts, brokerage and mutual fund accounts, stocks, bonds, other securities, stock options, bonuses, closely held business interests, retirement benefits, deferred compensation benefits, insurance and annuities, vehicles, boats, airplanes, cycles, notes receivable, household furnishings, electronics, antiques, art, miscellaneous sporting goods and firearms, jewelry and other personal items, livestock, club memberships, travel awards, miscellaneous assets, digital assets, virtual assets, and contingent assets.)

29.1 General Assets:

a. Description of asset: _____

Date property acquired: _____

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How acquired: (for example, by gift, by devise, by descent, or owned before marriage): _____

_____

Value: $ _____ as of _____

Source(s) of value: _____

29.2 Your Separate Reimbursement Claim against Community Estate: (See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of value: _____

29.3 Your Separate Reimbursement Claim against Your Spouse's Separate Estate: (See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of value: _____

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30. Liabilities of Your Separate Estate

30.1 General Liabilities:

a. Description of liability: _____

Date of liability: _____

How liability acquired: _____

Amount of liability: $ _____ as of _____

Source(s) of amount: _____

30.2 Your Spouse's Separate Reimbursement Claim against Your Separate Estate:

(See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of value: _____

30.3 Community Reimbursement Claim against Your Separate Estate: (See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

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Source(s) of value: _____

31. Your Spouse's Separate Assets

(See general definition of separate assets preceding item 29.1.)

31.1 General Assets:

a. Description of asset: _____

Date property acquired: _____

How acquired: (for example, by gift, by devise, by descent, or owned before marriage): _____

_____

Value: $ _____ as of

Source(s) of value: _____

31.2 Your Spouse's Separate Reimbursement Claim against Community Estate: (See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of value: _____

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31.3 Your Spouse's Separate Reimbursement Claim against Your Separate Estate:

(See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of value: _____

32. Liabilities of Your Spouse's Separate Estate

32.1 General Liabilites:

a. Description of liability: _____

Date of liability: _____

How liability acquired: _____

Amount of liability: $ _____ as of _____

Source(s) of amount: _____

32.2 Your Separate Reimbursement Claim against Your Spouse's Separate Estate:

(See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

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Source(s) of value: _____

32.3 Community Reimbursement Claim against Your Spouse's Separate Estate: (See section entitled "Reimbursement" in the instructions accompanying this worksheet before completing this section.)

Description of basis of claim: _____

Amount claimed: $ _____

Source(s) of value: _____

33. Children's Property

33.1 Custodial Account under Texas Uniform Transfers to Minors Act:

a. Name of financial institution: _____

Name of account: _____

Account number: _____

Amount on deposit: $ _____ as of _____

Source(s) of value/balance: _____

Name of minor for whom funds were deposited: _____

Name of custodian: _____

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33.2 529 Plans or Other College Savings Plans:

a. Financial institution or entity administering the plan: _____

Name on account: _____

Account number: _____

Is the plan a 529 plan, prepaid plan, or savings plan? _____

Value of assets in the plan: $ _____ as of _____

Name of child for whom funds were deposited: _____

Custodian of account: _____

Source(s) of funds: _____

Source(s) of value: _____

33.3 Other Property of Children:

_____

_____

Source(s) of value: _____

34. Trusts

a. Name of trust: _____

Type of trust: _____

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Name and address of trustee: _____

Beneficiary(ies): _____

Description of assets held in trust: _____

Date the trust was created: _____

Value of assets held in trust: $ _____ as of _____

Source(s) of value: _____

35. Assets Held by Either Party for Benefit of Another (Other than Trusts)

a. Name(s) of person(s) holding assets: _____

Description of assets: _____

Name and title of fiduciary (for example, executor or trustee): _____

_____

Name of owner of beneficial interest: _____

Value of assets: $ _____ as of _____

Source(s) of value: _____

36. Assets Held for Benefit of Either Party as Beneficiary (Other than Trusts)

a. Name(s) of person(s) holding assets: _____

Description of assets: _____

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Name and title of fiduciary (for example, executor or trustee): _____

_____

Name of owner of beneficial interest: _____

Value of assets: $ _____ as of _____

Source(s) of value: _____

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Form 7-4

This form is intended to be an appendix to form 7-3, Marital Property Inventory Worksheet.

Information Required to Evaluate Rights of Reimbursement

In this questionnaire, the term "marital estate" means one of three estates: (1) the community marital estate, (2) the separate marital estate owned individually by one spouse, and (3) the separate marital estate owned individually by the other spouse.

Required Information:

(1) If there has been a payment by one marital estate of the unsecured liabilities of another marital estate, please provide the following information:

Identify the estate that paid the unsecured liabilities: _____

Identify the estate that benefited: _____

Describe the unsecured liabilities that were paid and why they were paid: _____

_____

The date and amount of the payment: _____ $_____

Please describe all documentation known to you that is relevant to this issue: _____

_____

(2) If there has been inadequate compensation received by one marital estate for the time, toil, and effort of a spouse that benefited a business entity under the control and direction of that spouse, please provide the following information:

The spouse who provided the time, toil, and effort: _____

The name of the business entity that benefited: _____

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State the relationship of the spouse who provided the time, toil, and effort to the benefited business: _____

Quantify the time, toil, and effort you believe were spent and state why you believe the community was not adequately compensated: $_____

Quantify the increase in value of the business that you attribute to the uncompensated time, toil, and effort: $_____

Please describe all documentation known to you that is relevant to this issue: _____

_____

(3) Please state the amount of reduction of the principal amount of a debt that existed at the time of marriage and that was secured by lien on any property owned before marriage to the extent the debt existed at the time of marriage: $_____

Please describe all documentation known to you that is relevant to this issue: _____

_____

(4) Please state the amount of reduction of the principal amount of a debt secured by lien on any property received by a spouse by gift, devise, or descent during the marriage, to the extent the debt existed at the time the property was received: $_____

Please describe all documentation known to you that is relevant to this issue: _____

_____

(5) Please state the amount of reduction of the principal amount of that part of a debt (including a home equity loan) incurred during marriage that was secured by lien on a spouse's separate property incurred for the acquisition of or capital improvements to the property: $_____

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Please describe all documentation known to you that is relevant to this issue: _____

_____

(6) Please state the amount of reduction of the principal amount of that part of a debt incurred during marriage that was secured by lien on the separate property owned by a spouse for which the creditor agreed to look for repayment solely to the separate marital estate of the spouse on whose property the lien attached and that was incurred for the acquisition of or for capital improvements to the property: $_____

Please describe all documentation known to you that is relevant to this issue: _____

_____

(7) If the principal amount of any debt described in questions (3) through (6) above has been refinanced, please state the amount of the principal reduction caused by the refinance: $_____

Please describe all documentation known to you that is relevant to this issue: _____

_____

(8) If there have been any capital improvements to a spouse's separate property, other than by incurring debt, please state the value of the property—

before the improvements were made: $_____

after the improvements were made: $_____

Please describe all documentation known to you that is relevant to this issue: _____

_____

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(9) If the community estate has reduced any unsecured debt incurred by the separate estate of one of the spouses, please state the amount of the reduction: $_____

Please describe all documentation known to you that is relevant to this issue: _____

_____

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Chapter 8

Ancillary Motions and Proceedings

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[Forms 8-62 through 8-70 are reserved for expansion.]

Form 8-71 Letter to Client Regarding Notice of Dismissal for Want of Prosecution 837

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[Forms 8-79 and 8-80 are reserved for expansion.]

Form 8-81 Motion for Use of Emergency Procedures 851

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Form 8-1

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Entry of Appearance/Designation of Attorney in Charge]

Use the following if the current law firm wants to designate a new lead counsel.

[**Name of client**], [**party designation**], designates [**name of attorney**] as the attorney in charge in accordance with rule 8 of the Texas Rules of Civil Procedure. All communications from the Court or other counsel with respect to this suit shall be sent to the attorney in charge.

Use the following if the current law firm has withdrawn and a new attorney has been retained or if the undersigned is replacing a pro se litigant.

[**Name of attorney**] files this Entry of Appearance. All communications from the Court or other counsel with respect to this suit shall be sent to the undersigned.

Use the following if the current law firm has not withdrawn, but the client has hired the new attorney.

[**Name of attorney**] files this Entry of Appearance. [**Name of client**], [**party designation**], designates [**name of attorney**] as the attorney in charge in accordance with rule 8 of the Texas Rules of Civil Procedure. All communications from the Court or other counsel with respect to this suit shall be sent to the undersigned.

Continue with the following.

SIGNED on _____.

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_____

[**Name of client**]

_____

[**Name**]
Attorney for [**name of client**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of client**]

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Form 8-2

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Substitution of Counsel

This Motion for Substitution of Counsel is brought by [**name of client**], who requests the Court to grant permission to substitute [**name of new attorney**] as attorney of record in this case.

[**Name, address, telephone number, telecopier number, and State Bar of Texas identification number of new attorney**] has been employed to represent [**name of client**], as evidenced by [her/his] signature on this motion. [**Name of client**] approves this substitution. This substitution is not sought for delay only.

[**Name of client**] prays that the Court enter an order substituting [**name of new attorney**] and discharging [**name of attorney of record**] as attorney of record for [**name of client**].

_____

[**Name**]
Attorney for [**name of client**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

AGREED TO AND APPROVED:

_____

[**Name of client**]

Notice of Hearing

IT IS ORDERED that the hearing on the above Motion for Substitution of Counsel is set on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of client**]

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Form 8-3

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Substitution of Counsel

On [**date**] the Court considered the Motion for Substitution of Counsel of [**name of client**].

The Court finds that [**name of client**] approves the substitution and that the substitution is not sought for delay only.

IT IS THEREFORE ORDERED that [**name of attorney of record**] is discharged as attorney of record and [**name, address, telephone number, telecopier number, and State Bar of Texas identification number of new attorney**] is substituted as attorney of record for [**name of client**].

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-4

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Withdrawal of Counsel

This Motion for Withdrawal of Counsel is brought by [**name of movant**], who is attorney of record for [**name of client**]. [**Name of movant**] requests the Court to grant [him/her] permission to withdraw as attorney for [**name of client**] in this case. In support, [**name of movant**] shows:

Good cause exists for withdrawal of [**name of movant**] as counsel, in that [[he/she] is unable to effectively communicate with [**name of client**] in a manner consistent with good attorney-client relations/[**name of client**] no longer wishes to retain [**name of movant**] and wishes to represent [himself/herself]/[**state other reason for withdrawal**]].

If another attorney is to be substituted, include the following paragraph and continue with the prayer.

[**Name, address, e-mail address, telephone number, fax number, and State Bar of Texas identification number of new attorney**] has been employed to represent [**name of client**], as evidenced by [his/her] signature on this motion. [**Name of client**] has consented to the substitution of [**name of new attorney**] for [**name of movant**] as counsel, [and the written consent is attached to this motion as Exhibit [**exhibit number/letter**]/as evidenced by [his/her] signature on this motion]. This withdrawal is not sought for delay only.

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If another attorney is *not* to be substituted, include the following paragraphs, selecting as appropriate.

A copy of this motion has been delivered to [**name of client**], who is hereby notified in writing of [his/her] right to object to this motion. [**Name of client**] [has/has not] consented to the motion [**include if applicable:** , and the written consent is attached to this motion as Exhibit [**exhibit number/letter**]/, as evidenced by [his/her] signature on this motion]. The last known address of [**name of client**] is [**address of client**].

Select one of the following.

There are no pending settings or deadlines, including discovery deadlines, in this case.

Or

The settings and deadlines, including discovery deadlines, in this case are as follows: [**specify all pending settings and deadlines**].

Select one of the following.

There have not been any hearings in this case.

Or

The following hearings have been held in this case and have been recorded by the court reporters set forth below:

Type of Hearing	Date of Hearing	Transcript Requested?	Transcript Received?	Court Reporter's Name, Address, Tel. No.

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Continue with the following.

The discovery period in this suit will continue until [**date**].

Select one of the following.

No discovery requests have been served by either party in this case.

Or

Petitioner has served Respondent with the following discovery requests and Respondent has served Petitioner with the following responses:

Type of Discovery Request	Served by Petitioner?		Response Served by Respondent?	
	Yes	No	Yes	No
Interrogatories				
Request for Production				
Request for Disclosure				
Request for Admissions				
[**Other discovery requests**]				

Respondent has served Petitioner with the following discovery requests and Petitioner has served Respondent with the following responses:

Type of Discovery Request	Served by Respondent?		Response Served by Petitioner?	
	Yes	No	Yes	No
Interrogatories				
Request for Production				
Request for Disclosure				
Request for Admissions				
[**Other discovery requests**]				

Select one of the following.

There have not been any oral depositions in this case.

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Or

The following oral depositions have been held in this case and have been recorded by the court reporters set forth below:

Name of Deponent	Date of Deposition	Transcript Requested?	Transcript Received?	Court Reporter's Name, Address, Tel. No.

Continue with the following if another attorney is *not* to be substituted.

On entry of an order granting this motion and discharging Movant as attorney of record for [**name of client**], Movant will provide [**name of client**] with the originals of all of [**name of client**]'s discovery responses and documents [**name of client**] has produced in response to discovery requests.

Notice to Client

You are hereby notified that this Motion for Withdrawal of Counsel is set for hearing at the time and place stated below. You do not have to agree to this motion. If you wish to contest the withdrawal of [**name of attorney**] as your attorney, you should appear at the hearing. If you do not oppose [**name of attorney**]'s withdrawal as your attorney, you may notify [**name of attorney**] in writing of your consent to this motion.

Continue with the following in all motions.

[**Name of movant**] prays that the Court enter an order discharging [him/her] as attorney of record for [**name of client**].

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_____

[**Name**]
Attorney for [**name of client**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Include the following if another attorney is *not* to be substituted.

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Continue with the following.

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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_____

[**Name**]
Attorney for [**name of client**]

Include the following if applicable.

AGREED TO AND APPROVED:

_____

[**Name of client**]

Consult local rules for additional requirements of this motion.
Attach exhibit if applicable.

Form 8-5

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Withdrawal of Counsel

On [**date**] the Court considered the Motion for Withdrawal of Counsel of [**name of movant**].

The Court finds that good cause exists for withdrawal of [**name of movant**] as counsel.

Select one of the following.

The Court finds that [**name of new attorney**] has been employed to represent [**name of client**], that the client has consented to the substitution of counsel, and that the withdrawal of [**name of movant**] is not sought for delay only.

Or

The Court finds that a copy of the Motion for Withdrawal of Counsel was delivered to [**name of client**], that [**name of client**] was notified in writing of the right to object to the motion, that [**name of client**] [has/has not] consented to the motion, that the last known address of [**name of client**] is [**address of client**], and that the pending settings and deadlines in the case are as follows: [**specify**].

Continue with the following.

IT IS THEREFORE ORDERED that [**name of movant**] is permitted to withdraw as counsel of record for [**name of party**] in this case.

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Select one of the following.

The Court finds that the last known mailing address of [**name of party**] is [**address of party**] and ORDERS that all notices in this case shall be either delivered to [**name of party**] in person or sent to [**name of party**] at that address by both certified and regular first-class mail.

Or

The Court recognizes [**name, address, e-mail address, telephone number, fax number, and State Bar of Texas identification number of new attorney**] as counsel of record for [**name of party**] in this case.

Continue with the following.

The Court ORDERS that [**name of movant**] immediately notify [**name of party**] in writing of any additional settings or deadlines of which [**name of movant**] now has knowledge and has not already notified [**name of party**]. The Court FURTHER ORDERS [**name of movant**] to make available to [**name of client**], not later than [**number**] days after the date of entry of this order, the originals of all of [**name of client**]'s discovery responses and documents [**name of client**] has produced in response to discovery requests. [**Specify any further conditions imposed.**]

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-6

Client's Receipt for File

I acknowledge that I have terminated the attorney-client relationship existing between me and the law firm of [**name of firm**]. The termination was my desire and personal choice, and I have been informed that the case is set for trial for the week of [**specify**].

I acknowledge that the firm is not authorized to take any further action on my behalf. I further acknowledge that as of this date my file has been released to me and that the law firm is no longer in possession of any documents, pleadings, or potential evidentiary instruments, though I understand that the firm may retain copies of the contents of my file.

Select one of the following.

I further acknowledge that I am still liable for the outstanding balance of [**number**] dollars ($[**amount**]) that is due and owing to the law firm.

Or

I further acknowledge that I have been informed that I presently owe no money to the law firm of [**name of firm**], that all fees that were due and owing have been paid, and that all expenses incurred in connection with the representation of this case have been satisfied.

Continue with the following.

SIGNED on _____.

_____

[**Name of client**]

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Form 8-7

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Disqualify Attorney

This Motion to Disqualify Attorney is brought by [**name of movant**], who shows in support: [**detail reasons for disqualification**].

[**Name of movant**] prays that the Court grant the Motion to Disqualify Attorney.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

© STATE BAR OF TEXAS

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 8-8

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Disqualify Attorney

On [**date**] the Court considered the Motion to Disqualify Attorney of [**name of movant**] and ORDERS: [**specify court order**].

SIGNED on _____.

_____
JUDGE PRESIDING

Form 8-9

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Show Authority

This Motion to Show Authority is brought by [**name of movant**], who shows in support:

1. [**Name of attorney**] has appeared in this case, purporting to represent [**name of client**].

2. [**Name of movant**] believes that [**name of attorney**] is acting without authority and, in accordance with rule 12 of the Texas Rules of Civil Procedure, requests that [**name of attorney**] be cited to appear before the Court and show authority to [prosecute/defend] this action.

[**Name of movant**] prays that the Court grant the motion and that, after hearing, the Court refuse to permit [**name of attorney**] to appear in the case and strike the pleadings filed by [**name of attorney**] if no person authorized to [prosecute/defend] appears.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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An unsworn declaration may be used in place of a verification. See form 8-27.

Verification

The undersigned states under oath: "I am Movant in the foregoing Motion to Show Authority. I have personal knowledge of the allegations and facts stated in it, and they are true and correct."

_____
Affiant

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

Order

On _____, the Court considered the Motion to Show Authority of [**name of movant**] and ORDERS: [**specify court order**].

SIGNED on _____.

_____

JUDGE PRESIDING

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Form 8-10

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Recuse Judge

This Motion to Recuse Judge is brought by [**name of movant**], Movant, who shows in support:

Select 1.–9. as applicable.

1. The impartiality of Judge [**name**] might reasonably be questioned, in that [**state facts**].

2. Judge [**name**] has a personal bias or prejudice concerning [[**name**], a party to/the subject matter of] this case, in that [**state facts**].

3. Judge [**name**] has personal knowledge of disputed evidentiary facts in this case, in that [**state facts**].

4. Judge [**name**] has been a material witness concerning this proceeding.

5. [**Name**], a lawyer with whom Judge [**name**] previously practiced law, has been a material witness concerning this proceeding.

6. Judge [**name**], while acting as an attorney in government service, participated as counsel, adviser, or material witness in the matter in controversy or expressed an opinion concerning its merits, in that [**state facts**].

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7. Judge [**name**], individually or as a fiduciary, [**and/or**] [**name of spouse**], the spouse of Judge [**name**], [**and/or**] [**name of child**], the minor child residing in the household of Judge [**name**],

Select as applicable.

[has/have] a financial interest in the subject matter in controversy, in that [**state facts**].

[has/have] a financial interest in [**name**], a party to the proceeding, in that [**state facts**].

[has/have] an interest that could be substantially affected by the outcome of the proceeding, in that [**state facts**].

8. [Judge [**name**]/[**name of spouse**], the spouse of Judge [**name**]/[**name of relative**], who is related by affinity or consanguinity within the third degree to [Judge [**name**]/[**name of spouse**], the spouse of Judge [**name**],]/[**name of relative's spouse**], the spouse of [**name of relative**], who is related by affinity or consanguinity within the third degree to [Judge [**name**]/[**name of spouse**], the spouse of Judge [**name**],]]

Select as applicable.

is a party to the proceeding.

is an officer, director, or trustee of [**name**], a party to this proceeding.

has an interest that could be substantially affected by the outcome of the proceeding, in that [**state facts**].

is likely to be a material witness in the proceeding, in that [**state facts**].

9. [**Name**], who is acting as a lawyer in this proceeding, is

Select as applicable.

Judge [**name**].

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[**name of spouse**], the spouse of Judge [**name**].

related by affinity or consanguinity within the first degree to [Judge [**name**]/[**name of spouse**], the spouse of Judge [**name**]].

the spouse of [**name**], who is related by affinity or consanguinity within the first degree to [Judge [**name**]/[**name of spouse**], the spouse of Judge [**name**]].

Continue with the following.

[**Name of movant**] prays that the Court grant the Motion to Recuse Judge.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

An unsworn declaration may be used in place of a verification. See form 8-27.

Verification

The undersigned states under oath: "I am Movant in the foregoing Motion to Recuse Judge. [I have personal knowledge of the allegations and facts stated in it, and they are true and correct/[**specifically state grounds of belief, if facts are stated on information and belief**]]."

_____

Affiant

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

The following order is based on the provision of Tex. R. Civ. P. 18a(f)(1)(A) for the judge to recuse himself immediately. For an order of recusal *after* hearing, see form 8-13.

Order of Recusal

On presentation to the Court of this Motion to Recuse Judge, the undersigned judge recuses [himself/herself] from this case.

The Presiding Judge of this administrative judicial district is requested to assign another judge to sit in this case.

SIGNED on _____.

_____

JUDGE PRESIDING

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Form 8-11

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Disqualify Judge

This Motion to Disqualify Judge is brought by [**name of movant**], Movant, who shows in support:

Select 1.–4. as applicable.

1. Judge [**name**] has served as a lawyer in the matter in controversy, in that [**state facts**].

2. [**Name**], a lawyer with whom Judge [**name**] previously practiced law, served during their association as a lawyer concerning the matter in controversy, in that [**state facts**].

3. Judge [**name**] has an interest, individually or as a fiduciary, in the subject matter of this case, in that [**state facts**].

4. Judge [**name**] is related by affinity or consanguinity within the third degree to [**name**], one of the parties to this case, in that [**state facts**].

Continue with the following.

[**Name of movant**] prays that the Court grant the Motion to Disqualify Judge.

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

An unsworn declaration may be used in place of a verification. See form 8-27.

Verification

The undersigned states under oath: "I am Movant in the foregoing Motion to Disqualify Judge. [I have personal knowledge of the allegations and facts stated in it, and they are true and correct/[**specifically state grounds of belief, if facts are stated on information and belief**]]."

_____
Affiant

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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_____

[**Name**]
Attorney for [**name of movant**]

The following order is based on the provision of Tex. R. Civ. P. 18a(f)(1)(A) for the judge to disqualify himself immediately. For an order of disqualification *after* hearing, see form 8-13.

Order of Disqualification

On presentation to the Court of this Motion to Disqualify Judge, the undersigned judge disqualifies [himself/herself] from this case.

The Presiding Judge of this administrative judicial district is requested to assign another judge to sit in this case.

SIGNED on _____.

_____

JUDGE PRESIDING

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Form 8-12

Include the following notice if a minor is named in the caption or if the response contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Response to Motion to [Recuse/Disqualify] Judge

This Response to Motion to [Recuse/Disqualify] Judge is brought by [**name of respondent**], who opposes the Motion to [Recuse/Disqualify] Judge [**name**] for the following reason[s]:

Select as applicable.

The Motion to [Recuse/Disqualify] was not timely filed.

And/Or

The Motion to [Recuse/Disqualify] is [clearly brought for unnecessary delay and without sufficient cause/groundless and filed in bad faith/groundless and filed for the purpose of harassment]. The judge hearing the motion should deny it and should order [**name of party**], [**name of party's attorney**], or both to pay the reasonable attorney's fees and expenses incurred by Movant.

Continue with the following.

[**Name of respondent**] prays that the Court deny the Motion to [Recuse/Disqualify] Judge [**name**] [**include if applicable:** and order the payment of attorney's fees and expenses].

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[**Name**]
Attorney for [**name of client**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

[**Name**]
Attorney for [**name of client**]

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Form 8-13

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to [Recuse/Disqualify] Judge

[after Hearing]

On [**date**] the Court considered the Motion to [Recuse/Disqualify] Judge of [**name of movant**] and ORDERS:

Select one of the following.

The Motion to [Recuse/Disqualify] Judge is GRANTED, and Judge [**name**] is removed as the presiding judge in this case. Judge [**name**] is appointed to preside over this case until its completion.

Or

The Motion to [Recuse/Disqualify] Judge is DENIED, and Judge [**name**] shall continue to preside over this case until its completion.

Continue with the following.

SIGNED on _____.

_____

JUDGE PRESIDING

© STATE BAR OF TEXAS

Form 8-14

Include the following notice if a minor is named in the caption or if the objection contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Objection to Assigned Judge

This Objection to Assigned Judge is brought by [**name of movant**], [**party designation**], who shows in support:

1. In accordance with section 74.053 of the Texas Government Code, [**name of movant**] objects to the assignment of Judge [**name of assigned judge**] to hear this case.

Select one of the following.

2. [**Name of movant**] received actual notice of the assignment of Judge [**name of assigned judge**] on [**date**]. This objection, which is being filed no later than the seventh day after that date and before the first hearing or trial over which the assigned judge is to preside, is timely.

Or

2. [**Name of movant**] received actual notice of the assignment of Judge [**name of assigned judge**] on [**date**]. This objection is filed before the first hearing or trial over which the assigned judge is to preside, and good cause exists to allow this objection to be filed later than the seventh day after [**date**] in that [**state good cause**]. [**Name of movant**] requests the Court grant this extension of time to file this objection.

Or

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2. A motion for an extension of time to file this objection was granted on [**date**] for good cause, and this objection is filed within the extended time.

Select one of the following.

3. This is the first objection filed under section 74.053 of the Government Code by [**name of movant**].

Or

3. Judge [**name of assigned judge**] was defeated in the last [primary/general] election for which [he/she] was a candidate for the judicial office [he/she] held.

Continue with the following.

In accordance with section 74.053 of the Texas Government Code, the assigned judge shall not hear the case.

[**Name of movant**] requests [**include if applicable:** that the extension of time to file this objection be granted and] that this case be reset on the docket of the regular sitting judge of this Court.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

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SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

Order

This Objection to Assigned Judge is [SUSTAINED/DENIED].

SIGNED on _____.

_____
JUDGE PRESIDING

© STATE BAR OF TEXAS

Form 8-15

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Referral

This motion is brought by [**name of movant**], who is [**party designation**] in this case.

[**Name of movant**] requests the trial court to refer the following matters to the Associate Judge of this Court for disposition in accordance with subchapter A of chapter 201 of the Texas Family Code: [**list matters for which reference is sought**].

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

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service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 8-16

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order of Referral

The Court refers the following matters to the Associate Judge for hearing and adjudication: [**list issues or motions to be heard on final trial on the merits**].

Include the following if applicable.

The powers of an associate judge are those listed in Tex. Fam. Code § 201.007, except as limited by the order of referral.

The powers of the Associate Judge are limited as follows: [**specify**].

Continue with the following.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-17

Include the following notice if a minor is named in the caption or if the objection contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Objection to Referral of Final Trial to Associate Judge

This objection is filed by [**name**], who is [**party designation**] in this case.

This Court signed a Referral of the Final Trial in this case to the Associate Judge on [**date**].

[**Name**] received notice of the referral on [**date**].

[**Name**] objects to the referral of this case to the Associate Judge for a final trial on the merits or presiding at a jury trial and requests the case be heard by the referring court.

_____

[**Name**]
Attorney for [**name**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

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[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name**]

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Form 8-18

This motion must be accompanied with two statements sworn to before a notary or made under penalty of perjury. Form 8-19 is the statement of the person who has attempted service under Tex. R. Civ. P. 106(a)(1) or (2). That statement must state specific facts regarding the unsuccessful attempts at service. Form 8-20 is the statement showing any location where the respondent can probably be found and stating the method of service that will be reasonably effective to give notice.

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Alternative Service

[Rule 106]

This Motion for Alternative Service is brought by [**name of movant**], [**party designation**], who shows in support:

1. Service has been attempted unsuccessfully on [**name of person entitled to citation**], as shown in the attached statement of [**name**], the person who attempted service by [personal delivery/mailing citation] to [**name of person entitled to citation**].

2. Reasonably effective notice of the suit may be given to [**name of person entitled to citation**] by leaving a true copy of the citation, with a copy of the petition attached, with anyone older than sixteen at the location specified in the attached statement of [**name**] [**or state other manner, including electronically by social media, e-mail, or other technology, that the statement or other evidence shows will be reasonably effective to give notice**].

[**Name of movant**] prays that the Court grant this Motion for Alternative Service.

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Attach *both* statements. See forms 8-19 and 8-20.

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Form 8-19

This statement is to be made by the person who has unsuccessfully attempted service by personal delivery or by mail.

The statement may be sworn to by a notary or made under penalty of perjury. The statement in this form is designed for signature before a notary. To adapt it to be made under penalty of perjury, see form 8-27.

Include the following notice if a minor is named in the caption, if the home address is stated in the statement, or if the statement contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Statement of Attempted Personal Service

[**Name**] appeared in person before me today and stated under oath:

"My name is [**name**]. I am above the age of eighteen years, and I am fully competent to make this statement. The facts stated are within my personal knowledge and are true and correct.

"I have attempted to serve [**name of person entitled to citation**] in this case personally or by [registered/certified] mail at the address[es] and on the days and times shown below:

Specify for each attempt the date, the time, the type of service, the address, and the result.

"Following are the locations where [**name of person entitled to citation**] can probably be found: [**list each location separately**].

"I am qualified to serve process in this case as required under rule 103, Texas Rules of Civil Procedure."

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_____

[**Name**]

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

© STATE BAR OF TEXAS

Form 8-20

The statement may be sworn to by a notary or made under penalty of perjury. The statement in this form is designed for signature before a notary. To adapt it to be made under penalty of perjury, see form 8-27.

Include the following notice if a minor is named in the caption, if the home address is stated in the statement, or if the statement contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Statement in Support of Method of Alternative Service

[Rule 106]

[**Name**] appeared in person before me today and stated under oath:

"My name is [**name**]. I am above the age of eighteen years, and I am fully competent to make this statement. The facts stated are within my personal knowledge and are true and correct.

Describe any location where the person can probably be found, specifically stating reasons the person can be found there.

Include the following if applicable.

"[**Name of person entitled to citation**] can be given notice of this suit by [**state manner of service, including electronically by social media, e-mail, or other technology, and reason that it will be reasonably effective to give notice of suit**]."

Continue with the following.

_____

[**Name**]

© STATE BAR OF TEXAS

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

© STATE BAR OF TEXAS

Form 8-21

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Alternative Service

[Rule 106]

On [**date**] the Court considered the Motion for Alternative Service of [**name of movant**] and ORDERS that service on [**name of person entitled to citation**] be effected by [leaving a copy of the citation and of the pleadings and orders at [**address, city**], [**county**] County, Texas, with anyone older than sixteen at that address/[**specifically describe other method of service authorized, including electronically by social media, e-mail, or other technology**]].

Proof of service shall be made by the person executing the return, stating when the citation was served, on whom it was served, and where it was served.

SIGNED on _____.

_____
JUDGE PRESIDING

© STATE BAR OF TEXAS

Form 8-22

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Other Substituted Service

[Rule 109a]

This Motion for Other Substituted Service is brought by [**name of movant**], [**party designation**], who shows in support:

1. Attached is the affidavit of [**name**], stating facts showing that service of citation by publication on [**name of person entitled to citation**] is authorized.

2. A method of service as likely as publication to give [**name of person entitled to citation**] actual notice is [**describe proposed method**].

[**Name of movant**] prays that the Court grant this Motion for Other Substituted Service.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Attach the affidavit. See form 8-23.

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Form 8-23

The affidavit should state the basis for the affiant's personal knowledge of the facts alleged. See the practice notes at section 8.58 concerning affidavits generally.

An unsworn declaration may be used in place of an affidavit. See section 8.58 and form 8-27.

Include the following notice if a minor is named in the caption or if the affidavit contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Affidavit in Support of Motion for Other Substituted Service

[**Name of petitioner**] appeared in person before me today and stated under oath:

"My name is [**name of petitioner**]. I am above the age of eighteen 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.

"I am the Petitioner in this case.

Allege specific facts showing due diligence and continue with one of the following.

"The residence of [**name of person entitled to citation**], a party in this case, is unknown to me. I have exercised due diligence to locate the whereabouts of this party and have been unable to do so."

Or

"[**Name of person entitled to citation**], a party in this case, is a transient person. I have exercised due diligence to locate the whereabouts of this party and have been unable to do so."

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Or

"[**Name of person entitled to citation**], a party in this case, is absent from the state. I have attempted to obtain personal service of nonresident notice on this party as provided for in rule 108 of the Texas Rules of Civil Procedure and have been unable to do so."

Or

"[**Name of person entitled to citation**], a party in this case, is a nonresident of this state. I have attempted to obtain personal service of nonresident notice on this party as provided for in rule 108 of the Texas Rules of Civil Procedure and have been unable to do so."

Continue with the following.

_____
Petitioner

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

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Form 8-24

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Other Substituted Service

[Rule 109a]

On [**date**] the Court considered the Motion for Other Substituted Service of [**name of movant**]. The Court finds that service of citation by publication on [**name of person entitled to citation**] is authorized and that the following method of service would be as likely as publication to give [**name of person entitled to citation**] actual notice.

IT IS ORDERED that service on [**name of person entitled to citation**] be effected by [**describe method**]. The officer executing the citation shall state on the return the manner in which service is accomplished and shall attach any evidence showing the result of the service.

SIGNED on _____.

_____
JUDGE PRESIDING

A true copy of the motion, affidavit, and order should be included with the citation to be issued and served in the prescribed manner.

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Form 8-25

This motion should be used when a defect in the citation can be cured by a means other than having the citation served again.

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Amend Citation

This Motion to Amend Citation is brought by [**name of movant**], [**party designation**], who shows in support:

1. On [**date**] [**name of person served with citation**] was served with citation by [personal delivery/mailing citation].

2. The citation needs to be amended as follows: [**state reason[s] for amendment and, if appropriate, attach affidavit from process server stating any fact that needs correction**].

3. No material prejudice will result to the substantial rights of the party against whom the process was issued if this motion is granted.

[**Name of movant**] prays that the Court grant this Motion to Amend Citation.

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Include as applicable.

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 8-26

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Amend Citation

On [**date**] the Court considered the Motion to Amend Citation of [**name of movant**] and ORDERS that the citation be amended as follows: [**state amendment[s] to citation**].

SIGNED on _____.

_____
JUDGE PRESIDING

© STATE BAR OF TEXAS

Form 8-27

In many circumstances, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit. See section 8.58 in this manual.

If a form, or a portion of a form, calling for signature before a notary is converted to an unsworn declaration, rewording of the text will often be necessary. For example, in form 3-2, the petitioner's supporting affidavit in a divorce case, the first paragraph (referring to the petitioner's appearance before the notary) should be omitted, the quotation marks on the remaining paragraphs should be omitted, and the word "affidavit" should be changed to "declaration."

One of the jurats in this form should replace the notary's jurat.

Jurats for Unsworn Declarations

Use the following jurat except for an inmate or a government employee in the performance of the employee's job duties.

My name is [**name**], my date of birth is [**date**], and my address is [**address, city, state, zip code, country**]. I declare under penalty of perjury that the foregoing is true and correct.

Executed in [**county**] County, [**state**], on _____.

_____

[**Name**], Declarant

Use the following jurat for an inmate.

My name is [**name**], my date of birth is [**date**], and my inmate identifying number, if any, is [**number**]. I am presently incarcerated in [**name of corrections unit**] in [**city, county, state, zip code**]. I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____.

_____

[**Name**], Declarant

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Use the following jurat for a government employee in the performance of the employee's job duties.

My name is [**name**], and I am an employee of the following governmental agency: [**name of agency**]. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.

Executed in [**county**] County, [**state**], on _____.

_____

[**Name**], Declarant

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Form 8-28

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Take Judicial Notice

This Motion to Take Judicial Notice is brought by [**name of movant**], [**party designation**], who shows in support:

Provide synopsis of laws and attach or cite sufficient common law, public statutes, foreign law, rules, regulations, ordinances, and court decisions.

[**Name of movant**] prays that the Court take judicial notice of the [law of [**U.S. state, territory, or jurisdiction**]/law of [**foreign country**]/ordinance of [**Texas city or county**]/contents of the Texas Register/agency rule[s] published in the Texas Administrative Code].

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

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SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

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Form 8-29

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Take Judicial Notice

On [**date**] the Court considered the Motion to Take Judicial Notice of [**name of movant**] and takes judicial notice of the following:

Set forth common law, public statutes, foreign law, rules, regulations, ordinances, and court decisions or refer to the preceding motion and its attachments.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-30

Compulsory counterclaims may not be severed. The action for divorce and division of the parties' estate may not be severed.

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Severance

This Motion for Severance is filed by [**name of movant**], [**party designation**], who shows in support:

1. This is a divorce action in which a divorce of the parties, a division of their property, and provision for the conservatorship and support of their child[ren] are sought. The claim of [**name of party**], Intervenor, against [**name**] relates to [**describe the nature of the intervening action**] and constitutes a complete cause of action in and of itself and can stand alone as a separate lawsuit.

If ground for motion is improper joinder, include 2.

2. The claim of [**name**] against [**name**] relating to [**describe nature of action**] is improperly joined in this action, in that [**describe circumstances showing improper joinder of claim, e.g.,** the claims involve different parties, the claims do not arise out of the same transaction, occurrence, or series of transactions or occurrences and do not involve common questions of law or of fact, and the issues to be tried with respect to each claim are diverse and different].

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If ground for motion is prejudice to movant, include 3.

3. It would be prejudicial and cause undue hardship, expense, and delay to [**name of movant**] to require [him/her] to participate in a trial of all claims joined in this action, in that [**describe circumstances giving rise to prejudice, e.g.,** [**name of movant**] is prepared for trial on the cause relating to its claim and the other parties are not prepared for trial on their respective causes. Consequently, the trial of [**name of movant**]'s claim will be delayed for an undue period unless severance is ordered. This delay will prejudice [**name of movant**] because [his/her] action is [for grandparent possession of or access to the child[ren]/an action to recover for debt against both parties/[**other description**]]].

[**Name of movant**] prays that the Court grant this motion and order the cause of action between [**name**] and [**name**] relating to [**describe cause of action**] be severed, made the subject of a separate suit, and assigned its own cause number on the docket of this Court.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

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_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 8-31

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Severance

On [**date**] the Court considered the Motion for Severance of [**name of movant**].

IT IS ORDERED that the cause of action asserted by [**name and party designation**] against [**name and party designation**] relating to [**describe nature of intervenor's action**] is severed from this action and made the subject of a separate action, to proceed as such to final judgment or other disposition in this Court.

IT IS FURTHER ORDERED that separate judgments be entered in the severed causes, each judgment to be final and to dispose completely of all the issues between all the parties in the respective suits.

IT IS FURTHER ORDERED that the clerk copy and place in the new file the following documents: [**specify the exact documents to be placed in new file**].

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-32

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Provide captions for both cases.

Motion to Consolidate

This Motion to Consolidate the above lawsuits is brought by [**name of movant**], who shows in support:

1. These lawsuits involve [a] common question[s] of law or of fact.

2. It would serve the convenience of the Court, litigants, and counsel and would avoid multiplicity of suits, duplication of testimony, and unnecessary expense and delay to have these lawsuits consolidated for trial.

[**Name of movant**] prays that the Court grant the Motion to Consolidate and consolidate these lawsuits under the older and lower cause number.

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

© STATE BAR OF TEXAS

Form 8-33

Include the following notice if a minor is named in one or both captions or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Provide captions for both cases.

Order on Motion to Consolidate

On [**date**] the Court considered the Motion to Consolidate of [**name of movant**] and ORDERS that the above lawsuits be consolidated under the older and lower cause number.

SIGNED on _____.

_____
JUDGE PRESIDING
[**Newer cause number**]

And/Or

_____
JUDGE PRESIDING
[**Older cause number**]

© STATE BAR OF TEXAS

Form 8-34

The issues in a family law case that would most typically be tried separately are property issues, informal marriage, and the question of managing conservatorship.

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Separate Trials

This Motion for Separate Trials is brought by [**name of movant**], [**party designation**], who shows in support:

Select 1.–3. as applicable.

1. The issues pertaining to managing conservatorship of the child[ren] are unrelated to any matters involving characterization or division of the property, which are so complicated as to unduly hamper the proceedings with regard to conservatorship. To try both issues together would unduly detract from the issues concerning the child[ren].

2. Trying the conservatorship and property issues simultaneously would serve as an economic waste to the parties concerned with regard to the payment of attorney's fees for the [ad litem/amicus attorney], who would unnecessarily incur expense for attendance at court during trial on the property issues. It would cause an unnecessary burden on witnesses to be placed on standby for what could amount to several weeks.

3. Trying the issues of the validity of the informal marriage, divorce, and property division in the same proceeding would result in unnecessary expense for the parties, if an

informal marriage is found not to exist by the trier of fact. The facts developed during a separate trial on informal marriage would be germane to a second trial on divorce and property issues only if the fact finder finds that an informal marriage exists.

[**Name of movant**] prays that the Court grant the Motion for Separate Trials.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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[**Name**]
Attorney for [**name of movant**]

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Form 8-35

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Separate Trials

On [**date**] the Court considered the Motion for Separate Trials of [**name**], Movant, and ORDERS that separate trials be conducted with regard to [**specify issues, e.g.,** the issue of managing conservatorship and the issues of characterization and division of property/the issue of validity of the informal marriage and the issues of divorce and characterization and division of property].

SIGNED on _____.

_____
JUDGE PRESIDING

© STATE BAR OF TEXAS

Form 8-36

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Appointment of Master in Chancery

This Motion for Appointment of Master in Chancery is brought by [**name of movant**], [**party designation**], who shows in support: [**detail the reasons that good cause exists for appointment**].

[**Name of movant**] prays that the Court grant the Motion for Appointment of Master in Chancery.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

© STATE BAR OF TEXAS

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 8-37

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order of Reference on Appointment of Master in Chancery

On [**date**] the Court considered the Motion for Appointment of Master in Chancery of [**name of movant**].

The Court, after hearing the evidence and argument and taking judicial notice of the proper proceedings in this matter and of the Court's file and the discovery taken, finds that good cause has been shown for the appointment of a master in chancery.

IT IS ORDERED that [**name**], a citizen of this state, who is not an attorney for either party to this action or related to either party, is hereby appointed Master in Chancery with the following powers:

1. to conduct hearings and make a record;

2. to receive and report evidence;

3. to fix a time and place for the beginning and closing of hearings;

4. to regulate all proceedings at every hearing before [him/her];

5. to do all acts and take all measures necessary or proper for the efficient performance of [his/her] duties under the order of reference;

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6. to require production of evidence on all matters embraced in the order of reference, including the production of books, papers, vouchers, documents, and other writings applicable to those matters;

7. to rule on the admissibility of evidence and put witnesses under oath;

8. to examine witnesses, including the parties;

9. to make a record of the evidence offered and excluded in the same manner as provided for a court sitting in the trial of a case;

10. to file a full and complete report to this Court.

IT IS FURTHER ORDERED that any party in this case who desires to except to the Master's report shall file objections in writing within ten days after filing of the Master's report. The Court may confirm, modify, correct, review, reverse, or recommit the Master's report after it is filed, if the Court deems it necessary and proper in the particular circumstances of this case.

IT IS FURTHER ORDERED that reasonable compensation for the Master in Chancery shall be awarded by this Court to be taxed as costs of suit.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-38

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Exceptions and Objections to Report of Master in Chancery

Select as applicable.

[**Name**], [Petitioner/Respondent], objects to paragraph [**number**] of the Findings and Recommendations, which states that the parties made known their desire to appoint a master in chancery. Neither party requested a master in chancery, and the Court appointed the Master on its own motion.

And/Or

[Petitioner/Respondent] objects to paragraph [**number**] of the Findings and Recommendations because [**state specific reasons for objection**].

Repeat above paragraph for each objection.

And/Or

[Petitioner/Respondent] objects to the Master in Chancery's recommendations for division of property. Specifically, [Petitioner/Respondent] objects to [**state specific paragraph and specific objections; repeat as necessary**].

Continue with the following.

_____

[Name]
Attorney for [Petitioner/Respondent]
State Bar No.:
[E-mail address]
[Address]
[Telephone]
[Fax]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[Name]
Attorney for [Petitioner/Respondent]

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Form 8-39

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Report of Master in Chancery

On [**date**] the Court considered the Report of Master and the Exceptions and Objections to Report of Master in Chancery filed in this case and ORDERS:

1. The Court adopts the Master's proposed Findings and Recommendations, numbers [**list all numbers adopted by court in report of master**].

2. The Court rejects the Master's proposed Findings and Recommendations, numbers [**list all numbers rejected by court in report of master**].

3. The Court modifies Findings and Recommendations, numbers [**list all numbers modified by court in report of master and state findings as modified**].

4. The Court adopts the Master's recommendations for division of property, numbers [**list all numbers adopted by court**].

5. The Court rejects the Master's recommendations for division of property, numbers [**list all numbers rejected by court**].

6. The Court modifies the Master's recommendations for division of property, numbers [**list all numbers modified by court and state recommendations as modified**].

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SIGNED on _____.

_____

JUDGE PRESIDING

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Form 8-40

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Rendition of Decree as Recommended by Master in Chancery

This Motion for Rendition of Decree as Recommended by Master in Chancery is brought by [**name of movant**], [**party designation**], who shows in support:

1. On [**date**] the Report of Master in Chancery was filed in this case. On [**date**] Exceptions and Objections to Report of Master in Chancery was filed by [**name**]. On [**date**] the Court entered its Order on Report of Master in Chancery after considering the parties' exceptions and objections.

2. The attached Final Decree of Divorce conforms to the Order on Report of Master in Chancery.

[**Name of movant**] prays that the Court grant the Motion for Rendition of Decree as Recommended by Master in Chancery.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

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Form 8-41

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Appointment of Auditor

This Motion for Appointment of Auditor is brought by [**name of movant**], [**party designation**], who shows in support: [**detail the reasons that good cause exists for appointment**].

[**Name of movant**] prays that the Court grant the Motion for Appointment of Auditor.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

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Form 8-42

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Appointment of Auditor

On [**date**] the Court considered the Motion for Appointment of Auditor of [**name of movant**].

IT IS ORDERED THAT [**name of auditor**] is appointed auditor for the purpose of investigating all of the parties' financial records, including, without limitation, all financial records of [**name**], [Respondent/Petitioner], [**include if applicable:** including [**name any business**],] and all accounts of [Respondent/Petitioner] held in various financial institutions to determine [**detail scope of auditor's inquiry with specificity**].

IT IS FURTHER ORDERED that the parties promptly deliver to the auditor, at the time and place [he/she] directs, the originals of all the financial records in order that the work may be promptly discharged.

IT IS FURTHER ORDERED that the auditor verify [his/her] report by affidavit stating that [he/she] has carefully examined the state of the accounts between the parties and that [his/her] report contains a true statement thereof as far as it has come within [his/her] knowledge. The report shall be admitted into evidence but may be contradicted by evidence from either party where exceptions to the report or to any item in it have been filed with the Court within [**number**] days after the filing of the auditor's verified report.

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IT IS FURTHER ORDERED that the auditor be awarded reasonable compensation to be taxed as costs of court.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-43

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Appointment of Receiver

[Real Property]

This Motion for Appointment of Receiver is brought by [**name of movant**], [**party designation**], who shows in support:

1. Petitioner, [**name**], and Respondent, [**name**], are the owners of real property located at [**street address, city, county**], more particularly known as [**legal description**]. [**Include if foreclosure proceedings are pending:** [**Name of lienholder**], the lienholder, can be served with process at [**address, city, state**].]

Select one of the following.

2. The property is subject to a real estate lien in favor of [**name of lienholder**] in the principal sum of $[**amount**], which is secured by a recorded deed of trust. Payments on the property have not been made for more than [**number**] months. There is now approximately $[**amount**] in equity in the property. There is now danger that if a receiver is not appointed, the community estate will suffer irreparable loss. There is no adequate remedy at law except for the appointment of a receiver.

Or

2. Petitioner and Respondent cannot agree on the terms of sale for the property described in this motion. Unless a receiver is appointed to immediately take charge and con-

trol of the property, there is danger that the community estate will suffer irreparable loss. There is no adequate remedy at law except for the appointment of a receiver.

Include the following if applicable.

3. [**Name of movant**] requests that the Court assess an appropriate bond and that [**name**] be restrained temporarily, immediately without hearing, and after notice and hearing be temporarily enjoined from foreclosing, seeking to foreclose, or taking or attempting to take possession of the property described in this petition.

Continue with the following.

[**Name of movant**] prays that the Court grant this Motion for Appointment of Receiver.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __. M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

Forms 3-3 and 4-3 may be adapted for the appropriate TRO and injunction. Any permanent injunction rendered by the court must be issued in accordance with Tex. R. Civ. P. 680–684.

Form 8-44

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Appointment of Receiver

[Real Property]

On [**date**] the Court considered the Motion for Appointment of Receiver of [**name of movant**] for the immediate appointment of a receiver to take charge and possession of property located at [**street address, city, state**]. The Court, after hearing pleadings, evidence, and argument of counsel, is of the opinion that proper grounds exist for the immediate appointment of a receiver.

The Court finds that [**name**] is a registered voter, citizen, and resident of Texas and is qualified to serve as Receiver.

IT IS THEREFORE ORDERED that [**name of receiver**] is appointed Receiver to take charge and possession of the real property located at [**address and legal description of real estate**]. The necessity of a bond by Receiver is waived.

IT IS FURTHER ORDERED that [**name of receiver**] is authorized to manage, control, and dispose of the property as [he/she] sees fit in [his/her] sole discretion [**and/or specify other powers**].

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IT IS FURTHER ORDERED that the parties fully cooperate with Receiver, including, without limitation, signing any real estate listing agreement, showing property to prospective buyers, and vacating premises, if necessary in the opinion of Receiver.

Receiver may enforce this order by contempt if the parties do not cooperate.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-45

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Appointment of Receiver
[Business]

This Motion for Appointment of Receiver is brought by [**name of movant**], [**party designation**], who shows in support:

1. [Petitioner, [**name**], and Respondent, [**name**],/Petitioner, [**name**],/Respondent, [**name**],] [are/is] the owner[s] of a business that operates under the name [**name**] and is located at [**street address, city, county**]. The appointment of a receiver to [sell/operate/operate, including rehabilitate or liquidate,/operate and sell] this business is necessary and equitable.

Select one of the following.

2. The business the subject of this motion is being used to waste marital assets to the detriment of the parties. There is now danger that if a receiver is not appointed, the community estate will suffer irreparable loss. There is no adequate remedy at law except for the appointment of a receiver and that the receiver [sell/operate/operate, including rehabilitate or liquidate,/operate and sell] the business.

Or

2. [**Designation of non-moving party**] has failed to meet [his/her] financial obligations under this Court's orders. If a receiver is not appointed to immediately [sell/operate/operate,

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including rehabilitate or liquidate,/operate and sell] the business, the community will be harmed. There is no adequate remedy at law except for the appointment of a receiver.

Include any other grounds for the appointment of a receiver and the sale, operation, etc. of the business.

Include the following if applicable.

3. [**Name of movant**] requests that the Court assess an appropriate bond. [**Name of movant**] requests that [**name**] be restrained temporarily, immediately without hearing, and after notice and hearing be temporarily enjoined from [**include if applicable:** foreclosing, seeking to foreclose, or] taking or attempting to take possession of the business described in this petition.

Continue with the following.

[**Name of movant**] prays that the Court grant this Motion for Appointment of Receiver to [sell/operate/operate, including rehabilitate or liquidate,/operate and sell] the business.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __. M. in [**designation and location of court**].

SIGNED on _____.

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_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

Forms 3-3 and 4-3 may be adapted for the appropriate TRO and injunction. Any permanent injunction rendered by the court must be issued in accordance with Tex. R. Civ. P. 680–684.

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Form 8-46

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Appointment of Receiver
[Business]

On [**date**] the Court considered the Motion for Appointment of Receiver of [**name of movant**], Movant, which requested the immediate appointment of a receiver to take charge and possession of property owned by [Petitioner, [**name**], and Respondent, [**name**],/Petitioner, [**name**],/Respondent, [**name**],] consisting of a business that operates under the name of [**name**] ("Business") and is located at [**street address, city, state**] and to [sell/operate/operate, including rehabilitate or liquidate,/operate and sell] the same. The Court, after considering the pleadings, evidence, and argument of counsel, is of the opinion that sufficient grounds exist for the immediate appointment of a receiver. Movant has complied with all requirements of the law, all other available legal and equitable remedies are inadequate, and the facts and circumstances in this lawsuit necessitate the appointment of a receiver to [sell/operate/operate, including rehabilitate or liquidate,/operate and sell] Business to avoid irreparable damage to Movant and other interested parties.

The Court finds that [**name**] is a registered voter, citizen, and resident of Texas and is qualified to serve as Receiver.

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IT IS THEREFORE ORDERED that [**name**] is appointed Receiver to take charge and possession of Business and to [sell/operate/operate, including rehabilitate or liquidate,/operate and sell] the same.

IT IS FURTHER ORDERED that on filing of a bond fixed and approved by this Court in the amount of [**number**] dollars ($[**amount of bond**]) and Receiver's sworn oath to perform and faithfully discharge [his/her] duties as Receiver in this lawsuit in obedience to the orders of this Court, Receiver shall be and hereby is given the power and authority to do all acts necessary to [sell/operate/operate, including rehabilitate or liquidate,/operate and sell] the Property (as defined below) of Business (the "Receivership Estate"), including the following:

1. *Property.* Take immediate and exclusive possession, custody, and control of all interests in Business and collateral of Business, whether real or personal, tangible or intangible, and wherever located (collectively, the "Property"); subject, however, to compliance with the terms and conditions of all agreements and other instruments relating to the ownership, lease, use, or occupancy thereof. Receiver is granted the power and authority to perform all acts necessary to conserve, hold, manage, and preserve the value of the Receivership Estate, in order to prevent any irreparable loss, damage, or injury to the Receivership Estate. Receiver shall be entitled to the assistance of law enforcement officials, if necessary, to take possession, custody, and control of the Property or at any other time during the Receivership as necessary to preserve the peace and protect the Property of the Receivership Estate.

2. *Operations and Control.* Operate, manage, [**include if applicable:** sell,] control, and conduct business operations in the ordinary and usual course and do all things and incur the risks and obligations ordinarily performed or incurred by owners, managers, and operators of similar businesses while having exclusive and sole control of and authority to act for Business, to the exclusion of all others, including all other management currently in place; PROVIDED THAT notwithstanding anything contained in this order to the contrary, Receiver may not [**include if applicable:** except as otherwise provided in this order] (a) create, incur, assume,

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or suffer to exist any indebtedness, obligations, or liabilities other than in the ordinary course of business; (b) sell, lease, transfer, or otherwise dispose of any of the Property of Business, except the sale of inventory in the ordinary course of business; or (c) acquire all or a substantial portion of the assets or equity interests of any person or entity without the prior written consent of the Court. Receiver shall have all powers, authorities, rights, and privileges heretofore possessed by any and all officers, directors, managers, and other governing agents of Business.

3. *Bank Accounts.* Take immediate and exclusive possession, custody, and control of all bank accounts, deposit accounts, commodity accounts, and securities accounts belonging to Business at any financial institution, and receive from all depositories, banks, brokerages, persons, or entities holding any funds on deposit arising from, or related to, the Property of the Receivership Estate or belonging to Business whether those funds are in an account in the name of Business or not, and Receiver may indemnify the institution on which such demand is made and is empowered to open or close any such accounts. Receiver shall have authority and custody of all credit card merchant accounts, such as Visa, MasterCard, American Express, Discover, or otherwise, whether those funds are in accounts in the name of Business or not. Receiver shall also have authority and custody over all gift card accounts in the name of Business. Receiver shall deposit funds collected and received in connection with the Receivership Estate into one or more accounts maintained at a federally insured banking institution. Monies coming into the possession of Receiver and not expended for any purpose authorized by this order shall be held by Receiver pending further orders of this Court. All financial institutions, on presentation of a copy of this order, shall provide copies of any requested records regarding any such accounts to Receiver. Receiver may add [his/her] agents or employees as additional signatories to any bank accounts, money market accounts, certificates of deposit, or other financial instruments or accounts controlled by Receiver.

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4. *Checks.* Receive and endorse checks made payable to Business or relating to the Property of the Receivership Estate, either in the name of Receiver or in the name of Business.

5. *Debts and Obligations.* Collect or compromise debts of the Receivership Estate and incur any risks and obligations ordinarily incurred by owners, managers, and operators of similar businesses that, in Receiver's reasonable judgment, are necessary for the management, operation, preservation, rehabilitation, or liquidation of the Receivership Estate. Receiver may demand, collect, and receive all rents, profits, and other income from the Property of the Receivership Estate, or any part of the same that is owed, unpaid, and collected or uncollected as of the effective date of this order or that hereafter becomes due. Any such risks or obligations incurred by Receiver in performance of [his/her] duties as Receiver pursuant to this order shall be a risk or obligation of the Receivership Estate and not personally of Receiver.

6. *Loans and Contributions of Funding.* Borrow from, and pay amounts due to, Movant or third parties for funding of amounts required to continue the management, operation, preservation, rehabilitation, or liquidation of the Receivership Estate or, in the event the income of the Receivership Estate is insufficient to meet expenses, on such terms and conditions as Receiver deems reasonable.

7. *Income.* Collect all rents, profits, and other income and collect money or property owed by any third party to Business that now or hereafter may be due from the management or operation of the Receivership Estate.

8. *Employees and Agents.* Hire, retain, or terminate employees, independent contractors, consultants, attorneys, certified public accountants, brokers, security guards, bookkeepers, and other parties or agents of Business, in the management and operation of the Property of the Receivership Estate as Receiver deems appropriate and pay the reasonable value of the services rendered by those parties, in which case payroll taxes, workers' compensation insurance, and related costs will be carried and reported as those of Business. Receiver

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will not be bound by Business's employment contracts, collective-bargaining agreements, or employment practices, policies, or benefits. Receiver shall have the sole and exclusive authority to direct employees, contractors, bankers, investment advisors, accountants, attorneys, and other agents of Business.

9. *New Contractors.* Employ, on a contract basis, professionals, agents, employees, or contractors and purchase inventory, tools, merchandise, material, services, software, and supplies, at ordinary and usual rates and prices, using funds that come into [his/her] possession as Receiver.

10. *Professionals.* Hire, employ, and retain independent legal counsel, certified public accountants, appraisers, leasing agents, investigators, security guards, technical and other consultants, brokers [**include if applicable:** including business brokers], property management companies, and any other personnel or employees Receiver deems necessary to advise, assist, or represent Receiver in performance of [his/her] duties and obligations pursuant to this order, at ordinary and usual rates and prices, using funds that come into [his/her] possession as Receiver.

11. *Mail.* Open and review all mail, packages, or other deliveries directed to Business or its agents or representatives, and issue demand to the U.S. Postal Service granting Receiver exclusive possession and control of mail, including postal boxes as may have been used by Business, and directing that certain mail related to the Receivership Estate be directed to Receiver.

12. *Insurance.* Enter into, adjust, or maintain existing insurance necessary to protect and preserve the Property of the Receivership Estate. That insurance shall be in an amount that Receiver deems sufficient. [**Include if applicable:** For any existing insurance, Movant shall be named as an additional insured on the policies during the Receivership.] If sufficient coverage does not exist, Receiver shall immediately notify the parties to this divorce and shall have

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thirty calendar days to procure sufficient all-risk and liability insurance on Property of the Receivership Estate. If Receiver does not have sufficient funds to procure sufficient coverage, Receiver shall seek instructions from this Court with regard to adequately insuring the Property of the Receivership Estate. Receiver shall not be responsible for claims arising from the lack of procurement or inability to obtain insurance.

13. *Licenses and Permits.* Take immediate and exclusive possession, custody, and control of all licenses, permits, or other government-issued documents necessary for the continued operation of Business, including any permit or license issued in the name of Business or a related entity of Business that is required and necessary for the continued operation of Business. If the issuing agency requires that Receiver apply for a new license, permit, or other document, Receiver is authorized to continue to perform his duties as Receiver pending issuance of that new permit or license.

14. *Interests.* Take immediate and exclusive possession, custody, and control of all membership interests, partnership interests, stock, and other legal rights and interests of Business in any limited liability company, partnership, corporation, or other entity or relationship.

15. *Authorized Signatory.* Execute all contracts and other documents and perform all acts and obligations in relation thereto, in the name of Business, Receivership Estate, or Receiver, as necessary for the management, operation, preservation, rehabilitation, or liquidation of the Receivership Estate.

16. *Leases.* Negotiate, enter, or extend any lease for a period not to exceed one year, unless ordered by this Court, and modify or terminate existing leases affecting part or all of the Receivership Estate that are not commercially reasonable or beneficial to the operation of the Receivership Estate.

17. *Other Contracts.* Negotiate, enter, or extend any contract as Receiver deems necessary for the management, operation, preservation, rehabilitation, or liquidation of the

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Receivership Estate, including any purchase agreements or management contracts associated with such management, operation, preservation, rehabilitation, or liquidation of the Receivership Estate, for a period not to exceed one year, unless approved by this Court, and modify or terminate existing contracts affecting part or all of the Receivership Estate that are not commercially reasonable or beneficial to the operation of Receivership Estate.

18. *Debt Collection.* In Receiver's sole discretion, issue demands and bring and prosecute all proper actions for the collection of accounts receivable or contract rights of Business when due.

19. *Litigation.* In Receiver's sole discretion, bring, prosecute, defend, or resolve any lawsuit commenced by or against Business and employ attorneys, experts, or other third parties Receiver deems necessary to prosecute or defend such lawsuits, for the rehabilitation or liquidation of Business for the benefit of Business's creditors.

20. *Statutory Powers and Duties.* Exercise all powers and discharge all duties provided to receivers pursuant to chapter 64, subchapter C, of the Texas Civil Practice and Remedies Code and other law applicable to receivers.

21. *Court Orders.* Perform all other lawful acts necessary to discharge Receiver's duties pursuant to this order or any other court order, including seeking relief from this Court or, as may be necessary, instituting ancillary proceedings in this Court to recover assets or records belonging to Business, to recover fraudulent or otherwise improper transfers, or to assert any cause of action or claim belonging to Business.

Inventory

IT IS FURTHER ORDERED that as soon as possible after appointment, but in any event no later than [**number**] days after entry of this order, Receiver shall file with this Court

an inventory of all Property over which Receiver has taken possession, custody, and control pursuant to this order.

Delivery of Receivership Estate and Income and Revenues

IT IS FURTHER ORDERED that on notice to Business and the parties of this order, Business and parties (1) shall peacefully and immediately, but in no event less than forty-eight hours therefrom, surrender, turn over, and deliver to Receiver the Receivership Estate, including all records, books of account, executed originals of leases, contracts, insurance policies, sales tax returns, documents, and papers, and all revenues and income generated from the Property of Business in their possession, custody, or control; (2) are directed to cooperate with Receiver and to disclose all information relating to the management and operation of the Receivership Estate, including the names of all vendors and suppliers, copies of bills, service contracts, and bank accounts in their possession, custody, and control, and to turn over to Receiver any other material in their possession, custody, or control relevant and necessary in the opinion of Receiver to the fulfillment of [his/her] duties as Receiver pursuant to this order; (3) shall prepare and provide to Receiver an itemization as to the Receivership Estate of all accounts payable and receivable and operating expenses paid during this transition period; and (4) shall provide Receiver with access to all accounts, records, files, user names, and passwords maintained in connection with the Receivership Property and needed to access Business's accounts.

IT IS FURTHER ORDERED that Business shall instruct all employees, agents, or others now or hereafter in possession of any portion of the Receivership Estate to contact Receiver to arrange for the immediate turnover of the Receivership Estate to Receiver as Receiver may direct.

IT IS FURTHER ORDERED that if a party violates a material provision of this order, Movant or Receiver may petition this Court to issue an order to show cause why such party

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should not be found to be in contempt. All persons are hereby directed to comply with this order and any lawful instructions of Receiver made pursuant to the authority granted in this order. Nothing in this order shall require individuals to perform work at the behest of Receiver without fair compensation.

Overhead Expenses of Receiver

IT IS FURTHER ORDERED that all fees and expenses incurred by Receiver that pertain solely to Receiver's general office administration or overhead, including office supplies, employee wages, taxes, and benefits, and other charges, shall not be an expense of the Receivership Estate unless incurred directly and solely for the benefit of the Receivership Estate.

Termination Order

IT IS FURTHER ORDERED that as soon as practicable after termination of this Receivership, Receiver shall file, serve, and set for hearing in this Court [his/her] Final Report and Accounting. Notice shall be given to all persons for whom Receiver has received notice of potential claims against the Receivership Estate. The motion to approve the final report and accounting, and for discharge of Receiver, shall contain a summary of Business's Receivership accounting including enumeration, by major categories, of total revenues and total expenditures; the net amount of any surplus or deficit with supporting facts; a declaration under penalty of perjury of the basis for the termination of Business's Receivership; and evidence to support an order for the distribution of any surplus, or payment of any deficit, in the Receivership Estate. The bond of Receiver shall be canceled on this Court's discharge of Receiver.

General Orders

IT IS FURTHER ORDERED that on the failure of Business, its agents, its representatives, and all persons acting under, in concert with, or on its behalf, to abide by any term or

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condition of this order, Receiver may petition this Court for further action to compel and enforce this order.

IT IS FURTHER ORDERED that all parties hereto, related or interested parties hereto, and all other persons and entities are hereby enjoined from interfering with Receiver's exclusive conduct of Business's Receivership.

IT IS FURTHER ORDERED that Receiver and the parties to this lawsuit may at any time apply to this Court for instructions or orders. This Court may grant any order requested by Receiver, without further notice or hearing, if no objection is filed with this Court and served on Receiver and the parties within twenty days after filing and service of Receiver's request.

IT IS FURTHER ORDERED that no party to this lawsuit, their agents, representatives, and all persons acting under, in concert with, or on their behalf shall file a lawsuit against Receiver, or take other action against Receiver, without an order of this Court permitting the lawsuit or action; PROVIDED, HOWEVER, THAT no prior court order is required to file a motion in this action to enforce the provisions of this order or any other order of this Court in this action.

IT IS FURTHER ORDERED that Business, its agents, its representatives, and all persons acting under, in concert with, or on its behalf, with actual notice of this order are enjoined from in any way disturbing the Receivership Estate and from prosecuting any actions or proceedings that affect the Receivership Estate, to the extent that the same would injure the Property or interfere or disturb these receivership proceedings, without permission from this Court.

IT IS FURTHER ORDERED that the Receivership Estate and its employees, agents, attorneys and all professionals and management companies retained by Receiver shall not be held liable for any claim, obligation, liability, action, cause of action, cost, expense, or debts incurred by Business. Receiver and Receiver's employees, agents, professionals, and attor-

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neys shall have no personal liability and shall have no claim asserted against them relating to Receiver's duties under this order, without prior authority from this Court as provided in this order. Nothing contained in this order shall be construed as obligating or permitting Receiver to advance Receiver's own funds to pay any costs and expense of the Receivership Estate.

IT IS FURTHER ORDERED that [**name of movant**] shall indemnify, defend, and hold Receiver harmless from all suits in connection with the Receivership Estate and from all liability, including for damages to property and injury or death related to the business or property of the Receivership Estate, except for liability arising out of Receiver's willful misconduct or gross negligence that is not the result of Business's or [**name of movant**]'s instruction or direction.

IT IS FURTHER ORDERED that, on request made by any equity owner of Business, Receiver shall provide to that equity owner or his or her representatives, during reasonable business hours, reasonable access to, and shall permit the equity owner or his or her representatives to make copies of, any records or other pertinent information reasonably necessary for the equity owner to (1) make any filings with any governmental authorities, including state and federal income tax returns for any taxable year, or (2) respond to inquiries or investigations by governmental authorities or to lawsuits or other legal proceedings.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-47

An unsworn declaration may be used in place of an affidavit. See section 8.58 of the practice notes and form 8-27.

Include the following notice if a minor is named in the caption. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Oath of Receiver

I, [**name of receiver**], Receiver, swear that I will faithfully perform and discharge the duties of Receiver and obey the orders of the Court.

_____

[**Name of receiver**], Receiver

SIGNED under oath before me on _____.

_____

Notary Public, State of Texas

© STATE BAR OF TEXAS

Form 8-48

Lis Pendens by Receiver

STATE OF TEXAS)

COUNTY OF)

NOTICE IS HEREBY GIVEN that there is pending in the [**designation**] Court of [**county**] County, Texas, under Cause No. [**number**], a suit styled "[**style of suit**]." The parties to that suit are: [**list the names and party designations of all the parties**].

In that suit the real property described as follows: [**legal description of property**] has been placed in custodia legis. The undersigned has been appointed Receiver by the Court and has qualified.

_____

[**Name of receiver**], Receiver

STATE OF TEXAS)

COUNTY OF)

This instrument was acknowledged before me on _____ by [**name of receiver**].

_____

Notary Public, State of Texas

When recorded, return this instrument to:

[**Name and address of attorney**]

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Form 8-49

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Receiver's Motion to Dissolve Receivership Proceeding

This Motion to Dissolve Receivership Proceeding is brought by [**name**], Receiver, who shows in support:

Select one of the following.

1. The [property/business] the subject of these proceedings is encumbered by liens equal to or greater than the current market value of the [property/business]. There is no reasonable expectation that Receiver will be able to sell the [property/business] for an amount equal to or greater than the amount of the liens.

Or

1. The purpose for which a receiver was appointed to operate the business [has been satisfied/is no longer feasible to pursue].

Include any other grounds for the dissolution of the receivership.

Continue with the following.

2. It would be in the best interest of this proceeding to dissolve the receivership and to release the property involved from custodia legis.

Receiver prays that the Court grant this Motion to Dissolve Receivership Proceeding.

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_____

[**Name**]
Attorney for Receiver
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for Receiver

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Form 8-50

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Receiver's Motion for Authority to List Property with [Real Estate/Business] Broker

This Motion for Authority to List Property with [Real Estate/Business] Broker is brought by [**name**], Receiver, who shows in support:

1. On [**date**] Receiver was appointed by order of this Court and thereafter accepted the appointment and qualified as Receiver by making and filing the oath required by law.

2. It would serve the interest of the receivership to authorize Receiver to list the [property/business] [[**legal description of property**]/[**name of business**]] with a [duly licensed real estate/business] broker with sales experience in the [area/county] where the [property/business] is located. Receiver requests authorization to enter into a [real estate/business] brokerage agreement with [**name of broker**] for sale of the [property/business]. The proposed agreement is attached as Exhibit [**exhibit number/letter**].

Receiver prays that the Court grant this Motion for Authority to List Property with [Real Estate/Business] Broker.

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_____

[**Name**]
Attorney for Receiver
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for Receiver

Attach exhibit.

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Form 8-51

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order Authorizing Receiver to List Property with [Real Estate/Business] Broker

On [**date**] the Court considered the Motion for Authority to List Property with [Real Estate/Business] Broker of [**name**], Receiver.

IT IS ORDERED that Receiver is authorized to enter into a [real estate/business] brokerage agreement with [**name of broker**] containing the terms shown in Exhibit [**exhibit number/letter**] attached to this order.

SIGNED on _____.

_____
JUDGE PRESIDING

Attach exhibit.

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Form 8-52

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Receiver's Motion for Approval of Sale

This Motion for Approval of Sale is brought by [**name**], Receiver, who shows in support:

1. On [**date**] Receiver was appointed by this Court and authorized and directed to sell the [residence situated at [**street address, city, state**], more properly known as: [**legal description of property**]/business known as [**name of business**]]. Following the entry of the order, Receiver marketed the [property/business] and has now obtained a purchaser for the [property/business].

2. Receiver is ready to sell the [property/business] to [**name[s] of buyer[s]**] for a total sales price of $[**amount**], on the terms and conditions set forth in [an earnest money contract/a contract for sale], a copy of which is attached as Exhibit [**exhibit number/letter**]. Receiver is of the opinion that this sale represents the highest and best sales price readily obtainable after reasonable effort and due diligence and recommends to the Court that the sale be confirmed by this Court.

3. Receiver moves that the Court set a hearing on this sale and that, after hearing, this Court make and enter its order approving the sale and authorizing and directing Receiver to execute all documents that are reasonably necessary to effect the sale and conveyance and to deliver possession of the [property/business] to the purchaser[s] when the purchaser[s] [has/

have] complied with all [his/her/their] obligations under the [earnest money contract/contract for sale] referred to above.

_____

[**Name**]
Attorney for Receiver
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for Receiver

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Attach exhibit.

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Form 8-53

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order Approving Sale by Receiver

On [**date**], the Court heard the Motion for Approval of Sale brought by [**name**], Receiver.

The Court GRANTS the Motion for Approval of Sale, and the Receiver is AUTHORIZED and ORDERED to sign and execute all documents necessary for proper conveyance of the [following described property: [**legal description of property**]/business known as [**name of business**]] to [**name[s] of buyer[s]**], when the proposed Grantee[s] [has/have] complied with the terms, conditions, and provisions of the [earnest money contract/contract for sale].

Or

The Court DENIES the Motion for Approval of Sale.

Continue with the following.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-54

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Receiver's Report of Sale and Motion for Confirmation

This Report of Sale and Motion for Confirmation is brought by [**name**], Receiver, who shows in support:

1. On [**date**] Receiver was appointed by this Court and authorized and directed to sell the [residence situated at [**street address, city, state**], more properly known as: [**legal description of property**]/business known as [**name of business**]]. Following the entry of the order, Receiver marketed the [property/business] and obtained a purchaser for the [property/business].

2. Receiver moves that the Court set a hearing to confirm the sale made in accordance with this Court's approval of sale signed on [**date**].

_____

[**Name**]
Attorney for Receiver
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for Receiver

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Form 8-55

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order Confirming Sale of [Real Property/Business]

On [**date**] the Court considered the Report of Sale and Motion for Confirmation of [**name**], Receiver.

The Court finds that the sale reported was made in accordance with an order of this Court entered on [**date**]; that due notice of the filing of the Report of Sale and Motion for Confirmation was given to all parties; that the [property/business] was sold to [**name[s] of buyer[s]**], for a total sales price of $[**amount**], on the terms and conditions set forth in the [earnest money contract/contract for sale] of which a copy was attached as an exhibit to Receiver's motion for approval of sale; that the report of sale is true and correct; and that the sale was properly made in conformity with law for a fair price and is satisfactory and in conformity with the orders of this Court appointing Receiver.

IT IS THEREFORE ORDERED that the sale is, in all respects, CONFIRMED.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-56

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Receiver's Final Account and Motion for Discharge of Receiver

This Final Account and Motion for Discharge of Receiver is brought by [**name**], Receiver, who shows in support:

1. In accordance with the prior orders of this Court, Receiver has now [sold and disposed of the [real property described as follows: [**legal description of property**]/business known as [**name of business**]], having consummated the sale and made the conveyance/[**other functions performed as receiver**]] all in accordance with the prior orders of this Court.

2. After all [liens, taxes, necessary repairs, expenses, and other closing costs, including the commission,/[**applicable expenditures**]] were paid, Receiver has $[**amount**] in cash remaining from this sale and stands ready, willing, and able to pay over and distribute that amount as the Court directs. A copy of the closing statement is attached as Exhibit [**exhibit number/letter**].

3. Receiver employed [**name**], a duly licensed attorney, to consult with [him/her] and to render necessary legal services in furtherance of Receiver's duties. That attorney has devoted time and advanced certain costs in connection with the proceeding and has submitted a statement to Receiver for $[**amount**], which Receiver recommends be allowed as a cost of this proceeding. A copy of the attorney's statement to Receiver is attached as Exhibit [**exhibit number/letter**].

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Receiver prays that the Court grant this Motion for Discharge of Receiver.

_____

[**Name**]
Attorney for Receiver
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for Receiver

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Attach exhibits.

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Form 8-57

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order Approving Final Account and Discharging Receiver

The final account of [**name**], Receiver in this case, has been brought to the attention of the Court.

It appears to the Court from the evidence that Receiver has fully accounted for all assets taken into Receiver's possession and that Receiver has now performed all the functions of the office and that there is no necessity for continuation of these receivership proceedings.

The final account of [**name**], Receiver, is APPROVED in all respects.

It further appears to the Court that Receiver has $[**amount**] on hand, which the Court orders paid as follows: [**list recipients (parties, attorney, and receiver) and amount to be paid to each**].

It further appears to the Court that Receiver has simultaneously with this order paid and distributed all funds as ordered.

IT IS THEREFORE ORDERED that [**name**], Receiver, [**include if applicable:** and [his/her] corporate surety, if any] [is/are] fully and finally discharged and that this receivership proceeding is concluded.

SIGNED on _____.

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_____

JUDGE PRESIDING

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Form 8-58

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Exclude Expert Witness

This Motion to Exclude Expert Witness is brought by [**name of movant**], [**party designation**], who shows in support:

1. [Petitioner/Respondent] has identified [**name of expert**] as a testifying expert within [his/her] rule 194 disclosure responses as filed and supplemented on [**dates of all relevant disclosure responses**].

2. [Petitioner's/Respondent's] rule 194 disclosure responses (including relevant supplements) with respect to testifying expert [**name of expert**] state the following: [**include relevant subject matter, mental impressions, and other information identified in all disclosure responses**].

Or

2. [Petitioner's/Respondent's] rule 194 disclosure responses (including relevant supplements) with respect to testifying expert [**name of expert**] are attached to this motion as Exhibit [**exhibit number/letter**].

3. [**Name of expert**] submitted [an] expert report[s] as produced by [Petitioner/Respondent] in discovery as follows: [**identify initial, supplemental, and rebuttal reports and include relevant expert summary judgment affidavits where applicable**].

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And/Or

4. The deposition of [**name of expert**] was taken, and [**name of expert**] offered additional opinions and impressions during [his/her] sworn testimony on [**date of deposition**].

See section 8.71 of the practice notes for discussion of exclusion of expert witnesses.

5. [Petitioner/Respondent] asserts that the various opinions of testifying expert [**name of expert**], as specified below, should be excluded for the reasons stated. Each "challenged opinion" of [**name of expert**] is stated below, followed by [Petitioner's/Respondent's] bases for challenging the opinion.

a. CHALLENGED OPINION: [**Include the general nature of the opinion, the specific opinion of the expert being challenged, and the source where that opinion can be found, e.g.,** The fair market value of closely held business interest, ABC, **or** Parent A has engaged in parental alienation (See [**date**] deposition testimony at page [**number**])].

Select (1)–(6) as applicable.

(1) [**Name of expert**] is not qualified to give the opinion.

(2) [**Name of expert**]'s opinion is not reliable.

(3) [**Name of expert**]'s opinion is not relevant.

(4) The underlying facts supporting [**name of expert**]'s opinion do not provide a sufficient basis for the opinion.

(5) The probative value of [**name of expert**]'s opinion is outweighed by the danger of unfair prejudice or confusion.

(6) [**Name of expert**] can provide no legal basis to support the opinion.

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Repeat for all other challenged opinions.

Continue with the following.

[**Name of movant**] prays that the Court grant this Motion to Exclude Expert Witness.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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_____

[**Name**]
Attorney for [**name of movant**]

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Form 8-59

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Exclude Expert Witness

On [**date**] the Court heard the Motion to Exclude Expert Witness brought by [**name of movant**].

Select one of the following.

IT IS ORDERED that the motion is DENIED.

Or

IT IS ORDERED that the motion is GRANTED and the testimony of [**name of expert**] is excluded from trial.

Or

IT IS ORDERED that the motion is GRANTED IN PART, and the testimony of [**name of expert**] regarding the following issues, including [his/her] opinions on those issues, is excluded from trial: [**identify specific issues or opinions to be excluded**].

Continue with the following.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-60

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Authorize Presence of Qualified [Facility/Therapy] Dog

This Motion to Authorize Presence of Qualified [Facility/Therapy] Dog is brought by [**name of movant**], [**party designation**], who shows in support:

1. [**Name of movant**] [will call [**name of witness**] to testify/will testify] in person or through closed-circuit video teleconferencing [in a [hearing/trial] set on [**date[s] of anticipated court appearance**]/in a hearing during the pendency of this case]. This motion has been filed at least fourteen days prior to the date of the court proceeding.

2. The dog that is identified in the required statutory qualification documents attached as Exhibit A and the proof of liability insurance coverage attached as Exhibit B (the "designated dog") is a qualified [facility/therapy] dog as defined by section 21.012 of the Texas Government Code.

3. The presence of the designated dog will assist [[**name of witness**]/[**name of movant**]] in providing testimony.

4. A handler who is trained to manage the designated dog will accompany the designated dog at the court proceeding.

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[**Name of movant**] prays that the Court grant this Motion to Authorize Presence of Qualified [Facility/Therapy] Dog and enter an order authorizing the designated dog to accompany [[**name of witness**]/[**name of movant**]] during [his/her] testimony at the proceeding.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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[**Name**]
Attorney for [**name of movant**]

Attach exhibits.

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Form 8-61

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Authorize Presence of Qualified [Facility/ Therapy] Dog

On [**date**] the Court considered the Motion to Authorize Presence of Qualified [Facility/ Therapy] Dog of [**name of movant**], [**party designation**].

The Court finds that the [facility/therapy] dog designated in the statutory qualification documents provided (the "designated dog") is qualified pursuant to section 21.012 of the Texas Government Code and that the presence of the designated dog will assist [[**name of witness**]/[**name of movant**]] in providing testimony in court proceedings to take place in this matter.

The Court finds that proof of effective liability insurance coverage for the designated dog has been provided.

IT IS ORDERED that the designated dog may accompany [[**name of witness**]/[**name of movant**]] at the place and time of the testimony, whether in person or through closed circuit video teleconferencing.

IT IS ORDERED that a handler who is trained to manage the designated dog shall accompany the designated dog provided for [[**name of witness**]/[**name of movant**]] at the court

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proceeding and shall remain present at all times with the designated dog while [[**name of witness**]/[**name of movant**]] is required to be present in the court proceeding for testimony.

Include the following if applicable.

IT IS ORDERED that the following restrictions or limitations are imposed on the presence of the designated dog during the court proceedings: [**specify restrictions or limitations**].

Continue with the following.

SIGNED on _____.

_____
JUDGE PRESIDING

Forms 8-62 through 8-70 are reserved.

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Form 8-71

Letter to Client Regarding Notice of Dismissal for Want of Prosecution

[**Date**]

[**Name and address**]

Re: [**style of case**]

[**Salutation**]

This case is on the dismissal docket for [**date**]. Please notify me immediately if you wish the case to be retained on the docket. If I do not hear from you before [**date**] I will take no action, and the case will be dismissed. Please indicate whether you wish the case to be retained or dismissed by completing the bottom part of this letter and returning it to me.

Sincerely yours,

_____

[**Name of attorney**]

- - - -

Form 8-72

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Retain Case on Docket

This Motion to Retain Case on Docket is brought by [**name of movant**], [**party designation**], who shows in support:

1. This case was set for trial for the week of [**date**] but was passed.

The following paragraphs are examples.

2. [**Name of movant**] has requested [**describe discovery, etc.**], which has not been produced. [**Name of movant**] intends to prosecute this action and is asserting a good-faith effort toward that end, and to dismiss this case would prejudice [him/her].

Or

2. The parties are attempting reconciliation of their marriage and should be given time to determine whether a reconciliation takes place. If reconciliation is not possible, [**name of movant**] intends to prosecute this action, and to dismiss this case would prejudice [him/her].

Continue with the following.

[**Name of movant**] prays that this case be retained on the Court's docket and that it remain active and pending.

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_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Add verification if required.

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

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Form 8-73

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Retain Case on Docket and Pretrial Order

On [**date**] the Court considered the Motion to Retain Case on Docket of [**name of movant**].

Tex. R. Civ. P. 165a requires a pretrial order if the case is retained on the docket. See form 19-2.

IT IS ORDERED that this case is retained on the docket of this Court.

SIGNED on _____.

_____
JUDGE PRESIDING

APPROVED:

_____
[**Name**]
Attorney for [**name**]
[**Address**]

_____
[**Name**]
Attorney for [**name**]
[**Address**]

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Form 8-74

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Reinstate Case on Docket

This Motion to Reinstate Case on Docket is brought by [**name of movant**], [**party designation**], who shows in support:

1. This case was dismissed by an order signed on [**date**].

2. The act or omission resulting in dismissal was not intentional or the result of conscious indifference but was due to an accident or mistake, in that [**state facts that support this allegation or state other reasonable explanation for failure**].

If motion to reinstate cannot be filed within thirty days after the dismissal order was signed, because neither petitioner nor his attorney had notice of dismissal, include the following two paragraphs.

3. Neither [**name of attorney**] nor [**name of party**] received mailed or actual notice of the Order of Dismissal within twenty days after the signing of the order, but, rather, notice of the Order of Dismissal was received on [**date**], [**number**] days after the signing of the order, in the following manner: [**specify**].

4. Attached to this motion is the affidavit of [**name of affiant**] showing [he/she] received neither actual nor mailed notice of the signing of the Order of Dismissal within twenty days after the signing of the order.

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Continue with the following.

[**Name of movant**] requests that this Court enter its order reinstating [**name of movant**]'s action.

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

An unsworn declaration may be used in place of an affidavit. See form 8-27.

Affidavit

[**Name**] appeared in person before me today and stated under oath that [he/she] is above the age of eighteen years and is fully competent to make this affidavit; that [he/she] is the attorney for [**name of movant**] in this case and, as such, has authority to make this affidavit; that [he/she] has read the above Motion to Reinstate Case on Docket; and that every statement contained in it is within [his/her] personal knowledge and is true and correct.

_____
Affiant

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

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Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

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Form 8-75

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Reinstate Case on Docket

On [**date**] the Court considered the Motion to Reinstate Case on Docket of [**name of movant**].

IT IS ORDERED that the order dismissing this case is set aside and that the case is reinstated on the docket of this Court, to the same effect as if it had never been dismissed.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 8-76

This form applies to decisions of associate judges. It is not suitable as an objection to the findings of a master in chancery as contemplated by Tex. R. Civ. P. 171.

Include the following notice if a minor is named in the caption or if the request contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Request for De Novo Hearing

This Request for De Novo Hearing is brought by [**name**], [Petitioner/Respondent/Intervenor] in this case, who shows in support:

On [**date**] a [hearing/trial] was held in this case before the Associate Judge.

On [**date**] [**name**] received notice of the [substance of the Associate Judge's report/rendition of the Associate Judge's temporary order] by [oral statement in open court/copy of the [written report/temporary order] delivered in open court/certified mail/facsimile transmission/e-mail].

Pursuant to section 201.015 of the Texas Family Code, [**name**] requests a de novo hearing on the following issues: [**specify the issues that will be presented to the referring court**].

The Court should reform the [order recommended/temporary order rendered] by the Associate Judge and [grant/deny] [all [**include if applicable:** temporary] relief requested in [**name**]'s prior pleadings/the following relief: [**specify**]].

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[**Name**] prays the Court set a de novo hearing on this matter within thirty days after the filing of this request.

_____

[**Name**]
Attorney for [**name**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above de novo hearing is set on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name**]

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Form 8-77

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Suggestion of Death

[**Name**], [**capacity (e.g., administrator or executor) or family relationship**], hereby gives notice that [**name**], [Petitioner/Respondent], passed away on [**date**].

Include the following if applicable.

A copy of the death certificate is attached.

Include the following if applicable.

An application for probate was made in [**city, county, state**] under Cause No. [**number**]. The style of the case is [**style of probate case**].

Continue with the following.

_____

[**Name**]
Attorney for [**name**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name**]

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Form 8-78

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Suggestion of Bankruptcy

This Suggestion of Bankruptcy is filed by [**name**], who is [**party designation**] in this case.

[**Name**], [Petitioner/Respondent], filed a voluntary petition for relief under chapter [7/11/13] of the United States Bankruptcy Code in the United States Bankruptcy Court for the [**name**] District of [**state**], Case No. [**number**], on [**date**]. A copy of the petition is attached as Exhibit [**exhibit number/letter**].

[**Name**]
Attorney for [**name**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

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[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name**]

Forms 8-79 and 8-80 are reserved.

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Form 8-81

This motion was drafted in response to circumstances arising from the COVID-19 pandemic and may be adapted for other emergency situations. The motion should be amended as necessary to reflect the specific procedures and protocols in place in the court to which it is addressed.

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Use of Emergency Procedures

This Motion for Use of Emergency Procedures is brought by [**name of movant**], [**party designation**].

1. The contact information for the parties is:

   a. Movant, [**name of movant**], is [represented by [**name of movant's attorney**]/ self-represented]. Movant's e-mail address is [**e-mail address**] and telephone number is [**telephone number**]. Movant is the [**party designation**] in this suit.

   b. Respondent, [**name of respondent**], is [represented by [**name of respondent's attorney**]/self-represented]. Respondent's e-mail address is [**e-mail address**] and telephone number is [**telephone number**]. Respondent is the [**party designation**] in this suit. [**Include if respondent is pro se:** Respondent [has/has not] filed pleadings or otherwise made an appearance in the suit.]

Repeat for each party, guardian ad litem, attorney ad litem, and amicus attorney.

2. The parties have agreed to this motion and will submit an agreed order to the Court for approval.

Or

2. The parties have not agreed to this motion.

3. Pursuant to [the Supreme Court's First Emergency Order Regarding the COVID-19 State of Disaster (Misc. Docket No. 20-007) and Third Emergency Order Regarding the COVID-19 State of Disaster (Misc. Docket No. 20-008)/[**describe order permitting emergency procedures**]] and subject to constitutional limitations, Movant requests the following procedures apply for a stated period ending no later than thirty days after the state of disaster in this county is lifted:

Include as applicable.

a. The Court modify the deadline for [**deadline's description**]. The deadline currently is [**current deadline**]. The Court should modify this deadline to [**proposed deadline**] because [**reasons supporting modification of deadline**].

b. The Court suspend the deadline for [**deadline's description**]. The deadline currently is [**current deadline**]. The Court should suspend this deadline because [**reasons supporting suspension of deadline**].

c. The Court modify the [**description of procedure to be modified**]. The Court should modify this procedure as follows: [**description of proposed modified procedure**]. The Court should modify this procedure as requested because [**reasons supporting modification of procedure**].

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d. The Court suspend the [**description of procedure to be modified**]. The Court should suspend this procedure because [**reasons supporting suspension of procedure**].

e. The Court [allow/require] anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, or court reporter, but not including a juror—to participate remotely, such as by teleconferencing, videoconferencing, or other means. [**Include if applicable:** The Court specifically should allow such persons to participate by [**state specific means to participate remotely**].] For each proceeding, the Court should specify—

i. which means of remote participation are permitted;

ii. who is responsible for setting up the means for each person to participate remotely;

iii. how the public can access the proceedings, if the proceedings are required to be open to the public;

iv. if the parties must provide the Court with an electronic copy of all orders, pleadings, returns of citations, and other documents filed with the district clerk that are relevant to the hearing or conference, the address to which the parties must e-mail those documents, either as attachments to the e-mail or accessible through an e-mailed link to a cloud storage service, and the deadline for e-mailing the documents;

v. the address to which each party must e-mail the party's exhibits to the Court before a hearing or conference, either as attachments to the e-mail or accessible through an e-mailed link to a cloud storage service speci-

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fied by the Court, the format(s) the Court requires the exhibits to be in (for example, PDF), the manner in which the subject line of the e-mail is to be presented, the deadline for e-mailing the exhibits, and whether the party must copy on this e-mail all other parties who have filed pleadings or otherwise made an appearance in the suit;

vi. the other documents (for example, financial information statement, pay statements, tax returns with redacted Social Security numbers) the Court requires each party to e-mail to the Court before the hearing or conference, either as attachments to the e-mail or accessible through an e-mailed link to a cloud storage service specified by the Court, the format(s) the Court requires the documents to be in, the deadline for e-mailing the documents, and whether the party must copy on this e-mail all other parties who have filed pleadings or otherwise made an appearance in the suit;

vii. if a party wants the Court to consider certain statutory or case law, the format(s) the Court requires the documents to be in, the deadline for e-mailing the documents, and whether the party must copy on this e-mail all other parties who have filed pleadings or otherwise made an appearance in the suit; and

viii. the consequences to a party if the party fails to comply with subsections iv, v, vi, and vii.

f. The Court consider as evidence sworn statements [**include if applicable:** and unsworn declarations] made out of court. [**Include if applicable:** The Court specifically should consider as evidence an [affidavit/unsworn declaration] from [**name of witness**] as evidence in a hearing to [**description of hearing**].]

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Unless waived by each party, the Court should require each out-of-court sworn statement [**include if applicable:** and unsworn declaration] to be served on each party not less than [**number**] days before the hearing in which it is to be considered as evidence. Unless waived by each party, the Court should require an out-of-court sworn statement [**include if applicable:** or unsworn declaration] offered as rebuttal evidence to be served on each party not less than [**number**] days before the hearing in which it is to be considered as rebuttal evidence.

g. In lieu of the Court's interviewing the child[ren] who [is/are] the subject of this suit in chambers as provided in Texas Family Code section 153.009, the Court interview the child[ren] by remote means, specifying which remote means, including, if applicable, the remote means by which the other persons section 153.009 permits or requires to be present during the interview will participate, and specifying who is responsible for setting up the means for each such person to participate remotely.

h. The Court, after reasonable notice and access to the participants and the public, conduct proceedings away from the court's usual location. [**Include if applicable:** The Court specifically should conduct proceedings at [**location**].]

i. The Court require every participant in a proceeding, including any court hearing, jury trial, arbitration hearing, deposition, conference of the parties, conference with the Court, mediation, or collaborative law team meeting, to alert all parties before the proceeding if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, such as a fever, cough, shortness of breath, or other symptoms reported by the Centers for Disease Control and Prevention at **www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html**.

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j. The Court require every participant in a court hearing, jury trial, or conference with the Court to alert the Court before the proceeding if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, such as a fever, cough, shortness of breath, or other symptoms reported by the Centers for Disease Control and Prevention at **www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html**.

k. The Court make all other and further orders that are deemed necessary and equitable for proceedings in this suit [**include if applicable:** and for the safety and welfare of the child[ren]].

4. To assist the Court, the following documents relevant to this motion are attached: [**titles of each document**].

[**Name of movant**] prays that the Court grant this Motion for Use of Emergency Procedures.

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Include if all parties who have filed pleadings or otherwise made an appearance do not agree to the motion.

Certificate of Conference

I certify that a reasonable effort has been made to resolve the issues addressed in this motion without the necessity of court intervention and has failed.

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_____

[**Name**]
Attorney for [**name of movant**]

Notice of Hearing

The above motion is set for hearing by [telephone/[**other remote means**]] on _____ at _____ ____.M.

SIGNED on _____.

_____

Judge or Clerk

Continue with the following.

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name of movant**]

Attach the documents referred above.

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Form 8-82

This order was drafted in response to circumstances arising from the COVID-19 pandemic and may be adapted for other emergency situations. The order should be amended as necessary to reflect the specific procedures and protocols in place in the issuing court.

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion for Use of Emergency Procedures

On [**date**] the Court considered the Motion for Use of Emergency Procedures of [**name of movant**]. [**Include if applicable:** The Court finds that the parties have agreed to the motion as evidenced by the signatures of their attorneys [**include if applicable:** and the signature of the [Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney]] appearing below.]

1. Motion [Granted/Denied]

Select one of the following.

The motion is GRANTED as follows:

Or

The motion is GRANTED IN PART and DENIED IN PART as follows:

Or

The motion is DENIED.

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If the motion is denied, continue with the date of the order and the judge's signature. If the motion is granted or granted in part, continue with the following as applicable.

2. *Modified Deadlines*

IT IS ORDERED that the following deadlines are modified:

a. The deadline for [**deadline's description**] is [[**date**]/[**description of how to calculate the date, for example, 60 days before date of final hearing**]].

Repeat for other modified deadlines.

3. *Suspended Deadlines*

IT IS ORDERED that the following deadlines are suspended:

a. The deadline for [**deadline's description**].

Repeat for other suspended deadlines.

4. *Modified Procedures*

IT IS ORDERED that the following procedures are modified:

a. [**Description of modified procedure**].

Repeat for other modified procedures.

5. *Suspended Procedures*

IT IS ORDERED that the following procedures are suspended:

a. [**Description of suspended procedure**].

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Repeat for other suspended procedures.

6. Remote Participation in Proceedings

IT IS ORDERED that anyone involved in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, or court reporter, but not including a juror—[may/shall] participate in the proceeding remotely by teleconferencing or videoconferencing. For court proceedings, IT IS ORDERED that the parties, attorneys, witnesses, and any other persons attending proceedings remotely shall comply with the following procedures:

The following language is an example. Consult the local rules of the court when drafting.

a. *Notification of Information for Remote Proceeding.* When the court proceeding is scheduled, the Court will e-mail the parties (through their attorneys if represented) the information needed to attend the proceeding by Zoom or by telephone. Each attorney shall communicate this information to the attorney's clients and witnesses, including any witnesses the attorney subpoenaed for the proceeding, and shall provide each such person with a copy of this order. Each self-represented party shall communicate this information to the party's witnesses, including any witnesses the party subpoenaed for the proceeding, and shall provide each such person with a copy of this order. To comply with the open courts provisions of the Texas Constitution, the Court will create a public link [through the Court's YouTube channel] where members of the public can watch the proceedings live and will publicize that link on the [Court/district clerk]'s website, complete with the cause number of this suit.

b. *Use of Real Names.* In all communications with the Court and during the court proceedings, including when joining a Zoom meeting or conference call, each

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party, attorney, witness, or other person attending the proceeding shall use that person's real name when identifying himself or herself.

c. *If Translator Needed.* A party or attorney acting on a party's behalf shall contact the court coordinator as soon as possible after the court proceeding is scheduled if the party knows a translator will be needed.

d. *Necessary Hardware and Software.* If the Court is holding the proceeding through Zoom, at least forty-eight hours before the proceeding, each party, attorney, witness, or other person attending the proceeding shall create a Zoom account at **https://zoom.us/home**. The person shall create the account using the person's real name and work e-mail address. For each attorney, that e-mail address shall be the same as the one described in rule 21(f)(2) of the Texas Rules of Civil Procedure. At least forty-eight hours before the proceeding, each person shall download and install the Zoom app on the device (for example, computer, tablet, smart phone) the person will use to communicate with the Court during the proceeding. The device must have functional speakers, video camera, and microphone and must have an Internet connection. If a person, including a witness, knows he or she cannot attend the proceeding by video, that person or, if represented, the person's attorney shall contact the court coordinator as soon as possible before the proceeding. Each attorney shall show good cause for failure to appear by video at the proceeding.

e. *Submission of Exhibits to Court Coordinator and Parties.* To be potentially admissible into evidence, all exhibits, except rebuttal exhibits, must be e-mailed to the court coordinator and all parties not later than 2:00 P.M. the day before the court proceeding in the manner required in subsection f. below. If the day of the proceeding is a Monday or court holiday, the deadline will be 2:00 P.M. on the weekday that is not a court holiday and that immediately precedes the day of the

proceeding. The subject line of the e-mail shall state this suit's full cause number and state the name of the party, as well as the date of the court proceeding, for example, "Cause No. 12345; Petitioner's Exhibits; May 8, 2020."

f. *Format of Exhibits.* Each exhibit shall be in PDF, unless it is an [**include if applicable:** image file or] audio or video recording file. The title of each exhibit file shall state the name of the exhibit, for example, "Petitioner Ex. 1." [**Include if applicable:** Each image file shall be in either PDF or JPG format.] A party wanting to offer any audio recordings or video recordings shall upload the duly labeled recordings files to a folder in [Dropbox/[**name of cloud storage service acceptable to the court**]] and include a link to the folder in the party's exhibit e-mail. All audio recordings and video recordings shall be in MP4 format. A party wanting to offer any exhibits that contain any unredacted "personal identifying information" or "sensitive personal information," as those terms are defined in section 521.002 of the Texas Business and Commerce Code, shall upload the duly labeled files to a password-protected folder in [Dropbox/[**name of cloud storage service acceptable to the court**]] with a link to the folder in the e-mail [**include if applicable:** or each exhibit shall be password-protected with the same password]. The party offering those exhibits shall not include the password in the e-mail but shall communicate the password to the court coordinator and each other party by telephone or text message by the deadline to provide the exhibits. Unless critical to an issue in the case, a party may redact personal identifying information and sensitive personal information from an exhibit before submitting it.

g. *Exhibits with Rebuttal or Unanticipated Evidence.* During a proceeding, with the permission of the Court, a party may offer an exhibit with rebuttal evidence or an exhibit with evidence that the party could not have reasonably anticipated or sub-

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mitted prior to the proceeding through the Chat/File feature in Zoom or by e-mail to the Court and all parties if the proceeding is by telephone only.

h. *Documents Local Rules Require for Family Law Proceedings.* In family law cases, not later than 2:00 P.M. the day before the court proceeding as defined above in subsections e. and f., each party shall e-mail the court coordinator and the other parties with all documents required by this Court's local rules for family law proceedings, for example, financial information statement, pay statements, and tax returns. The titles of these files shall name the party and the documents (for example, Petitioner's Financial Information Sheet). A party may redact personal identifying information and sensitive personal information from these documents before submitting them.

i. *Submission of Relevant Orders, Pleadings, and Other Documents.* The parties shall confer before the court proceeding and at least forty-eight hours before the proceeding shall e-mail to the court coordinator, copying each other party, an electronic copy of all orders, pleadings, returns of citations, and other documents filed with the district clerk that are relevant to the proceeding. If the documents are too voluminous to attach or organize in an e-mail, the parties shall upload the documents to a folder in [Dropbox/[**name of cloud storage service acceptable to the court**]] and include a link to the folder in the e-mail. Each document shall be in PDF with a file name that reflects the title of the document.

j. *Submission of Late Responses and Replies.* Each party shall e-mail to the court coordinator and each other party any responses or replies the party e-filed with the district clerk less than forty-eight hours before the court proceeding. E-mailing such a document to the court coordinator is not a substitute for e-filing the document with the district clerk. No party shall include the judge or court coordinator as a service contact when e-filing a document.

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k. *Submission of Case Law, Statutes, Regulations, and Similar Documents.* If a party wants the Court to consider any case law, statute, regulation, or similar document, the party shall e-mail the document to the court coordinator and the other parties the day before the court proceeding.

l. *Failure to Comply with Procedures.* Failure to comply with the procedures in this order for submitting proposed exhibits, information required by this Court's local rules, responses and replies, or supporting statutes, case law, regulations, or similar documents without good cause may result, as applicable, in the exclusion of the exhibits, the Court's not considering the documents, or other sanction as provided by the Court's local rules or inherent powers.

m. *Opening in Zoom App.* If the Court is holding the proceeding through Zoom, before the proceeding begins, when a person attempts to join the Zoom meeting from the Zoom webpage, the webpage will ask whether to open the Zoom app. Each person shall instruct Zoom to open in the Zoom app and allow it to install the program and not rely on the web browser. In this way, the attorneys and parties will have the means to communicate confidentially in private breakout rooms unavailable on the plug-in version of Zoom.

n. *Dress Codes.* If the Court is holding the proceeding through Zoom and unless the Court orders otherwise for that proceeding, attorneys shall dress in the same business attire as if the proceeding were held in the courtroom. Parties and witnesses shall dress in the manner they would if they were attending court in person, unless required for health reasons not to do so. Each attorney shall ensure that the attorney's clients and witnesses are aware of and comply with this dress code. If the Court is holding the proceeding only by telephone, these dress codes will not apply.

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o. *Joining Proceeding by Zoom before Its Scheduled Start.* The parties, attorneys, witnesses, and all other persons attending the proceeding shall join the proceeding by Zoom by clicking on the Zoom link sent by the Court or by joining the conference call number sent by the Court at least five minutes before the proceeding is scheduled to begin.

p. *Court Bringing Parties, Attorneys, and Witnesses into Virtual Courtroom.* If the Court is holding the proceeding through Zoom, when each person joins the meeting, the person will appear in a virtual waiting room with all other parties, attorneys, and witnesses. There may be several cases set on the docket at the same time. When this case is called, the Court will bring the attorneys and clients into the virtual courtroom, in turn. When the Court brings the attorneys and clients into the virtual courtroom, their videos will automatically be on and their audios muted until the proceeding begins. If the Court is holding the proceeding through Zoom, the attorneys shall appear on video at all times during the proceeding, except when the Court recesses the proceeding.

q. *Requirements for Witnesses to Be Able to Testify Remotely.* When taking the oath to testify and when testifying, each witness shall appear on video unless the witness is in the presence of a notary public, identified to the Court, who can verify the identity of the witness, in which case the witness may testify through Zoom only on audio or may testify in a proceeding conducted solely by telephone. Otherwise, all other potential witnesses who are not on video through Zoom may not testify.

r. *Witnesses Treated as Though in a Physical Courtroom.* Unless permitted by the Court or as provided below, a witness may not have access to any electronic information or physical notes while testifying, just as if the witness were on the witness stand in the courtroom. Except during a recess in the proceeding, no person shall

communicate, verbally or nonverbally, with a witness through any method except the audiovisual or audio means shared with all the participants in the proceeding who are present in the virtual courtroom. If "the Rule" (rule 267 of the Texas Rules of Civil Procedure and rule 614 of the Texas Rules of Evidence) is invoked, no one may communicate in any manner, including by telephone, text message, or e-mail, with any witness placed under the Rule, except as permitted by the Rule and then only during a recess in the proceeding. While placed under the Rule, witnesses are prohibited from observing the proceeding through the Court's YouTube channel and from communicating with anyone who is observing the proceeding through the Court's YouTube channel.

s. *Muting Microphones and Telephones.* All persons participating in the proceedings except the judge, the witness, and the questioning attorney or questioning self-represented party shall keep their Zoom microphone or telephone, as applicable, on mute unless speaking. The Court recognizes that there may be a slight delay in an attorney or party unmuting their microphone or telephone to make an objection. If attending the proceeding by telephone, a participant shall not put the telephone on hold at any time during the proceeding.

t. *Communications between Attorneys and Clients during Proceedings.* If the Court is holding the proceeding through Zoom, the attorneys may communicate with their clients using the private chat feature, hitting the "CHAT" button and, at the bottom of the chat window, pulling down the recipient arrow and selecting the client's name. Attorneys shall not privately communicate with their clients while the clients are testifying, including through text message, e-mail, or the Zoom chat function. All communications between an attorney and a testifying client shall be through Zoom or by telephone, as applicable, in a manner that all participants can hear and that a record may be made.

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u. *Recesses.* The Court may recess the proceeding for breaks or to allow attorneys to confer with their clients. If an attorney wishes to confer with a client, the attorney shall make that request to the Court, identifying the client by name. The Court will send those video streams into a confidential side-room to confer for a period set by the Court. In a similar manner, attorneys or self-represented parties may ask the Court to confer privately with one another. An attorney or self-represented party may ask the Court to allow them to confer privately with a witness.

v. *NO RECORDING OF COURT PROCEEDING.* UNDER PENALTY OF CONTEMPT OF COURT, NO PERSON, OTHER THAN THE COURT REPORTER, MAY RECORD A COURT PROCEEDING. THIS PROHIBITION APPLIES TO MEMBERS OF THE PUBLIC WATCHING THE PROCEEDINGS ON THE COURT'S YOUTUBE CHANNEL AND TO PERSONS WITH THE ABILITY TO RECORD THE ZOOM MEETING. The court reporter's record shall be the only record of the court proceeding.

w. *Orders Apply to Agents.* No party, attorney, or witness may circumvent the terms of this order by having another person perform a task prohibited for that party, attorney, or witness. For example, if an attorney is prohibited from communicating with a witness during a proceeding, the attorney's legal assistant or other agent of the attorney may not communicate with that witness during the proceeding.

7. Depositions by Remote Electronic Means

IT IS ORDERED that if a party takes an oral deposition by a remote electronic means in which the deponent appears live on video to a person authorized to administer oaths in the jurisdiction in which the witness is located, the person may administer the oath to the deponent, notwithstanding the requirements of rule 199.1(b) of the Texas Rules of Civil Procedure.

A party using Zoom may record an oral deposition by other than stenographic means using Zoom's record function, if the party complies with rule 199.1 as modified by this order.

8. Sworn Statements [and Unsworn Declarations] as Evidence

IT IS ORDERED that sworn statements [**include if applicable:** and unsworn declarations] made out of court will be considered as evidence. [**Include if applicable:** Specifically, the Court will consider as evidence an [affidavit/unsworn declaration] from [**name of witness**] as evidence in [a/the] [**description of proceeding**].] Unless waived by each party, IT IS ORDERED that each out-of-court sworn statement [**include if applicable:** and unsworn declaration] to be submitted as evidence must be served on each party not less than [**number**] days before the proceeding in which it is to be considered as evidence. Unless waived by each party, IT IS FURTHER ORDERED that each out-of-court sworn statement [**include if applicable:** or unsworn declaration] offered as rebuttal evidence must be served on each party not less than [**number**] days before the proceeding in which it is to be considered as rebuttal evidence.

9. Remote Interview of Children

The Court finds that, pursuant to section 153.009 of the Texas Family Code, [[Movant/Respondent] has/Movant and Respondent have] asked the Court to confer with [**name[s] of child[ren]**], the child[ren] who [is/are] the subject of this suit, to determine [the/each] child's wishes as to [conservatorship/possession/access/who shall have the exclusive right to determine the child's primary residence/[**describe other issue**]]. The request to confer is GRANTED. IT IS ORDERED that the following procedures shall apply to the Court's interview with the child[ren]:

a. The Court shall confer with [the/each] child using Zoom. The Court will notify the parties [**include if applicable:** and the [attorney ad litem/amicus attorney/guardian ad litem] for the child[ren]] by e-mail of a Zoom meeting, in which the Court will confer with [the child/each child separately]. The party in possession of the

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child[ren] at the time of the conference shall ensure [the/each] child is available at the time of the Zoom meeting and has possession of a device (for example, computer, tablet, smart phone) the child will use to communicate with the Court during the conference. The device must have functional speakers, video camera, and microphone and must have an Internet connection. The device must have the Zoom program or app loaded on it before the time of the Zoom meeting. If the party in possession knows he or she cannot meet those requirements, that party or, if represented, the party's attorney shall contact the court coordinator as soon as possible before the conference.

b. When the Court begins the Zoom meeting, the party in possession of the child or an adult designated by the party shall join the meeting, identify himself or herself to the Court, and then leave the room. While the Court is conferring with [the/each] child, no person may be present in the same room as the child, and no person, when outside of that room, may be so close to the room that the person can hear the voice of the child or the Court. With the exception of the Court's court reporter, no person, including the child, may record any statements of the child or the Court made during the interview. Besides the child, only the court reporter or another member of the Court's staff may join the Zoom meeting, except the Court may permit the attorney for a party, the amicus attorney, the guardian ad litem for the child, or the attorney ad litem for the child to join the meeting.

10. Proceedings at an Alternative Location

IT IS ORDERED that the Court will conduct the following proceedings in this suit away from the Court's usual location:

a. On [**date**], the Court will hold the [**description of proceeding**] at [**address**].

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Repeat for other proceedings to be held at alternative locations.

The Court finds that [the/each] alternative location offers reasonable access to the participants and the public. The Court will be responsible for providing reasonable notice to the public.

11. Notification to Parties of Illness

IT IS ORDERED that unless a court proceeding is being conducted entirely remotely, with each participant separate from each other participant and no notary public present with a witness to enable the witness to testify solely by telephone, each participant in a proceeding, including any court hearing, jury trial, arbitration hearing, deposition, conference of the parties, conference with the Court, mediation, or collaborative law team meeting, shall alert all parties before the proceeding if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, such as a fever, cough, shortness of breath, or other symptoms reported by the Centers for Disease Control and Prevention at **https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html**.

12. Notification to Court of Illness

IT IS ORDERED that unless a court proceeding is being conducted entirely remotely, with each participant separate from each other participant and no notary public present with a witness to enable the witness to testify solely by telephone, each participant in a court hearing, jury trial, or conference with the Court shall alert the Court before the proceeding if the participant has, or knows of another participant who has, COVID-19 or flu-like symptoms, such as a fever, cough, shortness of breath, or other symptoms reported by the Centers for Disease Control and Prevention at **https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html**.

13. Other Orders

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The Court makes the following additional orders that are necessary and equitable for proceedings in this suit [**include if applicable:** and for the safety and welfare of the child[ren]]: [**additional orders**].

14. Court and Court Coordinator's Contact Information

The Court's e-mail address is [**e-mail address**]. The court coordinator's e-mail address and telephone number are [**e-mail address**] and [**telephone number**].

15. Duration of Order

This order shall continue in force until the earlier of [[**date**]/thirty days after the state of disaster in this county is lifted] or further order of this Court, including the signing of a final judgment.

SIGNED on _____.

_____
JUDGE PRESIDING

APPROVED AS TO [FORM ONLY/
BOTH FORM AND SUBSTANCE]:

_____
[**Name**]
Attorney for Movant
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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[**Name**]
Attorney for Respondent
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Include the following if applicable.

[**Name**]
[Guardian Ad Litem/Attorney Ad Litem/
Amicus Attorney]
State Bar No.: [**if applicable**]
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Chapter 9

Child Support

Form 9-1 National Medical Support Notice 875

Form 9-2 Request for Issuance of Income Withholding for Support 886

Form 9-3 Income Withholding for Support 888

Form 9-4 Notice of Application for Income Withholding for Support (Judicial Writ of Withholding) 893

Form 9-5 Motion to Stay Issuance and Delivery of Income Withholding for Support (Judicial Writ of Withholding) 897

[Form 9-6 is reserved for expansion.]

Form 9-7 Employer's [Motion/Request] for Hearing on Applicability of Income Withholding for Support 900

Form 9-8 Filing Letter for Income Withholding for Support to Subsequent Employer (Judicial Writ of Withholding) 902

Form 9-9 Filing Letter for Postal Return Receipt for Income Withholding for Support Delivered to Subsequent Employer (Judicial Writ of Withholding) 903

Form 9-10 Request for Issuance of Income Withholding for Support 904

Form 9-11 Request for Issuance of Revised Income Withholding for Support 906

Form 9-12 Original Petition to [Terminate/Modify] [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding] 908

Form 9-13 Order [Terminating/Modifying] [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding] 913

Form 9-14 Petition for Support of Disabled Child 921

Form 9-15 Order for Support of Disabled Child 926

Form 9-16 Original Petition to Recover Child Support Payments Made in Excess of Child Support Order 939

Form 9-17 Order to Recover Child Support Payments Made in Excess of Child Support Order 943

Form 9-18 Record of Support Order 948

Form 9-19 Petition to Reduce Balance of Child Support Obligation of Deceased Obligor to Judgment 951

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Form 9-20 Judgment for Balance of Deceased Obligor's Child Support Obligation [and for Arrearage Accrued before Death] 955

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Form 9-1

The national medical support notice is a form promulgated by the federal Office of Child Support Enforcement. In Texas, the notice is required in all title IV-D cases in which the employee is ordered to provide health-care coverage for a child through his or her employment. Additionally, the notice may be used in any other suite in which an obligor is ordered to provide health insurance coverage for a child. Tex. Fam. Code § 154.186. It serves as notice to the employer to withhold for health-care coverage and includes information about the various responsibilities of the employer.

It may be downloaded from **www.acf.hhs.gov/css/resource/national-medical-support-notice-form**.

See the practice notes at section 9.43 for instructions for completion of the notice.

National Medical Support Notice

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NATIONAL MEDICAL SUPPORT NOTICE - PART A
NOTICE TO WITHHOLD FOR HEALTH CARE COVERAGE

This Notice is issued under section 466(a) (19) of the Social Security Act, section 609(a)(5)(C) of the Employee Retirement Income Security Act of 1974 (ERISA), and for State and local government and church plans, sections 401(e) and (f) of the Child Support Performance and Incentive Act of 1998. Receipt of this Notice from the Issuing Agency constitutes receipt of a Medical Child Support Order under applicable law. The information on the Custodial Parent and Child(ren) contained on this page is confidential and should not be shared or disclosed with the employee. NOTE: For purposes of this form, the Custodial Parent may also be the employee when the State opts to enforce against the Custodial Parent.

☐ **National Medical Support Order/Notice (NMSN)** ☐ **Termination Order/Notice (Optional)**

Issuing Agency: _____ Issuing Agency Address: _____ _____ Notice Date: _____ CSE Agency Case Identifier: _____ Telephone Number: _____ FAX Number:	Court or Administrative Authority: _____ Order Date: _____ Order Identifier: _____ Document Tracking Identifier: _____ Employer web site: _____ See NMSN Instructions: http://www.acf.hhs.gov/programs/css/resource/national-medical-support-notice-form

RE:

_____
Employer/Withholder's Federal EIN Number

_____
Employee's Name (Last, First, MI)

_____
Employer/Withholder's Name

_____
Employee's Social Security Number

_____
_____
_____
Employer / Withholder's Address

_____
_____
_____
Employee's Mailing Address

_____
Custodial Parent's Name (Last, First, MI)

_____
Substituted Official/Agency Name

_____
_____
_____
Custodial Parent's Mailing Address

_____
_____
_____
Substituted Official/Agency Address
Required if Custodial Parent's mailing address is left blank)

_____
_____
_____
Child(ren)'s Mailing Address (if different from Custodial Parent's)

_____
Name and Telephone of a Representative of the Child(ren)

_____
_____
_____
Mailing Address of a Representative of the Child(ren)

Child(ren)'s Name(s)	Gender	DOB	SSN	Child(ren)'s Name(s)	Gender	DOB	SSN
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____

The order requires the child(ren) to be enrolled in ☐ all health coverages available; or only the following coverage(s):
☐ Medical; ☐ Dental; ☐ Vision; ☐ Prescription drug; ☐ Mental health; ☐ Other (specify): _____

THE PAPERWORK REDUCTION ACT OF 1995 (P.L. 104-13) Public reporting burden for this collection of information is estimated to average 10 minutes per response, including the time reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. **OMB control number: 0970-0222 Expiration Date: 10/31/2022.**

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LIMITATIONS ON WITHHOLDING

The total amount withheld for both cash and medical support cannot exceed _____% of the employee's aggregate disposable weekly earnings. The employer may not withhold more under this National Medical Support Notice than the lesser of:

1. The amounts allowed by the Federal Consumer Credit Protection Act (15 U.S.C., section 1673(b));
2. The amounts allowed by the State of the employee's principal place of employment; or
3. The amounts allowed for health insurance premiums by the child support order, as indicated here:_____.

The Federal limit applies to the aggregate disposable weekly earnings (ADWE). ADWE is the income left after making mandatory deductions such as State, Federal, local taxes; Social Security taxes; and Medicare taxes. As required under section 2.b.2 of the Employer Responsibilities on page 4, complete item 5 of the Employer Response to notify the Issuing Agency that enrollment cannot be completed because of prioritization or limitations on withholding.

PRIORITY OF WITHHOLDING

If withholding is required for employee contributions to one or more plans under this notice and for a support obligation under a separate notice and available funds are insufficient for withholding for both cash and medical support contributions, the employer must withhold amounts for purposes of cash support and medical support contributions in accordance with the law, if any, of the State of the employee's principal place of employment requiring prioritization between cash and medical support, as described here:

_____

As required under section 2.b.2 of the Employer Responsibilities on page 4, complete item 5 of the Employer Response to notify the Issuing Agency that enrollment cannot be completed because of prioritization or limitations on withholdings.

Additional Information for Termination Order/Notice (Optional)

1. Effective date of medical support termination: _____
2. Reason for termination: _____
3. Child(ren) to be terminated:

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

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EMPLOYER RESPONSE

If 1, 2, 3, 4 or 5 below applies, check the appropriate box and return this Part A to the Issuing Agency within 20 business days after the date of the Notice, or sooner if reasonable. NO OTHER ACTION IS NECESSARY. If 1 through 5 does not apply, complete item 7 and forward **Part B** to the appropriate Plan Administrator(s) within 20 business days after the date of the Notice, or sooner if reasonable. This includes any organization or labor union that provides group health care benefits to the employee. Check number 5 and return this **Part A** to the **Issuing Agency** if the Plan Administrator informs you that the child(ren) would be enrolled in or qualify(ies) for an option under the plan for which you have determined that the employee contribution exceeds the amount that may be withheld from the employee's income due to State or Federal withholding limitations and/or prioritization. You are required to respond to the Issuing Agency by returning this **Employer Response** regardless of whether you provide group health benefits or the employee named herein is no longer employed by your organization. Information for the Plan Administrator and the Employer Representative at the bottom of this section is required.

☐ 1. The employee named in this Notice has never been employed by this employer.

☐ 2. We, the employer, do not offer our employees the option of purchasing dependent or family health care coverage as a benefit of their employment.

☐ 3. The employee is among a class of employees (for example, part-time or non-union) that are not eligible for family health coverage under any group health plan maintained by the employer or to which the employer contributes. Do not check this box if the employee is only temporarily ineligible for health care coverage.

☐ 4. Health care coverage is not available because employee is not employed by employer:

Effective date of termination: _____

Reason for termination:

_____

Last known telephone number: _____

Last known address: _____

New employer (if known): _____

New employer telephone number: _____

New employer address: _____

☐ 5. State or Federal withholding limitations and/or prioritization prevent the withholding from the employee's income of the amount required to obtain coverage under the terms of the plan.

☐ 6. The participant is subject to a waiting period that expires _____ (more than 90 days from the date of receipt of this Notice), or has not completed a waiting period, which is determined by some measure other than the passage of time, such as the completion of a certain number of hours worked (describe here:_____). At the completion of the waiting period, the Plan Administrator will process the enrollment.

☐ 7. Employer forwarded Part B to Plan Administrator on _____.
MM/DD/YY

CONTACT FOR QUESTIONS

Plan Administrator Name: _____
Contact Person: _____

FAX Number: _____
Telephone Number: _____

Employer Name: _____
Employer Representative Name/Title: _____

Telephone Number: _____
Federal EIN: _____
(if not provided on Page 1 of this Notice)

Employee Name: _____

Date: _____

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INSTRUCTIONS TO EMPLOYER

This document serves as legal notice that the employee identified on this National Medical Support Notice is obligated by a court or administrative child support order to provide health care coverage for the child(ren) identified on this Notice. This National Medical Support Notice replaces any Medical Support Notice that the Issuing Agency has previously served on you with respect to the employee and the children listed on this Notice.

The document consists of **Part A - Notice to Withhold for Health Care Coverage** for the employer to withhold any employee contributions required by the group health plan(s) in which the child(ren) is/are enrolled; and **Part B - Medical Support Notice to the Plan Administrator**, which **must** be forwarded to the Administrator of each group health plan identified by the employer to enroll the eligible child(ren), or completed by the employer, if the employer serves as the health Plan Administrator.

An employer receiving this legal Notice is required to complete and return **Part A – Employer Response**. If group health coverage is not available to the employee named herein, or the employee was never or is no longer employed, the employer is required to complete **Part A – Employer Response** and return it to the Issuing Agency with the appropriate response checked. If you, the employer, provide the health care benefits to the employee, forward **Part B – Plan Administrator Response** to the health Plan Administrator of your organization. If the employee's health care benefits are administered through another organization, including a labor union, forward Part B of the Notice to the labor union or other organization acting as the Plan Administrator for completion. If the employee has already enrolled the child(ren) in health care coverage, the employer must forward Part B to the Plan Administrator for completion and submittal to the Issuing Agency.

Keep a copy of Part A as it may be used to notify the Issuing Agency if the employee separates from service for any reason including retirement or termination.

EMPLOYER RESPONSIBILITIES

1. If the individual named in this Notice is not your employee, or if the family health care coverage is not available, please complete item 1, 2, 3, 4 or 5 of the Employer Response as appropriate, and return it to the Issuing Agency. NO OTHER ACTION IS NECESSARY.

2. If family health care coverage is available for which the child(ren) identified above may be eligible, you are required to:

   a. Transfer, not later than 20 business days after the date of this Notice, a copy of **Part B - Medical Support Notice to the Plan Administrator** to the Administrator of each appropriate group health plan for which the child(ren) may be eligible, complete item 7, and

   b. Upon notification from the Plan Administrator(s) that the child(ren) is/are enrolled, either

      1) withhold from the employee's income any employee contributions required under each group health plan, in accordance with the applicable law of the employee's principal place of employment and transfer employee contributions to the appropriate plan(s), or

      2) complete item 5 of the Employer Response to notify the Issuing Agency that enrollment cannot be completed because of prioritization or limitations on withholding.

   c. If the Plan Administrator notifies you that the employee is subject to a waiting period that expires more than 90 days from the date of its receipt of **Part B** of this Notice, or whose duration is determined by a measure other than the passage of time (for example, the completion of a certain number of hours worked), complete item 6 of the Employer Response to notify the Issuing Agency of the enrollment timeframe and notify the Plan Administrator when the employee is eligible to enroll in the plan and that this Notice requires the enrollment of the child(ren) named in the Notice in the plan.

3. If the Termination Order/Notice (Optional) checkbox is checked, you are required to terminate the health care coverage for the child(ren) identified in the order unless the employee has indicated that they want to continue coverage voluntarily.

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DURATION OF WITHHOLDING

The child(ren) shall be treated as dependents under the terms of the plan. Coverage of a child as a dependent will end when conditions for eligibility for coverage under terms of the plan no longer apply. However, the continuation coverage provisions of ERISA may entitle the child to continuation coverage under the plan. The employer must continue to withhold employee contributions and may not disenroll (or eliminate coverage for) the child(ren) unless:

1. The employer is provided satisfactory written evidence that:
   a. The court or administrative child support order referred to in this Notice is no longer in effect; or
   b. The child(ren) is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment from the plan; or
2. The employer eliminates family health coverage for all of its employees.

POSSIBLE SANCTIONS

An employer may be subject to sanctions or penalties imposed under State law and/or ERISA for discharging an employee from employment, refusing to employ, or taking disciplinary action against any employee because of medical child support withholding, or for failing to withhold income, or transmit such withheld amounts to the applicable plan(s) as the Notice directs. Sanctions or penalties may be imposed under State law against an employer for failure to respond and/or for non-compliance with this Notice.

NOTICE OF TERMINATION OF EMPLOYMENT

In any case in which the above employee's employment terminates, the employer must promptly notify the Issuing Agency listed above of such termination. This requirement may be satisfied by sending to the Issuing Agency a copy of Part A with response 4 checked or any notice the employer is required to provide under the continuation coverage provisions of ERISA or the Health Insurance Portability and Accountability Act.

EMPLOYEE LIABILITY FOR CONTRIBUTION TO PLAN

The employee is liable for any employee contributions that are required under the plan(s) for enrollment of the child(ren) and is subject to appropriate enforcement. The employee may contest the withholding under this Notice based on a mistake of fact (such as the identity of the obligor). Should an employee contest the withholding under this Notice, the employer must proceed to comply with the employer responsibilities in this Notice until notified by the Issuing Agency to discontinue withholding. To contest the withholding under this Notice, the employee should contact the Issuing Agency at the address and telephone number listed on the Notice. With respect to plans subject to ERISA, it is the view of the Department of Labor that Federal Courts have jurisdiction if the employee challenges a determination that the Notice constitutes a Qualified Medical Child Support Order.

CONTACT FOR QUESTIONS

If you have any questions regarding this Notice, you may contact the Issuing Agency at the address and telephone number listed on page 1 of this Notice.

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NATIONAL MEDICAL SUPPORT NOTICE - PART B
MEDICAL SUPPORT NOTICE TO PLAN ADMINISTRATOR

This Notice is issued under section 466(a)(19) of the Social Security Act, section 609(a)(5)(C) of the Employee Retirement Income Security Act of 1974 (ERISA), and for State and local government and church plans, sections 401(e) and (f) of the Child Support Performance and Incentive Act of 1998 (CSPIA). Receipt of this Notice from the Issuing Agency constitutes receipt of a Medical Child Support Order under applicable law. The rights of the parties and the duties of the plan administrator under this Notice are in addition to the existing rights and duties established under such law. The information on the Custodial Parent and Child(ren) contained on this page is confidential and should not be shared or disclosed with the employee. NOTE: For purposes of this form, the Custodial Parent may also be the employee when the State opts to enforce against the Custodial Parent.

Issuing Agency: _____ Issuing Agency Address: _____ _____ Notice Date: _____ CSE Agency Case Identifier: _____ Telephone Number: _____ FAX Number: _____	Court or Administrative Authority: _____ Order Date: _____ Order Identifier: _____ Document Tracking Identifier: _____ Employer web site: _____ See NMSN Instructions: http://www.acf.hhs.gov/programs/css/resource/national-medical-support-notice-form

RE:

Employer/Withholder's Federal EIN Number	Employee's Name (Last, First, MI)
Employer/Withholder's Name	Employee's Social Security Number
Employer/Withholder's Address	Employee's Mailing Address
Custodial Parent's Name (Last, First, MI)	Substituted Official/Agency Name
Custodial Parent's Mailing Address	Substituted Official/Agency Address (Required if Custodial Parent's mailing address is left blank)
Child(ren)'s Mailing Address (if different from Custodial Parent's)	
Name and Telephone of a Representative of the Child(ren)	Mailing Address of a Representative of the Child(ren)

Child(ren)'s Name(s)	Gender	DOB	SSN

Child(ren)'s Name(s)	Gender	DOB	SSN

The order requires the child(ren) to be enrolled in ☐ all health coverages available; or only the following coverage(s):
☐ Medical; ☐ Dental; ☐ Vision; ☐ Prescription drug; ☐ Mental health; ☐ Other (specify):_____

THE PAPERWORK REDUCTION ACT OF 1995 (P.L. 104-13) No persons are required to respond to a collection of information unless it displays a valid OMB control number. The time required to complete this information collection is estimated to average 20 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete the review of the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form please write to: Joseph Piacentini, Office of Policy and Research, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW. Room-N5718, Washington, DC 20210 or email ebsa.opr@dol.gov and reference the OMB Control Number.
OMB control number: 1210-0113. Expiration Date: 10/31/2022.

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PLAN ADMINISTRATOR RESPONSE

(To be completed and returned to the Issuing Agency within 40 business days after the date of the Notice, or sooner if reasonable)

Case #_____(to be completed by the issuing agency)

This Notice was received by the plan administrator on_____.

1. This Notice was determined to be a "qualified medical child support order," on_____.
Complete **Response 2 or 3, and 4**, if applicable.

2. The participant (employee) and alternate recipient(s) (child(ren)) are to be enrolled in the following family coverage.

a. The child(ren) is/are currently enrolled in the plan as a dependent of the participant.

b. There is only one type of coverage provided under the plan. The child(ren) is/are included as dependents of the participant under the plan.

c. The participant is enrolled in an option that is providing dependent coverage and the child(ren) will be enrolled in the same option.

d. The participant is enrolled in an option that permits dependent coverage that has not been elected; dependent coverage will be provided.

Coverage is effective as of (includes waiting period of less than 90 days from date of receipt of this Notice). The child(ren) has/have been enrolled in the following option (if plan is insured, identify provider, policy and group numbers):_____. Any necessary withholding should commence if the employer determines that it is permitted under State and Federal withholding and/or prioritization limitations.

3. There is more than one option available under the plan and the participant is not enrolled. The Issuing Agency must select from the available options. Each child is to be included as a dependent under one of the available options that provide family coverage. If the Issuing Agency does not reply within 20 business days of the date this Response is returned, the child(ren), and the participant if necessary, will be enrolled in the plan's default option, if any:_____.

4. The participant is subject to a waiting period that expires (more than 90 days from the date of receipt of this Notice), or has not completed a waiting period which is determined by some measure other than the passage of time, such as the completion of a certain number of hours worked (describe here: _____). At the completion of the waiting period, the plan administrator will process the enrollment.

5. This Notice does not constitute a "qualified medical child support order" because:

The name of the child(ren) or participant is unavailable.

The mailing address of the child(ren) (or a substituted official) or participant is unavailable.

The following child(ren) is/are at or above the age at which dependents are no longer eligible for coverage under the plan_____(insert name(s) of child(ren)).

Plan Administrator or Representative:

Name:_____Telephone Number: _____

Title: _____Date: _____

Address:_____

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INSTRUCTIONS TO PLAN ADMINISTRATOR

This Notice has been forwarded from the employer identified above to you as the plan administrator of a group health plan maintained by the employer (or a group health plan to which the employer contributes) and in which the noncustodial parent/participant identified above is enrolled or is eligible for enrollment.

This Notice serves to inform you that the noncustodial parent/participant is obligated by an order issued by the court or agency identified above to provide health care coverage for the child(ren) under the group health plan(s) as described on **Part B**.

(A) If the participant and child(ren) and their mailing addresses (or that of a Substituted Official or Agency) are identified above, and if coverage for the child(ren) is or will become available, this Notice constitutes a "qualified medical child support order"(QMCSO) under ERISA or CSPIA, as applicable. (If any mailing address is not present, but it is reasonably accessible, this Notice will not fail to be a QMCSO on that basis.) You must, within 40 business days of the date of this Notice, or sooner if reasonable:

(1) Complete Part B - Plan Administrator Response - and send it to the Issuing Agency:

(a) if you checked Response 2:

(i) notify the noncustodial parent/participant named above, each named child, and the custodial parent that coverage of the child(ren) is or will become available (notification of the custodial parent will be deemed notification of the child(ren) if they reside at the same address);

(ii) furnish the custodial parent a description of the coverage available and the effective date of the coverage, including, if not already provided, a summary plan description and any forms, documents, or information necessary to effectuate such coverage, as well as information necessary to submit claims for benefits;

(b) if you checked Response 3:

(i) if you have not already done so, provide to the Issuing Agency copies of applicable summary plan descriptions or other documents that describe available coverage including the additional participant contribution necessary to obtain coverage for the child(ren) under each option and whether there is a limited service area for any option;

(ii) if the plan has a default option, you are to enroll the child(ren) in the default option if you have not received an election from the Issuing Agency within 20 business days of the date you returned the Response. If the plan does not have a default option, you are to enroll the child(ren) in the option selected by the Issuing Agency.

(c) if the participant is subject to a waiting period that expires more than 90 days from the date of receipt of this Notice, or has not completed a waiting period whose duration is determined by a measure other than the passage of time (for example, the completion of a certain number of hours worked), complete Response 4 on the Plan Administrator Response and return to the employer and the Issuing Agency, and notify the participant and the custodial parent; and upon satisfaction of the period or requirement, complete enrollment under Response 2 or 3, and

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(d) upon completion of the enrollment, transfer the applicable information on Part B - Plan Administrator Response to the employer for a determination that the necessary employee contributions are available. Inform the employer that the enrollment is pursuant to a National Medical Support Notice.

(B) If within 40 business days of the date of this Notice, or sooner if reasonable, you determine that this Notice does not constitute a QMCSO, you must complete Response 5 of Part B - Plan Administrator Response and send it to the Issuing Agency, and inform the noncustodial parent/participant, custodial parent, and child(ren) of the specific reasons for your determination.

(C) Any required notification of the custodial parent, child(ren) and/or participant may be satisfied by sending the party a copy of the Plan Administrator Response, if appropriate. You may choose to furnish these notifications electronically in accordance with the requirements of the Department of Labor's electronic disclosure regulation codified at 29 C.F.R. 2520.104b-1(c).

UNLAWFUL REFUSAL TO ENROLL

Enrollment of a child may not be denied on the ground that: (1) the child was born out of wedlock; (2) the child is not claimed as a dependent on the participant's Federal income tax return; (3) the child does not reside with the participant or in the plan's service area; or (4) because the child is receiving benefits or is eligible to receive benefits under the State Medicaid plan. If the plan requires that the participant be enrolled in order for the child(ren) to be enrolled, and the participant is not currently enrolled, you must enroll both the participant and the child(ren) regardless of whether the participant has applied for enrollment in the plan. All enrollments are to be made without regard to open season restrictions.

PAYMENT OF CLAIMS

A child covered by a QMCSO, or the child's custodial parent, legal guardian, or the provider of services to the child, or a State agency to the extent assigned the child's rights, may file claims and the plan shall make payment for covered benefits or reimbursement directly to such party.

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PERIOD OF COVERAGE

The alternate recipient(s) shall be treated as dependents under the terms of the plan. Coverage of an alternate recipient as a dependent will end when similarly situated dependents are no longer eligible for coverage under the terms of the plan. However, the continuation coverage provisions of ERISA or other applicable law may entitle the alternate recipient to continue coverage under the plan. Once a child is enrolled in the plan as directed above, the alternate recipient may not be disenrolled unless:

(1) The plan administrator is provided satisfactory written evidence that either:

(a) the court or administrative child support order referred to above is no longer in effect, or

(b) the alternate recipient is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment from the plan;

(2) The employer eliminates family health coverage for all of its employees; or

(3) Any available continuation coverage is not elected, or the period of such coverage expires.

CONTACT FOR QUESTIONS

If you have any questions regarding this Notice, you may contact the Issuing Agency at the address and telephone number listed above.

Paperwork Reduction Act Statement

According to the Paperwork Reduction Act of 1995 (Pub. L. 104-13) (PRA), no persons are required to respond to a collection of information unless such collection displays a valid Office of Management and Budget (OMB) control number. The Department notes that a Federal agency cannot conduct or sponsor a collection of information unless it is approved by OMB under the PRA, and displays a currently valid OMB control number, and the public is not required to respond to a collection of information unless it displays a currently valid OMB control number. See 44 U.S.C. 3507. Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the collection of information does not display a currently valid OMB control number. See 44 U.S.C. 3512.

The public reporting burden for this collection of information is estimated to average approximately 20 minutes per respondent. Interested parties are encouraged to send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Labor, Office of Policy and Research, Attention: PRA Clearance Officer, 200 Constitution Avenue, N.W., Room N-5718, Washington, DC 20210 or email ebsa.opr@dol.gov and reference the OMB Control Number 1210-0113. Expiration Date: 10/31/2022

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Form 9-2

An order for withholding from earnings for child support is found in the decree of divorce, form 23-1, and in the order in suit affecting the parent-child relationship, form 40-6.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Request for Issuance of Income Withholding for Support

To the Clerk of the Court:

[**Name**], in accordance with Texas Family Code chapter 158, requests that you issue by certified mail, return receipt requested, a certified copy of the Income Withholding for Support concerning [**name**], Obligor, signed by the Court on [**date**] to this employer:

Name:

Address:

New employer information: [**specify**]

Clerk's Certificate of Notice to Employer

In accordance with Texas Family Code chapter 158, I certify that a certified copy of the Income Withholding for Support signed by the Court on [**date**] was mailed on this date to the employer named above.

SIGNED on _____.

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_____
District Clerk, [**county**] County, Texas

By: _____
Deputy

Certified Mail No: _____ (return receipt requested)

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Form 9-3

Income Withholding for Support

The Office of the Attorney General, as the title IV-D agency, is required to prescribe income withholding forms required by federal law in a standard format. Tex. Fam. Code § 158.106. The following form was promulgated by the title IV-D agency in 1 Tex. Admin. Code § 55.118. It may be downloaded from **www.acf.hhs.gov/css/resource/income-withholding-for-support-form**.

A Word version of the required form with Texas-specific remittance information (highlighted) follows this page. The sample form also includes an attachment for additional information. The attachment instructs the employer on complying with more than one order of withholding, as provided by Tex. Fam. Code § 158.207. It also includes step-down provisions for the current support amount if the support order is for more than one child, as required by Tex. Fam. Code § 154.127.

The income withholding for support may be generic, that is, addressed to "Any employer of" the obligor. If an employer's name is included in the order, that name should be followed by "and any subsequent employer." Tex. Fam. Code § 158.201(b).

This form supersedes certain forms used in the past: the order/notice to withhold income for child support, the employer's order to withhold from earnings for child support, the judicial writ of withholding to employer, and the judicial writ of withholding to subsequent employer. This form may also be used to request voluntary withholding under Tex. Fam. Code § 158.011.

Note: Tex. Fam. Code § 8.101(d) requires that an order of withholding that combines withholding for spousal maintenance and for child support must be in this form.

An order that income be withheld from the obligor's earnings to be applied toward the satisfaction of attorney's fees should be on a **separate** form from that which covers child support payments. The court must order that amounts withheld for fees be remitted directly to the attorney. Tex. Fam. Code § 158.0051(c). Payments for attorney's fees should not be directed to the state disbursement unit.

See form 33-23 for an order to withhold for costs and fees.

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INCOME WITHHOLDING FOR SUPPORT

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

Date: _____

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

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

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

_____
Employer/Income Withholder's Name

_____
Employer/Income Withholder's Address

_____

_____

Employer/Income Withholder's FEIN _____

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

_____
Employee/Obligor's Social Security Number

_____
Employee/Obligor's Date of Birth

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

Child(ren)'s Name(s) (Last, First, Middle)	Child(ren)'s Birth Date(s)

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

$ _____ Per _____ current child support
$ _____ Per _____ past-due child support - **Arrears greater than 12 weeks?** ☐ Yes ☐ No
$ _____ Per _____ current cash medical support
$ _____ Per _____ past-due cash medical support
$ _____ Per _____ current spousal support
$ _____ Per _____ past-due spousal support
$ _____ Per _____ other (must specify) _____ .

for a **Total Amount to Withhold** of **$** _____ per _____ .

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

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

Document Tracking ID _____

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Employer's Name: _____ Employer FEIN: _____

Employee/Obligor's Name: _____ SSN: _____

Case Identifier: _____ Order Identifier: _____

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is Texas (State/Tribe), you must begin withholding no later than the first pay period that occurs immediately days after the date of delivery. Send payment within two business days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold 50 % of disposable income for all orders. If the obligor is a non-employee, obtain withholding limits from Supplemental Information. If the employee/obligor's principal place of employment is not Texas (State/Tribe), obtain withholding limitations, time requirements, and any allowable employer fees from the jurisdiction of the employee/obligor's principal place of employment. State-specfic withholding limit information is available at www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements. For tribe-specific contacts, payment addresses, and withholding limitations, please contact the tribe at www.acf.hhs.gov/sites/default/files/programs/css/tribal_agency_contacts_printable_pdf.pdf or https://www.bia.gov/tribalmap/DataDotGovSamples/tld_map.html.

For electronic payment requirements and centralized payment collection and disbursement facility information [State Disbursement Unit (SDU)], see www.acf.hhs.gov/css/employers/employer-responsibilities/payments.

Include the Remittance ID with the payment and if necessary this locator code: _____.

Remit payment to Texas Child Support Disbursement Unit (SDU/Tribal Order Payee)
at Post Office Box 659791, San Antonio, Texas 78265-9791 (SDU/Tribal Payee Address)

☐ **Return to Sender (Completed by Employer/Income Withholder).** Payment must be directed to an SDU in accordance with sections 466(b)(5) and (6) of the Social Security Act 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.

If Required by State or Tribal Law:
Signature of Judge/Issuing Official: _____
Print Name of Judge/Issuing Official: _____
Title of Judge/Issuing Official: _____
Date of Signature: _____

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

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

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at www.acf.hhs.gov/css/resource/state-income-withholding-contacts-and-program-requirements.

Employers/income withholders may use OCSE's Child Support Portal (https://ocsp.acf.hhs.gov/csp/) to provide information about employees who are eligible to receive a lump sum payment, have terminated employment, and to provide contacts, addresses, and other information about their company.

Priority: Withholding for support has priority over any other legal process under State law against the same income (section 466(b)(7) of the Social Security Act). 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.

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Employer's Name: _____ Employer FEIN: _____

Employee/Obligor's Name: _____ SSN: _____

Case Identifier: _____ Order Identifier: _____

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.

_____
_____
_____
_____

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

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

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

Supplemental Information:

SEE SUPPLEMENTAL INFORMATION PAGE ATTACHED.

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Employer's Name: _____ Employer FEIN: _____

Employee/Obligor's Name: _____ SSN: _____

Case Identifier: _____ Order Identifier: _____

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

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

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

Please provide the following information for the employee/obligor:

Termination date: _____ Last known telephone number: _____

Last known address: _____

_____

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

New employer's name: _____

New employer's address: _____

_____

CONTACT INFORMATION:

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

by telephone: _____, by fax: _____, by email or website: _____.

Send termination/income status notice and other correspondence to:

_____ (issuer address).

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

by telephone: _____, by fax: _____, by email or website: _____.

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

Encryption Requirements:
When communicating this form through electronic transmission, precautions must be taken to ensure the security of the data. Child support agencies are encouraged to use the electronic applications provided by the federal Office of Child Support Enforcement. Other electronic means, such as encrypted attachments to emails, may be used if the encryption method is compliant with Federal Information Processing Standard (FIPS) Publication 140-2 (FIPS PUB 140-2).

The Paperwork Reduction Act of 1995
This information collection and associated responses are conducted in accordance with 45 CFR 303.100 of the Child Support Enforcement Program. This form is designed to provide uniformity and standardization. Public reporting for this collection of information is estimated to average two to five minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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Form 9-4

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Application for Income Withholding for Support (Judicial Writ of Withholding)

You, the obligor named below, are given notice in accordance with subchapter D, chapter 158, of the Texas Family Code that your employer will be required to withhold the amounts specified below for payment of both your current support obligation for the child[ren] named below and for any overdue support (arrearage) as follows:

Obligor

Name:

Social Security number:

Obligee

Name:

Social Security number:

Child[ren]

Name:

Sex:

Birth date:

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Social Security number:

Date child will become eighteen:

Repeat above information for each additional child.

Monthly child support due: $[**amount**]

Monthly medical support due: $[**amount**]

Total arrearage, including accrued interest: $[**amount**]

As of: [**date of this order**]

Monthly amounts to be withheld from your wages on service of the withholding:

On current child support: $[**amount**]

On current medical support: $[**amount**]

On child support arrearage owed: $[**amount**]

On medical support arrearage owed: $[**amount**]

Monthly amounts to be withheld from your wages after [**date**]:

On current child support: $[**amount**]

On current medical support: $[**amount**]

On child support arrearage owed: $[**amount**]

On medical support arrearage owed: $[**amount**]

Continue as required for further reductions.

Include the following if applicable.

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You have repeatedly failed to pay support in accordance with your order of support. The Income Withholding for Support may include arrearages that accrue between the filing of this notice and the issuance of the Income Withholding for Support.

The order to withhold from your wages applies to each current or subsequent employer and period of employment.

If you do not contest this withholding within ten days after the receipt of this Notice of Withholding, your employer will be notified to begin deducting from your pay the amounts specified above.

Your sole ground for successfully contesting the issuance of an Income Withholding for Support is a mistake of fact. If you claim that you are not the person who owes the child support, or that you are not in arrears, or that the arrearage listed on the notice is incorrect, you can request a hearing by completing a Motion to Stay Issuance and Delivery of Income Withholding for Support (Judicial Writ of Withholding) and filing the motion within ten days of receipt of this notice with the clerk of the Court listed on the top of this notice.

Filing the attached motion will stay issuance and delivery of the Income Withholding for Support to your employer until a hearing is held.

If you contest this withholding, you will be afforded an opportunity to present your case to the court within thirty days of receipt of your notice of contest. The hearing will be limited to the disputed issues as stated on the Motion to Stay Issuance and Delivery of Income Withholding for Support (Judicial Writ of Withholding).

At the hearing the court will decide the contested delinquency and will either enter an order for income withholding or decide that an order for income withholding should not be entered. It is anticipated that additional arrearages will accrue, and on hearing the court will be requested to confirm all amounts then due.

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An unsworn declaration may be used in place of a verification. See form 8-27.

Verification

I, [**name of affiant**], swear under oath that the above Notice of Application for Income Withholding for Support (Judicial Writ of Withholding) is true and correct.

_____
Affiant

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

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Form 9-5

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Stay Issuance and Delivery of Income Withholding for Support (Judicial Writ of Withholding)

This motion is brought by the undersigned person, who states that [he/she] contests the issuance of an Income Withholding for Support (Judicial Writ of Withholding) that has been requested by [**name**]. I state that the ground for contesting the issuance of an Income Withholding for Support is that:

☐ I am not the obligor, the person who is required by a court order to support the child[ren] named in the notice.

☐ The amount of current child support listed is incorrect.

☐ The amount of medical support listed is incorrect.

☐ The amount of overdue support (arrearages) listed is incorrect.

☐ I am not behind in paying child support. Explanation:

The information contained in this motion is true and correct.

Name:

Address:

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Phone:

_____
Signature

> An unsworn declaration may be used in place of a written sworn declaration. See form 8-27.

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of place of hearing**].

SIGNED on _____.

_____
Judge or Clerk or Title IV-D Agency Representative

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery

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service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name**]

Form 9-6 is reserved.

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Form 9-7

A *motion* is filed with the court when withholding is required pursuant to an Income Withholding for Support issued by a court. A *request* is filed with the title IV-D agency when withholding is required pursuant to an Income Withholding for Support issued by the title IV-D agency.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Employer's [Motion/Request] for Hearing on Applicability of Income Withholding for Support

This [motion/request] is brought by [**name**], Employer, in accordance with section 158.205 of the Texas Family Code, seeking a hearing on the Income Withholding for Support issued in this case on [**date**] and delivered to Employer on [**date**].

Employer should not be required to withhold in accordance with the Income Withholding for Support because [**specify**].

Under section 158.205 of the Texas Family Code, hearing on this [motion/request] shall be held within fifteen days following filing of the [motion/request].

Obligor's employer:

Address:

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_____

[**Name**]
Attorney for [**name**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above [motion/request] is set for hearing on _____ at _____ __.M. in [**designation and location of place of hearing**].

SIGNED on _____.

_____

Judge or Clerk or Title IV-D Agency Representative

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney for [**name**]

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Form 9-8

See form 9-9 for the letter used for filing the postal return receipt from the delivery of this letter.

Filing Letter for Income Withholding for Support to Subsequent Employer (Judicial Writ of Withholding)

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[**Date**]

[**Name and address of clerk of the court**]

Re: [**caption of case**]

[**Salutation**]

Enclosed please find for filing a copy of an Income Withholding for Support (Judicial Writ of Withholding) issued to a subsequent employer of [**name of obligor**], the obligor in the above case. Also enclosed is a check for $15 for your fees in this matter.

Please file mark and return to my office the enclosed copy of the Income Withholding for Support and this letter.

Sincerely,

_____

[**Name**]

Enc.

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Form 9-9

Filing Letter for Postal Return Receipt for Income Withholding for Support Delivered to Subsequent Employer (Judicial Writ of Withholding)

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[**Date**]

[**Name and address of clerk of the court**]

Re: [**caption of case**]

[**Salutation**]

The original postal return receipt from the delivery of an Income Withholding for Support to the subsequent employer of [**name of obligor**], Obligor, is enclosed.

Please file mark and return to my office the enclosed copy of this letter.

Sincerely,

_____

[**Name**]

Enc.

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Form 9-10

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Request for Issuance of Income Withholding for Support

[Voluntary Withholding]

To the Clerk of the Court:

[**Name**], Obligor, requests, in accordance with section 158.011 of the Texas Family Code, that you issue an Income Withholding for Support to Obligor's employer.

Name of Employer:

Address:

[**Name**], Obligee, agrees to the issuance and delivery to Obligor's employer of the attached Income Withholding for Support and to the monthly amounts of withholding set out therein. The requested Income Withholding for Support does not reduce the total amount of child support, including arrearages, owed by Obligor.

The information contained in this request is true and correct.

Name: [**name of obligor**]

Address:

Telephone:

_____

Signature

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An unsworn declaration may be used in place of a written sworn declaration. See form 8-27.

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

The information contained in this request is true and correct.

Name: [**name of obligee**]

Address:

Telephone:

_____
Signature

An unsworn declaration may be used in place of a written sworn declaration. See form 8-27.

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

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Form 9-11

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Request for Issuance of Revised Income Withholding for Support

[Agreed]

To the Clerk of the Court:

[**Name**], Obligor, and [**name**], Obligee, request, in accordance with section 158.402 of the Texas Family Code, the issuance of a revised Income Withholding for Support to Obligor's employer.

Name of Employer:

Address:

On [**date**] an order for child support was rendered in this cause, in which Obligor was ordered to pay child support to Obligee. Obligor and Obligee agree that the following contingency stated in the child support order has occurred: [the child is eighteen years of age and has graduated from high school/the child's disabilities of minority have been removed by marriage, court order, or operation of law/the child has died]. Obligee and Obligor agree to the issuance and delivery to Obligor's employer of the attached Income Withholding for Support and to the monthly amounts of withholding set out therein.

The information contained in this request is true and correct.

Name: [**name of obligor**]

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Address:

Telephone:

_____
Signature

An unsworn declaration may be used in place of a written sworn declaration. See form 8-27.

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

The information contained in this request is true and correct.

Name: [**name of obligee**]

Address:

Telephone:

_____
Signature

An unsworn declaration may be used in place of a written sworn declaration. See form 8-27.

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

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Form 9-12

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Original Petition to [Terminate/Modify] [Income Withholding/ Order/Notice to Withhold/Writ of Withholding/ Order for Withholding]

1. Discovery Level

Discovery in this case is intended to be conducted under [level 2/level 3] of rule 190 of the Texas Rules of Civil Procedure. [**If level 3, see form 5-1.**]

Include 2. if applicable.

2. Objection to Assignment of Case to Associate Judge

Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

3. Parties

This suit is brought by [**name of petitioner**], Petitioner. [The last three numbers of Petitioner's driver's license number are [**numbers**]./Petitioner has not been issued a driver's license.] [The last three numbers of Petitioner's Social Security number are [**numbers**]./ Petitioner has not been issued a Social Security number.]

[**Name of respondent**] is Respondent.

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4. Jurisdiction

This Court has continuing jurisdiction of this suit and of the child[ren] the subject of this suit.

5. Child[ren]

The following child[ren] [is/are] the subject of this suit:

Name:

Sex:

Birth date:

Social Security number:

Repeat above information for each additional child.

6. Person[s] Entitled to Citation

The parties entitled to notice are as follows:

1. Respondent, who is [**relationship or capacity**].

Select one of the following.

Process should be served [**include if applicable:** at [**address, city, state, zip code**]].

No service is necessary at this time.

Include the following if applicable.

2. [**Name**], [**address, city, state**], who is [the person entitled to receive payments on behalf of the child[ren]/[**specify other interest**]].

Select method of service as above if applicable.

7. [Income Withholding/Order/Notice/Writ/Order] in Effect

On [**date**] [an Income Withholding for Support was issued/an Order/Notice to Withhold from Income for Child Support was issued/a Writ of Withholding was issued/an Order for Withholding from Earnings for Child Support was rendered]. This [withholding/order/notice/writ/order] is currently in effect, and Petitioner's employer is currently withholding wages.

Petitioner and Respondent are the Obligor and Obligee, respectively, under the [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding].

8. Reason[s] for [Termination/Modification] of [Withholding/Order/Notice/Writ/Order]

The [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding] should be [terminated/modified] because:

Select as applicable.

the child[ren] [**name[s] of child[ren]**] [has/have] reached the age of eighteen years and [is/are] no longer enrolled under chapter 25 of the Texas Education Code in an accredited secondary school in a program leading toward a high school diploma or under section 130.008 of the Education Code in courses for joint high school and junior college credit and complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education Code or enrolled on a full-time basis in a private secondary school in a program leading toward a high school diploma and complying with the minimum attendance requirements imposed by that school.

the child[ren] [**name[s] of child[ren]**] [is/are] married.

the child[ren] [**name[s] of child[ren]**] [has/have] died.

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the disabilities of the child[ren] [**name[s] of child[ren]**] have been otherwise removed for general purposes.

Petitioner and Respondent have [married/remarried] each other, and no nonparent or agency has been appointed conservator of the child[ren] under chapter 153 of the Texas Family Code.

9. [Termination/Modification] Sought

Since the order for child support has terminated, the [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding] should be terminated by this Court.

Or

The [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding] should be modified as follows: [**specify**].

Include 10. if applicable.

10. Attorney's Fees and Costs

It was necessary for Petitioner to secure the services of [**name**], a licensed attorney, to prepare and prosecute this suit. Respondent should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of the attorney and against Respondent and be ordered paid directly to the undersigned attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

11. Prayer

Petitioner prays that citation and notice issue as required by law.

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Petitioner prays that the [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding] be [terminated/modified].

Petitioner prays for [**include if applicable:** attorney's fees, expenses, costs, and interest as requested above and for] general relief.

_____

[**Name**]
Attorney for Petitioner
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

For initial disclosures required by Tex. R. Civ. P. 194 (generally within thirty days after filing of the first answer or general appearance), see form 5-18.

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Form 9-13

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order [Terminating/Modifying] [Income Withholding/Order/ Notice to Withhold/Writ of Withholding/Order for Withholding]

On [**date**] a hearing was held on the Petition to [Terminate/Modify] [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding] filed by [**name of petitioner**], Petitioner.

Appearances

Petitioner, [**name of petitioner**],

Select one of the following.

appeared in person and through attorney of record, [**name**], and announced ready.

did not appear in person but has agreed to the terms of this order as evidenced by Petitioner's signature below.

Respondent, [**name of respondent**],

Select one of the following.

appeared in person and announced ready for trial.

appeared through attorney of record, [**name**], and announced ready for trial.

appeared in person and through attorney of record, [**name**], and announced ready for trial.

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although duly and properly cited, did not appear and wholly made default.

waived issuance and service of citation by waiver duly filed and did not otherwise appear.

has made a general appearance and was duly notified of trial but failed to appear and defaulted.

has agreed to the terms of this order as evidenced by Respondent's signature below.

Jurisdiction

The Court, having examined the pleadings and heard the evidence and argument of counsel, finds that it has continuing, exclusive jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction. A jury was waived, and all matters in controversy, including questions of fact and of law, were submitted to the Court. All persons entitled to citation were properly cited.

Record

A record of the testimony was waived with the consent of the Court.

Or

A record of the proceeding was made by [[**name, address**]/the court reporter for the [**designation**] Court].

Findings

The Court finds that:

Select as applicable.

the child[ren] [**name[s] of child[ren]**] [has/have] reached the age of eighteen years and [is/are] no longer enrolled under chapter 25 of the Texas Education Code in an accredited secondary

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school in a program leading toward a high school diploma or under section 130.008 of the Education Code in courses for joint high school and junior college credit and complying with the minimum attendance requirements of subchapter C of chapter 25 of the Education Code or enrolled on a full-time basis in a private secondary school in a program leading toward a high school diploma and complying with the minimum attendance requirements imposed by that school.

the child[ren] [**name[s] of child[ren]**] [is/are] married.

the child[ren] [**name[s] of child[ren]**] [has/have] died.

the disabilities of the child[ren] [**name[s] of child[ren]**] have been otherwise removed for general purposes.

Petitioner and Respondent have [married/remarried] each other, and no nonparent or agency has been appointed conservator of the child[ren] under chapter 153 of the Texas Family Code.

Order

If the order or writ is terminated, use the following.

It is therefore ORDERED that the [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding] [rendered/issued] on [**date**] is terminated.

If the order or writ is modified, use the following.

It is therefore ORDERED that the [Income Withholding/Order/Notice to Withhold/Writ of Withholding/Order for Withholding] [rendered/issued] on [**date**] is modified.

On this date the Court authorized the issuance of an Income Withholding for Support. [**See form 9-3.**] The modified amounts to be withheld from Respondent's disposable earnings are stated in that Income Withholding for Support, which is wholly incorporated by reference into this order.

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Any employer of Respondent is ORDERED to begin withholding no later than the first pay period following the date on which the Income Withholding for Support is served on the employer. The employer is ORDERED to continue to withhold income as long as Respondent remains in employment and child support is due and payable.

Credit on Child Support Obligation

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of Respondent by the employer and paid in accordance with the order shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by any prior court order and by this order through this withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by that prior court order and by this order, the balance due remains an obligation of Respondent, and it is ORDERED that Respondent pay the balance due directly to the state disbursement unit as specified in the Income Withholding for Support.

Clerk's Duties

IT IS ORDERED that, on the request of a prosecuting attorney, the title IV-D agency, the friend of the Court, Petitioner, or Respondent, the clerk of this Court shall cause a certified copy of the Income Withholding for Support to be delivered to any employer.

Attorney's Fees

IT IS ORDERED that good cause exists to award [**name of attorney**] judgment in the amount of [**number**] dollars ($[**amount**]) for reasonable attorney's fees, expenses, and costs incurred by [**name of party**], with interest at [**percent**] percent per year compounded annually from the date the judgment is signed until paid. The judgment, for which let execution issue, is awarded against [**name of respondent**], Respondent. Respondent is ORDERED to pay the

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fees, expenses, costs, and interest to [**name of attorney**] at [**address**] by cash, cashier's check, or money order on or before [**date**]. [**Name of attorney**] may enforce this judgment for fees, expenses, and costs in [his/her] own name by any means available for the enforcement of a judgment for debt.

If appropriate, add provision for fees and expenses for ad litem or amicus attorney.

Costs

All costs of court in this case are adjudged against [**name**], for which let execution issue.

Or

IT IS ORDERED that [Petitioner/Respondent], [**name**], is awarded a judgment of [**number**] dollars ($[**amount**]) against [Respondent/Petitioner], [**name**], for costs of court incurred in this case, with interest at [**percent**] percent per year compounded annually from the date the judgment is signed until paid, for which let execution issue.

Or

IT IS ORDERED that costs of court are to be borne by the party who incurred them.

Or

IT IS ORDERED that all costs of court expended in this case are taxed one-half against Petitioner, [**name**], and one-half against Respondent, [**name**], for which let execution issue.

Relief Not Granted

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

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Date of Order

Select one of the following.

SIGNED on _____.

Or

This order judicially PRONOUNCED AND RENDERED in court at [**city, county**] County, Texas, on [**date**] and further noted on the court's docket sheet on the same date, but signed on _____.

Continue with the following.

_____
JUDGE PRESIDING

Include the following in all orders unless there is a motion to sign order.

APPROVED AS TO FORM ONLY:

_____
[**Name**]
Attorney for Petitioner
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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[**Name**]
Attorney for Respondent
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Include the following if applicable.

[**Name**]
[Guardian Ad Litem/Attorney Ad Litem/
Amicus Attorney]
State Bar No.: [**if applicable**]
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

If the parties agree to all the terms of the judgment and do not intend to appeal, include the following.

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

Petitioner

Respondent

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If the income withholding, order/notice to withhold, order for withholding, or writ of withholding was modified, use form 9-3 to prepare a new income withholding for support to the employer reflecting the modifications ordered.

If the withholding was terminated, prepare form 9-3, marked to indicate the termination.

The new form 9-3 should accompany the order when it is sent to the employer.

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Form 9-14

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Petition for Support of Disabled Child

1. Discovery Level

Discovery in this case is intended to be conducted under [level 2/level 3] of rule 190 of the Texas Rules of Civil Procedure. [**If level 3, see form 5-1.**]

Include 2. if applicable.

2. Objection to Assignment of Case to Associate Judge

Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

3. Parties

This suit is brought by [**name of petitioner**], who is the [child/[**relationship**] of the child] the subject of this suit. [The last three numbers of Petitioner's driver's license number are [**numbers**]./Petitioner has not been issued a driver's license.] [The last three numbers of Petitioner's Social Security number are [**numbers**]./Petitioner has not been issued a Social Security number.]

[**Name[s] of respondent[s]**] [is/are] Respondent[s].

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4. Jurisdiction

No court has continuing jurisdiction of this suit or of the child the subject of this suit.

5. Child

The following child is the subject of this suit:

Name:

Sex:

Birth date:

6. Persons Entitled to Citation

If the parents are of the same sex, make appropriate changes to the following paragraphs.

Do not include the following if the mother is the petitioner.

The mother of the child the subject of this suit is [**name**].

Select one of the following.

Process should be served [**include if applicable:** at [**address, city, state, zip code**]].

No service is necessary at this time.

Citation by publication or other substituted service is necessary for the reasons stated in the affidavit attached as Exhibit [**exhibit number/letter**].

Continue with the following. Do not include the following if the father is the petitioner.

The father of the child the subject of this suit is [**name**].

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Select one of the following.

Process should be served [**include if applicable:** at [**address, city, state, zip code**]].

No service is necessary at this time.

Citation by publication or other substituted service is necessary for the reasons stated in the affidavit attached as Exhibit [**exhibit number/letter**].

7. Disabled Child

Respondent[s] [is/are] the [mother/father/parents] of [**name of child**]. The court should order Respondent[s] to pay for support of [**name of child**] because [**name of child**] requires substantial care and personal supervision because of a mental and/or physical disability and is not capable of self-support. Respondent[s] should be ordered to provide support for the child in the manner specified by the Court. [**Include if applicable:** Petitioner should be granted possession of or access to [**name of child**] as is appropriate under the circumstances. The Court should determine the rights and duties of the parents with respect to [**name of child**].]

Select one of the following.

[**Name of child**] is less than eighteen years of age, and the disability currently exists.

Or

[**Name of child**] is over the age of eighteen years, and the disability exists now and existed on or before [**name of child**]'s eighteenth birthday.

Or

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[**Name of child**] is over the age of eighteen years, the disability exists now, and the cause of disability was known to exist on or before [**name of child**]'s eighteenth birthday.

8. Attorney's Fees

It was necessary for Petitioner to secure the services of [**name of attorney**], a licensed attorney, to preserve and protect the child's rights. Respondent, [**name of respondent**], should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of the attorney and against Respondent and be ordered paid directly to the undersigned attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

9. Prayer

Petitioner prays that citation and notice issue as required by law.

Petitioner prays that Respondent[s] be ordered to pay support for [**name of child**].

Include the following if applicable.

Petitioner prays for possession of or access to [**name of child**] as is appropriate under the circumstances.

Continue with the following.

Petitioner prays for attorney's fees, expenses, costs, and interest as requested above and for general relief.

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[**Name**]
Attorney for Petitioner
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

For initial disclosures required by Tex. R. Civ. P. 194 (generally within thirty days after filing of the first answer or general appearance), see form 5-18.

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Form 9-15

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order for Support of Disabled Child

On [**date**] the Court heard the Petition for Support of Disabled Child filed by [**name of petitioner**], Petitioner.

Appearances

Petitioner, [**name of petitioner**],

Select one of the following.

appeared in person and through attorney of record, [**name**], and announced ready for trial.

did not appear in person but has agreed to the terms of this order as evidenced by Petitioner's signature below.

Respondent, [**name of respondent**],

Select one of the following.

appeared in person and announced ready for trial.

appeared through attorney of record, [**name**], and announced ready for trial.

appeared in person and through attorney of record, [**name**], and announced ready for trial.

although duly and properly cited, did not appear and wholly made default.

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waived issuance and service of citation by waiver duly filed and did not otherwise appear.

has made a general appearance and was duly notified of trial but failed to appear and defaulted.

has agreed to the terms of this order as evidenced by Respondent's signature below.

Repeat for each additional respondent.

Jurisdiction

The Court, after examining the pleadings and hearing the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction. A jury was waived, and all questions of fact and of law were submitted to the Court. All persons entitled to citation were properly cited.

Record

The making of a record of the testimony was waived by the parties with the consent of the Court.

Or

A record of testimony was duly reported by [[**name, address**]/the court reporter for the [**designation**] Court].

Findings

The Court finds that the child the subject of this suit requires substantial care and personal supervision because of a mental or physical disability and is not capable of self-support.

Select one of the following.

The child the subject of this suit is less than eighteen years of age, and the disability currently exists.

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Or

The child the subject of this suit is over the age of eighteen years, and the disability exists now and existed on or before the eighteenth birthday of the child.

Or

The child the subject of this suit is over the age of eighteen years, the disability exists now, and the cause of disability was known to exist on or before the eighteenth birthday of the child.

Support Order

To provide for semimonthly or weekly payments, adapt 4.F.2. or 4.F.3. in form 4-3.

Include the following for support payable to the obligee through the SDU.

IT IS ORDERED that [**name of respondent**] is obligated to pay and shall pay to [**name of party receiving**] child support of [**number**] dollars ($[**amount**]) per month, with the first payment being due and payable on [**date**] and a like payment being due and payable on the [**specify**] day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

1. the child dies; or

2. further order modifying this child support.

IT IS ORDERED that all payments shall be made through the state disbursement unit at Texas Child Support Disbursement Unit, P.O. Box 659791, San Antonio, Texas 78265-9791, and thereafter promptly remitted to [**name of party receiving**] for the support of the child. IT IS ORDERED that all payments shall be made payable to the Office of the Attorney General and include the ten-digit Office of the Attorney General case number (if available), the cause number

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of this suit, [**name of parent paying**]'s name as the name of the noncustodial parent (NCP), and [**name of party receiving**]'s name as the name of the custodial parent (CP). Payment options are found on the Office of the Attorney General's website at **www.texasattorneygeneral.gov/child-support/paying-and-receiving-child-support**.

IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the state disbursement unit and any other agency statutorily authorized to charge a fee.

Or

Include the following for support for an adult child payable to a special needs trust.

The Court finds that a special needs trust is appropriate and that the child support payments for [**name of child**], an adult child, are to be paid directly to the trust for the benefit of [**name of child**].

IT IS ORDERED that [**name of respondent**] is obligated to pay and shall pay child support of [**number**] dollars ($[**amount**]) per month, with the first payment being due and payable on [**date**] and a like payment being due and payable on the [**specify**] day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

1. the child dies; or

2. further order modifying this child support.

IT IS ORDERED that support payable to the special needs trust be paid directly to the trust, [**name of trust**] at [**trust address for payment**].

Include the following if applicable.

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The Court finds that payments for the support of this child should be continued after the child's eighteenth birthday for an indefinite period and that both parents have a duty to support the child.

Repeat for each additional respondent.

Include the following if applicable.

Possession or Access

The Court finds that the following provisions for possession of or access to [**name**] are in the best interest of the child: [**state the terms of possession or access**].

Include the following if applicable.

Rights and Duties of the Parties

See 10.A.5. and 10.A.6. in form 23-1 for provisions regarding the rights and duties of the parties.

If applicable, see items 9.E. through 9.S. in form 40-6 for provisions regarding withholding from earnings for child support, medical support, and other matters that may be appropriate for inclusion in this support order.

Continue with the following.

Required Information

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

If the court finds that requiring a party to give certain items of this information to another party is likely to cause the child or conservator harassment, abuse, serious harm, or injury, or to subject the child or a conservator to family violence, as defined by Tex. Fam. Code § 71.004, the court may make any orders it considers necessary regarding the information. Tex. Fam. Code § 105.006(c).

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Name: [**name of petitioner**]

Social Security number:

Driver's license number and issuing state:

Current residence address:

Mailing address:

Home telephone number:

Name of employer:

Address of employment:

Work telephone number:

Name: [**name of respondent**]

Social Security number:

Driver's license number and issuing state:

Current residence address:

Mailing address:

Home telephone number:

Name of employer:

Address of employment:

Work telephone number:

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Name: [**name of child**]

Social Security number:

Driver's license number and issuing state:

Include the following information about the child if the child is the petitioner.

Current residence address:

Mailing address:

Home telephone number:

Name of employer:

Address of employment:

Work telephone number:

Continue with the following.

Name: [**name of any other party**]

Social Security number:

Driver's license number and issuing state:

Current residence address:

Mailing address:

Home telephone number:

Name of employer:

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Address of employment:

Work telephone number:

Repeat as needed for other parties.

Notices

Include the following unless an exception exists under Tex. Fam. Code § 105.006(c).

Tex. Fam. Code § 105.007(c) provides for waiver of the requirement of notice of change of information on motion by a party if the court finds the giving of notice would be likely to expose the child or the party to harassment, abuse, serious harm, or injury. *See also* Tex. Fam. Code § 105.006(c).

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE 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 EACH OTHER PARTY 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 PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH 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 EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED

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INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO $500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to the other party by delivering a copy of the notice to the 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 this Court or by registered or certified mail addressed to the clerk at [**address**]. Notice shall be given to the state case registry by mailing a copy of the notice to State Case Registry, Contract Services Division, MC046S, P.O. Box 12017, Austin, Texas 78711-2017.

Include the following paragraph in all orders providing for possession of or access to a child.

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

Include the following paragraph in all orders.

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THE COURT MAY MODIFY THIS ORDER THAT PROVIDES FOR THE SUPPORT OF A CHILD, IF:

(1) THE CIRCUMSTANCES OF THE CHILD OR A PERSON AFFECTED BY THE ORDER HAVE MATERIALLY AND SUBSTANTIALLY CHANGED; OR

(2) IT HAS BEEN THREE YEARS SINCE THE ORDER WAS RENDERED OR LAST MODIFIED AND THE MONTHLY AMOUNT OF THE CHILD SUPPORT AWARD UNDER THE ORDER DIFFERS BY EITHER 20 PERCENT OR $100 FROM THE AMOUNT THAT WOULD BE AWARDED IN ACCORDANCE WITH THE CHILD SUPPORT GUIDELINES.

Warnings

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO $500 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.

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Attorney's Fees

IT IS ORDERED that good cause exists to award [**name of attorney**] judgment in the amount of [**number**] dollars ($[**amount**]) for reasonable attorney's fees, expenses, and costs incurred by [**name of party**], with interest at [**percent**] percent per year compounded annually from the date the judgment is signed until paid. The judgment, for which let execution issue, is awarded against [**name of respondent**], Respondent. Respondent is ORDERED to pay the fees, expenses, costs, and interest to [**name of attorney**] at [**address**] by cash, cashier's check, or money order on or before [**date**]. [**Name of attorney**] may enforce this judgment for fees, expenses, and costs in [his/her] own name by any means available for the enforcement of a judgment for debt.

If appropriate, add provision for fees and expenses for ad litem or amicus attorney.

Costs

All costs of court in this case are adjudged against [**name**], for which let execution issue.

Or

IT IS ORDERED that [Petitioner/Respondent[s]], [**name[s]**], [is/are] awarded a judgment of [**number**] dollars ($[**amount**]) against [Respondent[s]/Petitioner], [**name[s]**], for costs of court incurred in this case, with interest at [**percent**] percent per year compounded annually from the date the judgment is signed until paid, for which let execution issue.

Or

IT IS ORDERED that costs of court are to be borne by the party who incurred them.

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Or

IT IS ORDERED that all costs of court expended in this case are taxed one-half against Petitioner, [**name**], and one-half against Respondent[s], [**name[s]**], for which let execution issue.

Relief Not Granted

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

Date of Order

Select one of the following.

SIGNED on _____.

Or

This order judicially PRONOUNCED AND RENDERED in court at [**city, county**] County, Texas, on [**date**] and further noted on the court's docket sheet on the same date, but signed on _____.

Continue with the following.

_____
JUDGE PRESIDING

Include the following in all orders unless there is a motion to sign order.

APPROVED AS TO FORM ONLY:

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_____

[**Name**]
Attorney for Petitioner
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

_____

[**Name**]
Attorney for Respondent
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Include the following if applicable.

_____

[**Name**]
[Guardian Ad Litem/Attorney Ad Litem/
Amicus Attorney]
State Bar No.: [**if applicable**]
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

If the parties agree to all the terms of the judgment and do not intend to appeal, include the following.

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

_____

Petitioner

_____

Respondent

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Form 9-16

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Original Petition to Recover Child Support Payments Made in Excess of Child Support Order

1. Discovery Level

Discovery in this case is intended to be conducted under [level 1/level 2/level 3] of rule 190 of the Texas Rules of Civil Procedure. [**If level 3, see form 5-1.**]

Include 2. if applicable.

2. Objection to Assignment of Case to Associate Judge

Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

3. Parties

This suit is brought by [**name of petitioner**], Petitioner, who is a resident of [**county**] County, Texas. [The last three numbers of Petitioner's driver's license number are [**numbers**]./Petitioner has not been issued a driver's license.] [The last three numbers of Petitioner's Social Security number are [**numbers**]./Petitioner has not been issued a Social Security number.]

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Respondent, [**name of respondent**], is a resident of [**county**] County, Texas.

4. Jurisdiction

This Court has jurisdiction of this suit and of the parties.

5. Person[s] Entitled to Citation

The [party/parties] entitled to notice [is/are] as follows:

1. [**Name of respondent**], who is Respondent to this suit.

Select one of the following.

Process should be served [**include if applicable:** at [**address, city, state, zip code**]].

No service is necessary at this time.

Repeat as required for additional respondents.

6. Order for Support

On [**date**] an order for child support was rendered in Cause No. [**number**], styled "[**style of case**]" in the [**designation**] Court of [**county**] County, in which Petitioner, as the obligor, was ordered to pay child support to Respondent, as the obligee. The order for child support has terminated. Petitioner is not in arrears.

7. Payments Made and Not Returned

The following child support payments were made in excess of the amount of support ordered:

Date: [**date**]

Amount: $[**amount**]

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Repeat above information as needed.

A total of $[**amount**] has been paid in excess of the amount of support ordered as of the filing of this petition, which Respondent has failed to return. It is anticipated that additional payments may be withheld and not returned before the date of hearing on this petition. Judgment should be granted against Respondent in the amount paid in excess of the amount of support ordered, and Respondent should be ordered to return the payments by a date certain.

Include the following if applicable.

8. Attorney's Fees and Costs

It was necessary for Petitioner to secure the services of [**name**], a licensed attorney, to prepare and prosecute this suit. Respondent should be ordered to pay reasonable attorney's fees, expenses, and costs through trial and appeal, and a judgment should be rendered in favor of the attorney and against Respondent and be ordered paid directly to the undersigned attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

Continue with the following.

9. Prayer

Petitioner prays that citation and notice issue as required by law.

Petitioner prays for judgment against Respondent for child support paid in excess of the amount of support ordered and not returned of at least $[**amount**].

Petitioner prays for [**include if applicable:** attorney's fees, expenses, costs, and interest as requested above and for] general relief.

[**Name**]
Attorney for Petitioner
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

For initial disclosures required by Tex. R. Civ. P. 194 (generally within thirty days after filing of the first answer or general appearance), see form 5-18.

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Form 9-17

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order to Recover Child Support Payments Made in Excess of Child Support Order

On [**date**] the Court heard the Petition to Recover Child Support Payments Made in Excess of Child Support Order filed by [**name of petitioner**], Petitioner.

Appearances

Petitioner, [**name of petitioner**],

Select one of the following.

appeared in person and through attorney of record, [**name**], and announced ready.

did not appear in person but has agreed to the terms of this order as evidenced by Petitioner's signature below.

Respondent, [**name of respondent**],

Select one of the following.

appeared in person and announced ready for trial.

appeared through attorney of record, [**name**], and announced ready for trial.

appeared in person and through attorney of record, [**name**], and announced ready for trial.

although duly and properly cited, did not appear and wholly made default.

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waived issuance and service of citation by waiver duly filed and did not otherwise appear.

has made a general appearance and was duly notified of trial but failed to appear and defaulted.

has agreed to the terms of this order as evidenced by Respondent's signature below.

Jurisdiction

The Court, having examined the pleadings and heard the evidence and argument of counsel, finds that it has jurisdiction of this case and of all the parties.

Record

A record of the testimony was waived with the consent of the Court.

Or

A record of the proceeding was made by [[**name, address**]/the court reporter for the [**designation**] Court].

Jury

A jury was waived, and all questions of fact and of law were submitted to the Court.

Or

A jury was selected, questions of fact were submitted to the jury, and a verdict was returned and duly filed.

Findings

The Court finds that Petitioner is not in arrears, that Petitioner's obligation to pay child support to Respondent has terminated, and that Respondent failed to return a child support payment made by Petitioner in excess of the amount of support ordered.

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Judgment

IT IS ORDERED that [**name**] is GRANTED a judgment of [**number**] dollars ($[**amount**]) against Respondent, [**name of respondent**], such judgment bearing interest at [**percent**] percent per year compounded annually from the date this order is signed, for which let execution issue. IT IS ORDERED that Respondent pay the sum of [**number**] dollars ($[**amount**]) to [**name**] on or before [**date**].

Attorney's Fees

IT IS ORDERED that good cause exists to award [**name of attorney**] judgment in the amount of [**number**] dollars ($[**amount**]) for reasonable attorney's fees, expenses, and costs incurred by [**name of party**], with interest at [**percent**] percent per year compounded annually from the date the judgment is signed until paid. The judgment, for which let execution issue, is awarded against [**name of respondent**], Respondent. Respondent is ORDERED to pay the fees, expenses, costs, and interest to [**name of attorney**] at [**address**] by cash, cashier's check, or money order on or before [**date**]. [**Name of attorney**] may enforce this judgment for fees, expenses, and costs in [his/her] own name by any means available for the enforcement of a judgment for debt.

Or

The Court finds that [**state court's reasons for not awarding attorney's fees**], which constitutes good cause for waiving the requirement that Respondent pay attorney's fees incurred by Petitioner.

Costs

All costs of court in this case are adjudged against [**name**], for which let execution issue.

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Or

IT IS ORDERED that Petitioner, [**name**], is awarded a judgment of [**number**] dollars ($[**amount**]) against Respondent, [**name**], for costs of court incurred in this case, with interest at [**percent**] percent per year compounded annually from the date the judgment is signed until paid, for which let execution issue.

Or

The Court finds that [**state court's reasons for not awarding costs**], which constitutes good cause for waiving the requirement that Respondent pay costs incurred by Petitioner. IT IS THEREFORE ORDERED that costs of court are to be borne by the party who incurred them.

Relief Not Granted

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

Date of Order

Select one of the following.

SIGNED on _____.

Or

This order judicially PRONOUNCED AND RENDERED in court at [**city, county**] County, Texas, on [**date**] and further noted on the court's docket sheet on the same date, but signed on _____.

Continue with the following.

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JUDGE PRESIDING

Include the following in all orders unless there is a motion to sign order.

APPROVED AS TO FORM ONLY:

[**Name**]
Attorney for Petitioner
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

[**Name**]
Attorney for Respondent
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

If the parties agree to all the terms of the judgment and do not intend to appeal, include the following.

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

Petitioner

Respondent

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Form 9-18

The purpose of the record of support order, as required under section 105.008 of the Texas Family Code, is to provide the state case registry with child support order information. Each state is required to maintain a registry of support orders under section 454a of the Social Security Act. Pursuant to chapter 234 of the Family Code, Texas's title IV-D agency (the Child Support Division of the Office of the Attorney General) colocates the state case registry with the state disbursement unit. The record of support order also ensures that the state disbursement unit receives all the information necessary to process support payments. The record of support order, as promulgated by the title IV-D agency in 1 Tex. Admin. Code § 55.121 (2013), should be completed and filed with the clerk along with the court order for support. Depending on the location, county officials will either fax a copy of the record of support order to the state disbursement unit or enter the information directly into the state disbursement center's database via a Web application that is available to most counties. Diligence in completing and filing the record of support order will decrease the number of unidentifiable child support payments and prevent unnecessary delays in the disbursement of payments.

In some counties, the clerk of the court may be unfamiliar with the record of support order. In that case, the prudent practitioner may fax a copy of the record of support order directly to the state disbursement unit at 1-210-924-4104.

Record of Support Order

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Figure: 1 TAC §55.121

CHILD SUPPORT DIVISION

Record of Support

This form is used by counties to provide the record of support data needed by the state case registry as required by the Texas Family Code § 105.008. (Counties may use the TXCSES Web Portal to provide this information in lieu of completing this form.) Send the completed form to the State Case Registry/County Contact Team by fax 877-924-6872, e-mail csd-sdu@texasattorneygeneral.gov , or mail to TxCSDU, P.O. Box 659400, San Antonio, TX 78265.

Order Information

County Name:	Court Number:	Cause Number:
Attorney General Case Number:	Date of Hearing:	Order Sign Date:
Order Type: ◯ New Order	◯ Modified Order	
Payment Location: ◯ SDU	◯ County	◯ Other

Obligee/Custodial Parent Information

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

Name:	Date of Birth:	Social Security Number:	
Address:	City:	State:	Zip:
Sex: ◯ Male ◯ Female	Driver's License Number:		
Home Phone:	Work Phone:	Cell Phone:	Relationship to Child(ren):
Employer Name:			
Address:	City:	State:	Zip:

Obligor/Non-Custodial Parent Information

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

Name:	Date of Birth:	Social Security Number:	
Address:	City:	State:	Zip:
Sex: ◯ Male ◯ Female	Driver's License Number:		
Home Phone:	Work Phone:	Cell Phone:	Relationship to Child(ren):
Employer Name:			
Address:	City:	State:	Zip:

Post Office Box 12017, Austin, Texas 78711-2017 Tel: (512)460-6000 1-800-252-8014
email: csd-sdu@texasattorneygeneral.gov or visit the Office of the Attorney General's website (www.texasattorneygeneral.gov).

Form 1828 September 2014

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CHILD SUPPORT DIVISION

Figure: 1 TAC §55.121

Dependent Information			
☐ Family Violence Protection (FV) *(Check if dependent below is a victim of family violence)*			
Name:	Sex: ◯ Male ◯ Female	Date of Birth:	Social Security Number:
☐ Family Violence Protection (FV) *(Check if dependent below is a victim of family violence)*			
Name:	Sex: ◯ Male ◯ Female	Date of Birth:	Social Security Number:
☐ Family Violence Protection (FV) *(Check if dependent below is a victim of family violence)*			
Name:	Sex: ◯ Male ◯ Female	Date of Birth:	Social Security Number:
☐ Family Violence Protection (FV) *(Check if dependent below is a victim of family violence)*			
Name:	Sex: ◯ Male ◯ Female	Date of Birth:	Social Security Number:
Attach additional forms if there are more children for this cause			

Attorney Information			
Obligee Attorney:	Phone:	Obligor Attorney:	Phone:

Form prepared by: _____ Phone: Date:

◯

Post Office Box 12017, Austin, Texas 78711-2017 Tel: (512)460-6000 1-800-252-8014
email: csd-sdu@texasattorneygeneral.gov or visit the Office of the Attorney General's website (www.texasattorneygeneral.gov).

Form 1828 September 2014

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Form 9-19

Section 154.015 of the Texas Family Code, which provides for acceleration of unpaid child support on the death of the obligor, does not indicate who should be named as the respondent in a petition to accelerate unpaid child support. *See* Tex. Fam. Code § 154.015. The executor or administrator of the decedent's estate would clearly be an appropriate respondent. If no executor or administrator has been named by the probate court, the petitioner should identify any known heirs as respondents in the action.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Petition to Reduce Balance of Child Support Obligation of Deceased Obligor to Judgment

Pursuant to section 154.015 of the Texas Family Code, this Petition to Reduce Balance of Child Support Obligation of Deceased Obligor to Judgment is brought by [**name of petitioner**], Petitioner, [**relationship or capacity**]. [The last three numbers of Petitioner's driver's license number are [**numbers**]./Petitioner has not been issued a driver's license.] [The last three numbers of Petitioner's Social Security number are [**numbers**]./Petitioner has not been issued a Social Security number.]

1. Discovery in this case is intended to be conducted under [level 2/level 3] of rule 190 of the Texas Rules of Civil Procedure. [**If level 3, see form 5-1.**]

Include 2. if applicable.

2. Petitioner objects to the assignment of this matter to an associate judge for a trial on the merits or presiding at a jury trial.

3. The child[ren] the subject of this suit [is/are]:

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Name:

Sex:

Birth date:

Social Security number:

Repeat above information for each additional child.

4. This Court has continuing, exclusive jurisdiction of this case as a result of prior proceedings.

5. [**Name of decedent**], Decedent, was the obligor in an order to pay child support to Petitioner. Decedent died on [**date**]. The last date on which Petitioner received a child support payment from Decedent was [**date**].

6. The parties entitled to notice are as follows:

Respondent, [**name of respondent**], who is [**relationship or capacity**].

Select one of the following.

Process should be served [**include if applicable:** at [**address, city, state, zip code**]].

No service is necessary at this time.

Repeat above information for any additional respondents.

If appropriate, include provisions for service on attorney general as required by Tex. Fam. Code § 102.009(d).

Continue with the following.

7. On [**date**] [**include if applicable:** , in Cause No. [**number**], styled "[**style of case**]," in the [**designation**] Court of [**county**] County,] [this/the] Court signed an order that [**include if**

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applicable: appears in the minutes of [this/the] Court and] states in relevant part as follows: [**quote exact language of support order**].

Or

7. On [**date**] [**include if applicable:** , in Cause No. [**number**], styled "[**style of case**]," in the [**designation**] Court of [**county**] County,] [this/the] Court signed an order [**include if applicable:** that appears in the minutes of [this/the] Court], the relevant portion[s] of which [is/are] attached as Exhibit [**exhibit number/letter**].

Continue with the following.

Petitioner was the [petitioner/respondent] and Decedent was the [respondent/petitioner] in the prior proceedings.

8. Petitioner requests the Court to determine the remaining child support obligation due to [the/each] child the subject of this suit and to render judgment in favor of Petitioner, for the benefit of the child[ren], in the amount of the unpaid child support obligation.

Include 9., 10., and 11. if there is arrearage in child support on date of decedent's death.

9. Additionally, before [his/her] death, Decedent failed to pay to Petitioner the full amount of child support due.

A copy of the record of child support payments maintained by the state disbursement unit is attached to this petition.

10. Decedent's total arrearage at the time of [his/her] death is $[**amount**] [**include if applicable:** , including $[**amount**] owed on previously confirmed arrearages and $[**amount**] in unpaid child support not previously confirmed]. Petitioner requests confirmation of all arrearages and rendition of an additional judgment plus interest on arrearages, attorney's fees, and costs.

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11. With regard to the arrearage in child support, it was necessary to secure the services of [**name of attorney**], a licensed attorney, to enforce and protect the rights of [**name of petitioner**] and the child[ren] the subject of this suit. Decedent's estate should be ordered to pay reasonable attorney's fees, expenses, and costs, and a judgment should be rendered in favor of the attorney and against Decedent's estate and be ordered paid directly to the undersigned attorney, who may enforce the judgment in the attorney's own name. Petitioner requests postjudgment interest as allowed by law.

Continue with the following.

Petitioner prays that the Court determine the remaining child support obligation due to [the/each] child the subject of this suit and render judgment in favor of Petitioner, for the benefit of the child[ren], in the amount of the unpaid child support obligation. [**Include if applicable:** Petitioner further prays that an additional judgment be granted for arrearage plus interest on arrearages, attorney's fees, and costs.]

_____

[**Name**]
Attorney for Petitioner
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

For initial disclosures required by Tex. R. Civ. P. 194 (generally within thirty days after filing of the first answer or general appearance), see form 5-18.

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Form 9-20

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Judgment for Balance of Deceased Obligor's Child Support Obligation [and for Arrearage Accrued before Death]

On [**date**] the Court heard Petitioner's Petition to Reduce Balance of Child Support Obligation of Deceased Obligor to Judgment.

Appearances

Petitioner, [**name of petitioner**], [**relationship or capacity**],

Select one of the following.

appeared in person and through attorney of record, [**name**], and announced ready for trial.

appeared through attorney of record, [**name**], and announced ready for trial.

appeared in person and announced ready for trial.

Respondent, [**name of respondent**], [**relationship or capacity**],

Select one of the following.

appeared in person and through attorney of record, [**name**], and announced ready for trial.

appeared in person and announced ready for trial.

failed to appear, although duly notified.

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Repeat for any additional respondents.

If the attorney general was notified, include appearance information.

Child[ren]

The child[ren] the subject of this suit [is/are]:

Name:

Sex:

Birth date:

Social Security number:

Repeat above information for each additional child.

Proceedings

All matters of law and of fact were submitted to the Court, and the Court heard the evidence and considered the pleadings and argument of counsel.

Jurisdiction

The Court finds that it has jurisdiction over the subject matter and the parties in this case. All persons entitled to citation were properly cited.

Record

The making of a record of testimony was waived by the parties with the consent of the Court.

Or

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The record of testimony was duly reported by [[**name, address**]/the court reporter for the [**designation**] Court].

Findings

The Court, having considered the pleadings, evidence, and argument, finds that Petitioner is entitled to judgment for unpaid child support under section 154.015 of the Texas Family Code in the amount of $[**amount**].

Include the following if applicable.

The Court further finds that Decedent failed to make payments as ordered before [his/her] death. [**Include if applicable:** The Court finds and confirms that the balance owed by Decedent on previously confirmed child support arrearages is $[**amount**], plus $[**amount**] in accrued interest on that amount.] The Court further finds and confirms that Decedent was in arrears on the date of [his/her] death in the amount of $[**amount**] for the period [**date**] through [**date**] and that interest has accrued [**include if applicable:** on those previously unconfirmed arrearages] in the amount of $[**amount**]. Judgment should be awarded against Decedent's estate in the total amount of $[**amount**] for the arrearages and interest. The Court further finds that attorney's fees and costs of $[**amount**] related to the arrearage should be assessed against Decedent's estate.

Relief Granted

Select one of the following.

IT IS ORDERED that [**name**], Petitioner, is granted a judgment for unpaid child support under section 154.015 of the Texas Family Code against Decedent's estate in the amount of [**number**] dollars ($[**amount**]). IT IS FURTHER ORDERED that Petitioner is designated a constructive trustee, for the benefit of the child[ren] the subject of this suit, of any money received in satisfaction of this judgment.

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Or

IT IS ORDERED that Petitioner's request for acceleration and reduction to judgment of Deceased Obligor's child support obligation is hereby denied.

Include one of the following if applicable.

IT IS FURTHER ORDERED that [**name**], Petitioner, is granted a judgment for child support arrearages, and attorney's fees and costs related to the arrearage, including accrued interest, against Decedent's estate in the amount of [**number**] dollars ($[**amount**]), such judgment bearing interest at 6 percent simple interest per year from the date this order is signed, for which let execution issue. [**Include if applicable:** This judgment is cumulative and includes the unpaid balance owed under the prior orders of this Court, but it does not include the separate judgment set out above pursuant to section 154.015 of the Texas Family Code].

Or

IT IS FURTHER ORDERED that Petitioner's request for judgment for unpaid child support accrued before Decedent's death is hereby denied.

Relief Not Granted

All relief requested and not expressly granted is denied.

SIGNED on _____.

_____
JUDGE PRESIDING

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Chapter 13

Court-Ordered Representatives

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Form 13-1

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Appointment of Attorney Ad Litem after Citation by [Publication/ Substituted Service]

The Court finds that [**name of person cited by publication or substituted service**], a party in this case, has been cited by [publication/substituted service] and that no answer has been filed and no appearance has been entered by [**name of person**] within the prescribed time.

The Court appoints [**name of attorney**], a licensed attorney, to defend the suit in behalf of [**name of person**].

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 13-2

This answer can be used by attorneys ad litem appointed under Tex. R. Civ. P. 109 or 109a.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Original Answer Filed by Attorney Ad Litem for Respondent Cited by [Publication/Substituted Service]

This answer is filed by the undersigned attorney, who was appointed by the Court to represent the interests of [**name of absent party**], Respondent in this case, who was cited by [publication/substituted service].

Include the following paragraph if the information is known.

[The last three numbers of Respondent's driver's license number are [**numbers**]./ Respondent has not been issued a driver's license.] [The last three numbers of Respondent's Social Security number are [**numbers**]./Respondent has not been issued a Social Security number.]

Continue with the following.

1. Respondent enters a general denial.

2. Respondent prays that all relief sought by Petitioner be denied and that the undersigned attorney be allowed reasonable fees, costs, and expenses for legal services.

Respondent prays for attorney's fees, costs, expenses, and general relief.

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_____

[**Name**]
Attorney Ad Litem for [**name of absent party**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
Attorney Ad Litem for [**name of absent party**]

For initial disclosures required by Tex. R. Civ. P. 194 (generally within thirty days after filing of the first answer or general appearance), see form 5-18.

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Form 13-3

This form can be used by attorneys ad litem appointed under Tex. R. Civ. P. 109 or 109a.

Include the following notice if a minor is named in the caption or if the statement of evidence contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Statement of Evidence

On [**date**] the Court heard this case.

Petitioner appeared in person and through attorney of record, [**name**]. [**Name of party represented**], Respondent, was cited by [publication/substituted service]. The undersigned attorney ad litem, a licensed attorney, was appointed by the Court to represent the interest of Respondent and entered a general denial.

The following unsuccessful attempts were made by the attorney ad litem to locate [**name of party represented**]: [**describe dates and methods of attempts to locate the respondent**].

Include the following paragraph if the respondent was served by publication.

Respondent was served with citation by publication by the [[sheriff/constable] of [**county**] County, Texas/clerk of this Court] by having the citation published in [**name of newspaper**] on [**date**]. The citation was returned to the Court on [**date**].

Or

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Include the following paragraph if the respondent was served by substituted service.

Respondent was served by substituted service by [**describe in particular the manner in which service was accomplished**]. The citation was returned to the Court on [**date**].

Continue with the following.

The parties announced ready for trial. All witnesses were sworn, and the case proceeded. The following evidence was introduced:

Detail all elements of proof necessary to support all findings in the decree and to sustain all relief granted.

The following exhibits were introduced, made a part of the record, and filed: [**list exhibits introduced**].

APPROVED on _____.

_____
JUDGE PRESIDING

I have read the foregoing and agree that it accurately represents the evidence introduced at the hearing described above.

_____
[**Name**]
Attorney Ad Litem
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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[**Name**]
Attorney for Petitioner
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Add signature lines for any other attorneys or parties to the suit.

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Form 13-4

Include the following notice if a minor is named in the caption or if the order contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order Appointing Attorney Ad Litem for Incapacitated Person

The Court finds that [**name**] is incapacitated and is entitled to service of citation in this suit. IT IS ORDERED that [**name of attorney**] is appointed Attorney Ad Litem for [**name**] to provide legal services to [**name**].

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 13-5

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Appointment of [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] for Child[ren]

This Motion for Appointment of [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] for Child[ren] is brought by [**name of movant**], [**party designation**]. In support, [**name of movant**] shows that the best interest of the child[ren] is a disputed issue in this case, and the appointment of [a/an] [attorney ad litem to provide legal services to/guardian ad litem to represent the best interests of/amicus attorney to provide legal services necessary to assist the Court in protecting the best interests of] the child[ren] the subject of this suit would be in the best interest of the child[ren].

Select one of the following.

[**Name of movant**] [**include if applicable:** does not have the monies with which to pay for this appointment and] requests that [**name of other party**] be ordered to pay all fees, costs, and expenses through trial associated with the appointment.

Or

[**Name of movant**] requests that the [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] be paid reasonable fees, costs, and expenses by the parties as follows: Petitioner should be ordered to pay [**percent**] percent and Respondent should be ordered to pay [**percent**] percent.

Continue with the following.

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[**Name of movant**] prays that the Court grant this Motion for Appointment of [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] for Child[ren].

_____

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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_____

[**Name**]
Attorney for [**name of movant**]

Order

The Court considered the Motion for Appointment of [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] for Child[ren] of [**name of movant**] and appoints [**name**] [**include if applicable:** , a licensed attorney at law of this state,] [Attorney Ad Litem to provide legal services to/Guardian Ad Litem to represent the best interests of/Amicus Attorney to provide legal services necessary to assist the Court in protecting the best interests of] the child[ren] the subject of this suit.

SIGNED on _____.

_____

JUDGE PRESIDING

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Form 13-6

This form is not intended for use in orders appointing an attorney ad litem in a proceeding under chapter 262 or 263 of the Texas Family Code.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order Appointing Attorney Ad Litem for Child[ren]

The Court finds that under section 107.021 of the Texas Family Code, the best interest of the child[ren] is at issue, and after giving due consideration to the ability of the parties to pay reasonable fees to the appointee and considering the cost of available alternatives for resolving these issues without making an appointment, the Court finds that an attorney ad litem should be appointed in this case. The Court hereby appoints [**name**] as Attorney Ad Litem to provide legal services to [**name[s] of child[ren]**], the child[ren] the subject of this suit.

The Court hereby ORDERS that any custodian of the child[ren] shall grant Attorney Ad Litem immediate access to the child[ren] and to any information relating to the child[ren] and shall fully cooperate with Attorney Ad Litem.

The Court further ORDERS that the custodian of any relevant records relating to the child[ren], including records regarding social services, law enforcement records, school records, records of a probate or court proceeding, and records of a trust or account for which the [child is a beneficiary/children are beneficiaries], shall provide immediate access to the records to Attorney Ad Litem without requiring a further order or release.

The Court further ORDERS that the custodian of a medical, mental health, or drug- or alcohol-treatment record of a child that is privileged or confidential under other law shall

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release the record to Attorney Ad Litem without requiring a further order or release, except that a child's drug- or alcohol-treatment record that is confidential under 42 U.S.C. section 290dd–2 shall be released only as provided under applicable federal regulations.

Petitioner and Respondent are ORDERED to sign any and all releases of information relative to the child[ren] or the parties in this case, as requested by Attorney Ad Litem, within seven days of the request.

Attorney Ad Litem owes the child[ren] the duties of undivided loyalty, confidentiality, and competent representation. Pursuant to sections 107.003 and 107.004 of the Texas Family Code, Attorney Ad Litem is ORDERED to perform the following duties in this case [**include if applicable:** with regard to each child the subject of this suit]:

1. subject to rules 4.02, 4.03, and 4.04 of the Texas Disciplinary Rules of Professional Conduct, and within a reasonable time after the appointment, interview—

    a. the child in a developmentally appropriate manner, if the child is four years of age or older;

    b. each person who has significant knowledge of the child's history and condition, including any foster parent of the child; and

    c. the parties to the suit;

2. seek to elicit in a developmentally appropriate manner the child's expressed objectives of representation;

3. consider the impact on the child in formulating Attorney Ad Litem's presentation of the child's expressed objectives of representation to the Court;

4. investigate the facts of the case to the extent Attorney Ad Litem considers appropriate;

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5. obtain and review copies of relevant records relating to the child as provided by section 107.006 of the Texas Family Code;

6. participate in the conduct of the litigation to the same extent as an attorney for a party;

7. take any action consistent with the child's interests that Attorney Ad Litem considers necessary to expedite the proceedings;

8. encourage settlement and the use of alternative forms of dispute resolution;

9. review and sign, or decline to sign, a proposed or agreed order affecting the child;

10. in a developmentally appropriate manner—

    a. advise the child and

    b. represent the child's expressed objectives of representation and follow the child's expressed objectives of representation during the course of litigation if Attorney Ad Litem determines that the child is competent to understand the nature of an attorney-client relationship and has formed that relationship with Attorney Ad Litem;

11. as appropriate, considering the nature of the appointment, become familiar with the American Bar Association's standards of practice for attorneys who represent children in abuse and neglect cases, the suggested amendments to those standards adopted by the National Association of Counsel for Children, and the American Bar Association's standards of practice for attorneys who represent children in custody cases; and

12. protect the confidentiality of all records provided to Attorney Ad Litem under this order and not disclose any such records except as provided by further order of the Court or other law.

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Continue with the following.

Attorney Ad Litem has all the rights and privileges as contained in chapter 107 of the Texas Family Code, including the rights to—

1. request clarification from the Court if the role of Attorney Ad Litem is ambiguous;

2. request a hearing or trial on the merits;

3. consent or refuse to consent to an interview of the child by another attorney;

4. receive a copy of each pleading or other paper filed with the Court in the case in which Attorney Ad Litem is appointed;

5. receive notice of each hearing in the case; and

6. attend all legal proceedings in the case.

The Court hereby finds that Attorney Ad Litem is entitled to reasonable fees, costs, and expenses to be paid by the parties as follows: Petitioner is ORDERED to pay [**percent**] percent and Respondent is ORDERED to pay [**percent**] percent. The Court hereby ORDERS [Petitioner/Respondent] to deposit the sum of [**number**] dollars ($[**amount**]) with Attorney Ad Litem no later than 5:00 P.M. [[**number**] days following the signing of this order/[**other date as ordered by the court**]]. [**Repeat for other party as applicable.**] The Court reserves the right to order additional cost deposits before trial as necessary.

SIGNED on _____.

_____

JUDGE PRESIDING

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Form 13-7

This form is not intended for use in orders appointing a guardian ad litem in a proceeding under chapter 262 or 263 of the Texas Family Code.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order Appointing Guardian Ad Litem

The Court finds that under section 107.021 of the Texas Family Code, the best interest of the child[ren] is in dispute, and after giving due consideration to the ability of the parties to pay reasonable fees to the appointee, finds that a guardian ad litem should be appointed to represent the best interests of the child[ren] the subject of this suit. The Court hereby appoints [**name**] as Guardian Ad Litem for [**name[s] of child[ren]**], the child[ren] the subject of this suit, to serve as an extension, agent, and arm of this Court in protecting the best interest of the child[ren] the subject of this suit.

The Court hereby ORDERS that any custodian of the child[ren] shall grant Guardian Ad Litem immediate access to the child[ren] and to any information relating to the child[ren] and shall fully cooperate with Guardian Ad Litem.

The Court further ORDERS that the custodian of any relevant records relating to the child[ren], including records regarding social services, law enforcement records, school records, records of a probate or court proceeding, and records of a trust or account for which the [child is a beneficiary/children are beneficiaries], shall provide immediate access to the records to Guardian Ad Litem without requiring a further order or release.

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The Court further ORDERS that the custodian of a medical, mental health, or drug- or alcohol-treatment record of a child that is privileged or confidential under other law shall release the record to Guardian Ad Litem without requiring a further order or release, except that a child's drug- or alcohol-treatment record that is confidential under 42 U.S.C. section 290dd–2 shall be released only as provided under applicable federal regulations.

Petitioner and Respondent are ORDERED to sign any and all releases of information relative to the child[ren] or the parties in this case, as requested by Guardian Ad Litem, within seven days of the request.

Pursuant to section 107.002 of the Texas Family Code, Guardian Ad Litem is ORDERED to perform the following duties in this case [**include if applicable:** with regard to each child the subject of this suit]:

1. within a reasonable time after the appointment, interview—

    a. the child in a developmentally appropriate manner, if the child is four years of age or older;

    b. each person who has significant knowledge of the child's history and condition, including any foster parent of the child; and

    c. the parties to the suit;

2. seek to elicit in a developmentally appropriate manner the child's expressed objectives;

3. consider the child's expressed objectives without being bound by those objectives;

4. encourage settlement and the use of alternative forms of dispute resolution;

5. perform any specific task directed by the Court; and

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6. protect the confidentiality of all records provided to Guardian Ad Litem under this order and not disclose any such records except as provided by further order of the Court or other law.

Guardian Ad Litem is FURTHER ORDERED, in a contested case, to provide copies of Guardian Ad Litem's report, if any, to the attorneys for the parties as directed by the Court, but not later than the earlier of the date required by the scheduling order or the tenth day before the date of the commencement of the trial in this case.

Guardian Ad Litem has all the rights and privileges as contained in chapter 107 of the Texas Family Code, including the rights to—

1. receive a copy of each pleading or other paper filed with the Court in the case in which Guardian Ad Litem is appointed;

2. receive notice of each hearing in the case;

3. participate in case staffings by the Department of Family and Protective Services concerning the child;

4. attend all legal proceedings in the case [**include if the guardian ad litem is not a licensed attorney appointed in the dual role:** , but Guardian Ad Litem may not call or question a witness or otherwise provide legal services];

5. review and sign, or decline to sign, an agreed order affecting the child; and

6. explain the basis for Guardian Ad Litem's opposition to the agreed order if Guardian Ad Litem does not agree to the terms of a proposed order.

Guardian Ad Litem shall be required to attend only those court hearings at which Guardian Ad Litem's presence is necessary to protect the best interests of the child. [**Include additional limitations, if any.**]

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Include the following if the guardian ad litem is an attorney or other professional.

The Court hereby finds that Guardian Ad Litem is entitled to reasonable fees and expenses to be paid by the parties as follows: Petitioner is ORDERED to pay [**percent**] percent and Respondent is ORDERED to pay [**percent**] percent. The Court hereby ORDERS [Petitioner/Respondent] to deposit the sum of [**number**] dollars ($[**amount**]) with Guardian Ad Litem no later than 5:00 P.M. [[**number**] days following the signing of this order/[**other date as ordered by the court**]]. [**Repeat for other party as applicable.**] The Court reserves the right to order additional cost deposits before trial as necessary.

Continue with the following.

SIGNED on _____.

_____

JUDGE PRESIDING

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Form 13-8

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order Appointing Amicus Attorney

The Court finds that under section 107.021 of the Texas Family Code, the best interest of the child[ren] is in dispute, and after giving due consideration to the ability of the parties to pay reasonable fees to the appointee, finds that an amicus attorney should be appointed in this case. The Court hereby appoints [**name**] as Amicus Attorney to provide legal services necessary to assist the Court in protecting the best interests of [**name[s] of child[ren]**], the child[ren] the subject of this suit.

The Court hereby ORDERS that any custodian of the child[ren] shall grant Amicus Attorney immediate access to the child[ren] and to any information relating to the child[ren] and shall fully cooperate with Amicus Attorney.

The Court further ORDERS that the custodian of any relevant records relating to the child[ren], including records regarding social services, law enforcement records, school records, records of a probate or court proceeding, and records of a trust or account for which the [child is a beneficiary/children are beneficiaries], shall provide immediate access to the records to Amicus Attorney without requiring a further order or release.

The Court further ORDERS that the custodian of a medical, mental health, or drug- or alcohol-treatment record of a child that is privileged or confidential under other law shall release the record to Amicus Attorney without requiring a further order or release, except that

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a child's drug- or alcohol-treatment record that is confidential under 42 U.S.C. section 290dd–2 shall be released only as provided under applicable federal regulations.

Petitioner and Respondent are ORDERED to sign any and all releases of information relative to the child[ren] or the parties in this case, as requested by Amicus Attorney, within seven days of the request.

Pursuant to sections 107.003 and 107.005 of the Texas Family Code, Amicus Attorney is ORDERED to perform the following duties in this case [**include if applicable:** with regard to each child the subject of this suit]:

1. subject to rules 4.02, 4.03, and 4.04 of the Texas Disciplinary Rules of Professional Conduct, and within a reasonable time after the appointment, interview—

    a. the child in a developmentally appropriate manner, if the child is four years of age or older;

    b. each person who has significant knowledge of the child's history and condition, including any foster parent of the child; and

    c. the parties to the suit;

2. seek to elicit in a developmentally appropriate manner the child's expressed objectives of representation;

3. consider the impact on the child in formulating Amicus Attorney's presentation of the child's expressed objectives of representation to the Court;

4. investigate the facts of the case to the extent Amicus Attorney considers appropriate, including conducting discovery;

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5. obtain and review copies of relevant records relating to the child as provided by section 107.006 of the Texas Family Code;

6. participate in the conduct of the litigation to the same extent as an attorney for a party;

7. take any action consistent with the child's interests that Amicus Attorney considers necessary to expedite the proceedings;

8. encourage settlement and the use of alternative forms of dispute resolution;

9. advocate the best interests of the child after reviewing the facts and circumstances of the case;

10. review and sign, or decline to sign, a proposed or agreed order affecting the child;

11. become familiar with the American Bar Association's standards of practice for attorneys who represent children in custody cases;

12. in a developmentally appropriate manner—

a. with the consent of the child, ensure that the child's expressed objectives of representation are made known to the Court;

b. explain the role of Amicus Attorney to the child; and

c. inform the child that Amicus Attorney may use information that the child provides in providing assistance to the Court; and

13. protect the confidentiality of all records provided to Amicus Attorney under this order and not disclose any such records except as provided by further order of the Court or other law.

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Amicus Attorney has all the rights and privileges as contained in chapter 107 of the Texas Family Code, including the rights to—

1. request clarification from the Court if the role of Amicus Attorney is ambiguous;

2. request a hearing or trial on the merits;

3. conduct discovery;

4. consent or refuse to consent to an interview of the child by another attorney;

5. receive a copy of each pleading or other paper filed with the Court in the case in which Amicus Attorney is appointed;

6. receive notice of each hearing in the case;

7. participate in case staffings by the Department of Family and Protective Services concerning the child; and

8. attend all legal proceedings in the case.

Amicus Attorney is prohibited from disclosing confidential communications between Amicus Attorney and the child unless Amicus Attorney determines that disclosure is necessary to assist the Court regarding the best interests of the child.

The Court hereby finds that Amicus Attorney is entitled to reasonable fees, costs, and expenses to be paid by the parties as follows: Petitioner is ORDERED to pay [**percent**] percent and Respondent is ORDERED to pay [**percent**] percent. The Court hereby ORDERS [Petitioner/Respondent] to deposit the sum of [**number**] dollars ($[**amount**]) with Amicus Attorney no later than 5:00 P.M. [[**number**] days following the signing of this order/[**other date as ordered by the court**]]. [**Repeat for other party as applicable.**] The Court reserves the right to order additional cost deposits before trial as necessary.

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SIGNED on _____.

_____
JUDGE PRESIDING

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Form 13-9

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney]'s Original Answer in Suit Affecting the Parent-Child Relationship

This original answer is filed by [**name**], who is [Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney] for the child[ren], [**name[s] of child[ren]**].

1. Answer

[Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney] enters a general denial.

2. Best Interest of Child[ren]

[Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney] requests that the following factors be considered in determining the best interest of the child[ren], [**name[s] of child[ren]**]:

the desires of the child;

the emotional and physical needs of the child now and in the future;

any emotional and physical danger to the child now and in the future;

the parenting ability of each person seeking managing conservatorship of the child;

the programs available to assist each person seeking managing conservatorship of the child in promoting the best interest of the child;

the plans for the child of each person seeking managing conservatorship of the child;

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the stability of the home of each person seeking managing conservatorship of the child;

the acts or omissions of each person seeking managing conservatorship of the child; and

any excuse for the acts or omissions of each person seeking managing conservatorship of the child.

3. Fees, Costs, and Expenses for [Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney]

It was necessary to render services to represent the child[ren] in this suit. The parties should be ordered to pay reasonable fees, costs, and expenses [**include if applicable:** as costs, for all fees attributable to the prosecution of a claim for child support], and judgment should be rendered against the parties in favor of [Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney].

[Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney] prays that all factors requested above be considered. [Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney] requests a judgment for reasonable fees, costs, and expenses.

[**Name**]
[Guardian Ad Litem/Attorney Ad Litem/
Amicus Attorney] for [**name[s]**]
State Bar No.: [**if applicable**]
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

If the court-appointed representative employs counsel, plead separately for attorney's fees.

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
[Guardian Ad Litem/Attorney Ad Litem/
Amicus Attorney] for [**name[s]**]

For initial disclosures required by Tex. R. Civ. P. 194 (generally within thirty days after filing of the first answer or general appearance), see form 5-18.

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Form 13-10

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion for Additional Deposit to Secure Fees

Pursuant to section 107.023 of the Texas Family Code, this Motion for Additional Deposit to Secure Fees is brought by [**name of movant**], court-appointed [Attorney Ad Litem/ Guardian Ad Litem/Amicus Attorney] for the child[ren], [**name[s] of child[ren]**]. In support, [**name of movant**] shows:

This is a suit involving the best interest of [a] child[ren], and [**name of movant**] has been appointed to represent the interests of the child[ren]. Reasonable fees, costs, and expenses have been and will continue to be incurred in representing the best interests of the child[ren]. [**Name of movant**] requests that Petitioner and Respondent be required to deposit sufficient funds to secure those fees, costs, and expenses.

On [**date of last order for deposit of funds**], the Court ordered Petitioner to deposit $[**amount**] on or before [**date**]. On [**date**], Petitioner deposited $[**amount**].

On [**date of last order for deposit of funds**], the Court ordered Respondent to deposit $[**amount**] on or before [**date**]. On [**date**], Respondent deposited $[**amount**].

The billing rate of [Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney] is $[**amount**] per hour. As of [**date**], Movant has expended [**number**] hours in this representation. Movant requests an additional deposit of $[**amount**] on or before [the entry of final papers in this case/[**date**]].

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This matter is set for [final contested hearing/entry on agreement of the parties] on [**date**].

[**Name of movant**] prays the Court grant the Motion for Additional Deposit to Secure Fees.

_____

[**Name**]
Movant
State Bar No.: [**if applicable**]
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____

Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

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[**Name**]
Movant

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Form 13-11

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order for Deposit of Additional Fees

On [**date**] the Court considered the Motion for Additional Deposit to Secure Fees of [**name**], [Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney].

IT IS ORDERED that [**name of petitioner**], Petitioner, pay directly to [**name of movant**], for fees, costs, and expenses of [Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney], [**number**] dollars ($[**amount**]) on or before [**date**].

IT IS ORDERED that [**name of respondent**], Respondent, pay directly to [**name of movant**], for fees, costs, and expenses of [Guardian Ad Litem/Attorney Ad Litem/Amicus Attorney], [**number**] dollars ($[**amount**]) on or before [**date**].

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 13-12

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Expense Report of [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney]

By [separate order of this Court/agreement of the parties], [**name**] [was appointed/agreed to serve] as [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] to represent [**name[s] of child[ren]**].

In compliance with Texas Supreme Court Miscellaneous Docket Order No. 94-9143, I submit the following information to the Court:

$[**amount**] is my normal hourly fee, and I represent to the Court that this fee is reasonable for individuals with my education, training, and experience in [**county**] County, Texas.

The number of hours (to the nearest tenth) I worked in performance of my duties as [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] is [**number**], and I have attached a summary indicating what I did and when.

My total out-of-pocket costs and expenses in the performance of my duties as [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] are $[**amount**], but I request no reimbursement for any cost or expense for which I have not attached, to this report, documentation.

[**Include if applicable:** I have already been paid $[**amount**] for this appointment, of which Petitioner has paid $[**amount**] and Respondent has paid $[**amount**].] I request the [additional] sum of $[**amount**] for reasonable fees, costs, and expenses for this appointment.

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Respectfully submitted on [**date**].

_____

[**Name**]
[Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] for [**name[s]**]
State Bar No.: [**if applicable**]
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

☐ The [Attorney Ad Litem/Guardian Ad Litem/Amicus Attorney] named above is awarded fees, costs, and expenses in the amount of $[**amount**]. [**Include if applicable:** Any remaining funds that have been deposited may be withdrawn.]

☐ An additional $ _____ is to be paid on or before _____ by _____.

☐ An additional $ _____ is to be paid on or before _____ by _____.

ORDERED on _____.

_____

JUDGE PRESIDING

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Form 13-13

This motion may be used by an attorney appointed to serve in the dual role, under Tex. Fam. Code § 107.0125, in a suit filed by a governmental entity. (An appointment of an attorney ad litem in such a suit is an appointment to serve in the dual role, regardless of the terminology used in the appointing order, unless the court appoints another person as guardian ad litem. Tex. Fam. Code § 107.0125(d).)

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Motion to Withdraw as Guardian Ad Litem

This Motion to Withdraw as Guardian Ad Litem is brought by [**name of movant**], who shows in support:

[**Name of movant**] was appointed by the Court as Attorney Ad Litem and Guardian Ad Litem for [**name[s] of child[ren]**], [a/the] child[ren] the subject of this suit.

[**Name of movant**] requests the Court to permit [him/her], in accordance with section 107.0125(c) of the Texas Family Code, to withdraw as Guardian Ad Litem and continue to serve as the child[ren]'s Attorney Ad Litem. [**Name of movant**] further requests that the Court appoint a new Guardian Ad Litem for the child[ren].

[**Name of movant**] prays that the Court grant this Motion to Withdraw as Guardian Ad Litem.

[**Name**]
Attorney for [**name of movant**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]

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Notice of Hearing

The above motion is set for hearing on _____ at _____ __.M. in [**designation and location of court**].

SIGNED on _____.

_____
Judge or Clerk

Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____
[**Name**]
Attorney for [**name of movant**]

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Form 13-14

This order may be used to allow withdrawal from the role of guardian ad litem by an attorney appointed to serve in the dual role, under Tex. Fam. Code § 107.0125, in a suit filed by a governmental entity.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Order on Motion to Withdraw as Guardian Ad Litem

On [**date**] the Court considered the Motion to Withdraw as Guardian Ad Litem of [**name of movant**].

IT IS ORDERED that [**name of movant**] is removed as Guardian Ad Litem but shall continue to serve the Court as Attorney Ad Litem for the child[ren]. IT IS FURTHER ORDERED that [**name**] is appointed Guardian Ad Litem to represent [**name[s] of child[ren]**], the child[ren] the subject of this suit, to represent the best interests of the child[ren] and to serve as an extension, agent, and arm of this Court in protecting the best interest of the child[ren].

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 13-15

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

> See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

[Ad Litem/Amicus Attorney]'s Written Interrogatories to [name]

To: [**name**], [Petitioner/Respondent], by and through [his/her] attorney of record, [**name and address of attorney**].

Under rules 190 and 197 of the Texas Rules of Civil Procedure, you are required to answer in complete detail and in writing each of the attached interrogatories; sign your answers to the interrogatories as required by rule 191.3 of the Texas Rules of Civil Procedure; swear to the truth of your answers before a notary public or other judicial officer as required by rule 197.2(d) of the Texas Rules of Civil Procedure or make an unsworn declaration as allowed by section 132.001 of the Texas Civil Practice and Remedies Code; and deliver a complete, signed copy of your answers, notarized if applicable, to the undersigned attorney within [thirty/fifty] days following service of this request. If you fail to comply with the requirements above, the Court may order sanctions against you in accordance with the Texas Rules of Civil Procedure.

Definitions

"Identity and location" means the person's name and present or last known address and telephone number. If any of the above information is not available, state any other means of identifying the individual.

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"Person" includes and is intended to mean any natural person or the representative of any entity or entities, as defined below.

"Entity" or "entities" includes and is intended to mean any nonpublicly traded corporation, company, limited liability company, firm, association, trust, business trust, partnership, limited partnership, family limited partnership, limited liability partnership, joint venture, proprietorship, or other form of business entity.

"You" refers to [Petitioner/Respondent] in this case.

"Parties" refers to Petitioner, Respondent, or both Petitioner and Respondent.

"Child" refers to all children before the Court in this case.

Instructions

All information that is not privileged that is in the possession of [Petitioner/Respondent], [his/her] attorney, investigators, agents, and consulting experts, as defined in the Texas Rules of Civil Procedure, employees, or other representatives of [Petitioner/Respondent] is to be divulged.

If an individual interrogatory calls for an answer that involves more than one part, each part of the answer must be clearly set out so that it is understandable. You must precede your answer to each separate interrogatory with the question constituting the separate interrogatory.

[Name]
[Attorney Ad Litem/Amicus Attorney]
State Bar No.:
[E-mail address]
[Address]
[Telephone]
[Fax]

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Certificate of Service

I certify that a true copy of this [document/[**title of document**]] was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on [**date**]:

[**Name of attorney of record or party to be served**] by [electronic filing manager/e-mail at [**e-mail address**]/fax at [**fax number**]/personal delivery at [**address**]/commercial delivery service at [**address**]/certified mail at [**address**]/first-class mail at [**address**]]. [**Repeat for each attorney of record or party to be served.**]

_____

[**Name**]
[Attorney Ad Litem/Amicus Attorney]

[Ad Litem/Amicus Attorney]'s First Set of Interrogatories

Select interrogatories from the following, as relevant to the specific case and subject to the number of interrogatories allowed under the Texas Rules of Civil Procedure.

1. As to the child [**name**], please provide the following:

   a. The name and address of the school the child is attending.

   b. The child's current grade level and the name[s] of the child's teacher[s].

   c. The name[s] of any school counselor[s] that the child has seen in the last three years.

2. As to the child [**name**], please provide the following:

   a. The identity, location, and telephone number of every physician the child has seen in the last three years and the reason for the child's seeing each such physician.

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b. The identity, location, and telephone number of every mental health professional the child has seen in the last three years and the reason for the child's seeing each such mental health professional.

3. As to the child [**name**], please provide the identity, location, and telephone number of every person likely to have significant knowledge of the child's history and condition.

4. Please state the names, addresses, and telephone numbers of all health care providers you have seen for examination, evaluation, diagnosis, or treatment of any physical or mental condition in the last three years and the reason for seeing them.

5. Please state the names, addresses, and telephone numbers of all persons who might have information material and relevant to the question of who should be named managing conservator of the child[ren] if they are different from the persons named in your answer to Interrogatory No. 3.

6. If you are employed, please state:

a. Name and address of employer.

b. Your occupation.

c. Rate of pay and average monthly earnings for the past twelve months.

7. Please detail any other sources of income other than Interrogatory No. 6 above that you have received within the last twelve months or will be receiving in the next twelve months, including but not limited to commissions, tips, bonuses, interest, dividends, royalty income, self-employment income, net rental income (defined as rent after deducting operating expenses and mortgage payments, but not including noncash items such as depreciation), and all other income actually being received, including but not limited to severance pay, retirement benefits, pensions, trust income, annuities, capital gains, Social Security benefits other

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than supplemental security income, United States Department of Veterans Affairs disability benefits other than non–service-connected disability pension benefits, as defined by 38 U.S.C. § 101(17), unemployment benefits, disability and workers' compensation benefits, interest income from notes, but not including return of principal or capital, and accounts receivable regardless of the source, gifts and prizes, spousal maintenance, and alimony.

8. Do you pay union dues? If so, what is your annual payment?

9. If you maintain the [child as a beneficiary/children as beneficiaries] in your health insurance, disclose the amount you pay on a monthly basis to provide health insurance coverage for the child[ren] and explain in detail the coverage afforded the child[ren] on your health insurance policy.

10. If any unrelated adult [males/females] have spent the night at your residence or at any other location when the child[ren] [was/were] with you or in residence since the date of separation, please state the name of each such person and the dates of the occurrences.

11. If you have ever refused or been denied visitation with the child[ren], state the dates of such refusal or denial, the circumstances of it, and any reasons or excuses given.

12. List all the reasons you believe your spouse should not be appointed primary or sole managing conservator of the child[ren].

13. List all the reasons you believe you should be appointed primary or sole managing conservator of the child[ren].

14. If you allege that your spouse has physically or psychologically abused the child[ren], please state the nature of the abuse, the dates when it occurred, and whether any treatment was sought.

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15. If you see any differences or changes in the child[ren]'s demeanor or behavior immediately before or after visitation with your spouse, please describe those differences or changes.

16. If you attend religious services, please state which religious services you attend, the frequency of your attendance, and whether the [child accompanies/children accompany] you.

17. What hours do you work and on which days of the week?

18. Do you travel for your employment? If so, how frequently, and of what duration are your trips away from the city of your residence?

19. If you are appointed sole managing conservator or primary joint managing conservator of the child[ren], what possession of or access to the child[ren] would you be willing for your spouse to have and what amount of child support per child per month do you feel is reasonable?

20. If the child[ren] [has/have] made statements to you or any other person that reveal [his/her/their] feelings or attitudes toward your spouse, please give the contents of the statements, to whom they were made, the circumstances in which they were made, and the approximate dates on which they were made.

21. State each material change in circumstances that has occurred with regard to the child[ren], you, or your spouse since the entry of the last order of the court.

22. State each reason it would be a positive improvement for you to be appointed primary or sole managing conservator.

23. List all persons you intend to call as a witness at any hearing, including the final trial, in this case.

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Chapter 14

Judicial Bypass

Form 14-1 Judicial Approval for Abortion without Parental Notification and Consent 1005

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Form 14-1

The forms reproduced on the following pages are promulgated by the Supreme Court of Texas as required by chapter 33 of the Texas Family Code.

The forms reproduced here, which may be downloaded from the court's website at **www.txcourts.gov/media/1240926/Parental-Notification-Forms-2015.pdf**, were promulgated in Misc. Docket No. 15-9246. Check the Texas Judiciary website at **http://www.txcourts.gov** under the "Rules & Forms" link to ensure the currency of forms.

Judicial Approval for Abortion without Parental Notification and Consent

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Instructions for Applying to the Court for a Waiver of Parental Notification and Consent (Form 1A)

Your situation and the law

If you are younger than 18 and have not been legally "emancipated," you are "unemancipated," which means that you are legally under the custody or control of your parents (or one of your parents), a managing conservator, or a guardian. (A "managing conservator" is an adult or agency appointed by a court to have custody or control of you.)

If you are pregnant, unemancipated, and younger than 18, you cannot get an abortion in Texas unless:

- your doctor informs one of your parents or your managing conservator or guardian at least 48 hours before the abortion and obtains the consent of your parent, managing conservator, or guardian; *or*
- a judge issues an order that "waives" or removes the requirement that you must let a parent or your managing conservator or guardian know about your planned abortion and obtain his or her consent to it.

How to get a waiver of parental notification and consent

Fill out the application

To get a court order waiving the requirements that you tell a parent or your managing conservator or guardian about your planned abortion and obtain his or her consent, you must complete Forms 2A and 2B, ***Confidential Application for Waiver of Parental Notification***. Form 2A is the "Cover Page" for the Application; it requests basic information about why you are seeking the order. Form 2B is the "Verification Page," which requests information about you.

On the Verification Page, you will be asked to tell the court how you may be contacted quickly and confidentially. It is very important that you provide this information because the court may later need to contact you about your application. If you cannot be contacted, your application will be denied. You may list a phone number, email address, or any other way that you can be contacted. You can but need not give your own number—instead, you can ask the court to contact you through someone who is helping you or acting on your behalf. You may also list a second person who may be contacted on your behalf.

You or someone acting on your behalf must deliver the forms to the clerk in the district court, county court at law, county court, or probate court to be filed. The court clerk can help you complete and file the application, and can help you get a hearing on your request. However, the clerk cannot give you legal advice or counsel you about abortion.

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All of the information you put on the application is confidential. You do not have to pay a fee to file this application.

Your hearing

The court will tell you when to come to the courthouse for your "hearing." In your hearing, you will meet with a judge to discuss your request. The court will hold your hearing within five days (not counting weekends and holidays) after you file your application.

After you file your application, the court will appoint a person to meet with you before the hearing and help the judge decide your application. The person is called a "guardian ad litem." In your application you may ask the court to appoint someone you want to be your guardian ad litem (who can be a relative, clergy, counselor, psychiatrist or psychologist, or other adult), but the court is not required to appoint this person.

You must also have a lawyer with you at your hearing. You may hire your own lawyer, or you may ask the court to appoint one to represent you for free.

Keeping it confidential

Your hearing will be confidential and private. The only persons allowed to be there are you, your guardian ad litem, your lawyer, court staff, and any person whom you request to be there.

You already know that your application stays confidential. So will everything from your hearing: all testimony, documents and other evidence presented to the court, and any order given by the judge. The court will keep everything sealed. No one else can inspect the evidence.

The court's decision

The court must "rule"—issue a decision on your application—before 5 p.m. on the fifth day after the day you filed your application, not counting weekends and holidays.

If the court fails to rule within that time, then your request is automatically denied. You can get a certificate from the court clerk that says that your request is "deemed denied." If you choose to appeal, the certificate will be sent to the appellate court to explain what happened in your case.

If the court *does* rule within the required time, the court issues an order that does one of the following three things:

(1) approves your request because the court finds that you are mature enough and know enough to choose on your own to have an abortion;

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(2) approves your request because it is in your best interests *not* to notify or to attempt to obtain the consent of your parent or your managing conservator or guardian before getting the abortion; or

(3) denies your request because the court does not find (1) or (2).

If you say, or if there is evidence, that you have been or may be sexually abused, the court must treat your claim as a very serious matter and may be required to refer it to the police or other authorities for investigation.

Appealing the court's decision

If the court denies your request, you may ask another court to hear your case. This request is called an "appeal," and the new court will be the court of appeals.

To appeal the first court's decision, have your lawyer fill out Form 3A, ***Notice of Appeal in Parental Notification Proceeding.*** The lawyer must file it with the clerk of the court that denied your request for a waiver of parental notification.

You will *not* have to go to the court of appeals in person. Instead, the court of appeals will review the written record and will issue a written ruling on your appeal no later than 5 p.m. on the fifth day after the day you file the *Notice of Appeal*, not counting weekends and holidays.

The court of appeals will provide its ruling to you, your lawyer, your guardian ad litem, or any other person designated by you to receive the ruling.

The same guardian ad litem and lawyer who helped you with your first hearing can help with your appeal.

Getting the forms you need

Forms 2A and 2B, the Cover Page and Verification Page to the *Confidential Application for Waiver of Parental Notification*, and Form 3A, *Notice of Appeal in Parental Notification Proceeding*, should all be attached to these instructions.

If these forms are not attached to these instructions, you can get them from the clerk of the district, county court at law, county, or probate court or from the clerk of the court of appeals. These forms are also available on the Texas Judiciary website at www.txcourts.gov.

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Attention Clerk: Please Expedite

Confidential Application for Waiver of Parental Notification and Consent: Cover Page (Form 2A)

As prescribed by the Clerk of the Supreme Court of Texas pursuant to Tex. Fam. Code § 33.003(m).

(Do not complete this section. Court staff will complete this section.)

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____

_____COUNTY, TEXAS

Important: Your Application has two parts: (1) this cover sheet (Form 2A), which asks for basic information about your application; and (2) a separate verification page (Form 2B), which asks for information about you and for you to swear to the truth of everything you say in the cover sheet and verification page. You must complete both of these forms.

---

1. I ask the court for an order that allows me to have an abortion without first telling and obtaining the consent of my parent, managing conservator, or guardian. I swear or affirm that **(place a check mark in all the blanks for which you answer "yes")**:

   _ I am pregnant.

   _ I am unmarried and younger than 18 years of age.

   _ I do not have an order from a Texas court that gives me the same legal rights and responsibilities as an adult.

2. I request this order for one of the following reasons **(place a check mark beside any that apply)**:

_ I am mature enough to decide to have an abortion without telling and obtaining the consent of my parent, managing conservator, or guardian. I also know enough about abortion to make this decision.

_ Telling my parent, managing conservator, or guardian that I want an abortion and attempting to obtain his or her consent is not in my best interest.

_ Telling my parent, managing conservator, or guardian that I want an abortion may lead to physical or emotional abuse of me.

_ Telling my parent, managing conservator, or guardian that I want an abortion may lead to sexual abuse of me.

3. Please check all that apply:

_ I live in the county where this application is being filed.

_ My parent, managing conservator, or guardian is a presiding judge of a district court, a county court at law, or a court having probate jurisdiction in the county where I live, and **(check any that apply)**:

  _ The county where I live is contiguous to (shares a border with) this one.

  _ I intend to obtain the abortion in this county.

_ The population of the county where I live has a population of less than 10,000, and **(check any that apply)**:

  _ The county where I live is contiguous to (shares a border with) this one.

  _ I intend to obtain the abortion in this county.

_ I am not a Texas resident, but I intend to obtain the abortion in this county.

4. Please check one of the following statements:

_ I do **not** have a lawyer. (The court will appoint one for you).

_ I have a lawyer, who is:

Lawyer's name: _____

Lawyer's email address: _____

Lawyer's address: _____

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Lawyer's phone: _____

5. The court must appoint a "guardian ad litem" for you. A guardian ad litem meets with you before the hearing and helps the judge decide your application. Please state whether you want the court to appoint someone you know as your guardian ad litem. This person could be a relative, a member of the clergy, a counselor, a psychiatrist or psychologist, or another adult. You do not have to ask the court to appoint someone you know. Keep in mind that the court may appoint the person you request, but it does not have to.

   _ I am requesting that the court appoint someone I know as my guardian ad litem. (You will identify this person on your verification page.)

   _ I am not requesting the court to appoint someone I know as my guardian ad litem. (The court will appoint someone it chooses.)

6. Please state whether you have filed a Confidential Application for Waiver of Parental Notification and Consent other than this one with respect to your current pregnancy.

   _ I have filed another Confidential Application for Waiver of Parental Notification and Consent with respect to my current pregnancy.

   _ I have **not** filed another Confidential Application for Waiver of Parental Notification and Consent with respect to my current pregnancy.

7. If you have filed another Confidential Application for Waiver of Parental Notification and Consent with respect to your current pregnancy, please answer the following questions. If you have not filed another Application with respect to your current pregnancy, do not answer these questions.

   What court ruled on your previous application? _____

   Has there been a material change in circumstances since the time your previous application was denied? (Write "yes" or "no.") _____

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CAUSE NO. _____
(Do not fill in the blank above. Court staff will fill in the blank.)

Confidential Application for Waiver of Parental Notification and Consent: Verification Page (Form 2B)

As prescribed by the Clerk of the Supreme Court of Texas pursuant to Tex. Fam. Code § 33.003(m)

Important: Your Application has two parts: (1) the cover sheet (Form 2A), which asks for basic information about your application; and (2) this verification page (Form 2B), which asks for information about you and for you to swear to the truth of everything you say in the cover sheet and verification page. You must complete both of these forms.

---

1. Please provide the following information.

   Your full name: _____

   Your date of birth: _____

   Your address (if the place you receive mail is different than the place you actually live, list both addresses): _____

   Your telephone number: _____

2. If you are requesting the court to appoint someone you know as your guardian ad litem (*see* Question 5 on the Cover Sheet, Form 2A), please identify them:

   Name: _____

   Relationship: _____

   Address: _____

   Phone: _____

3. If you do not have a lawyer, please complete the two blanks below. Tell us how the court, the lawyer appointed by the court, and the guardian ad litem appointed by the court can quickly contact you. If you cannot be contacted, your application will be denied. You can choose to be contacted by telephone or any other method by which you can be contacted immediately and confidentially. If you share a telephone number with another person, or there is another reason why you do not

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want to be contacted at the telephone number you provided above, you can have us contact someone else who helps you.

Person to be contacted (you or another person): _____

Phone number or other contact information: _____

Another person to be contacted (optional): _____

Phone number or other contact information: _____

Important: Please complete either Option 1 or Option 2 below. You do not have to complete both. If you complete Option 1, you must sign your name before a notary public, court clerk, or another person authorized to give oaths. If you complete Option 2, you do not have to sign your name before a notary public or any other person, but you must swear that the information in your Application is true "under penalty of perjury." "Perjury" means lying to a judge, and it is a crime. If you swear that a statement is true "under penalty of perjury," and you make the statement knowing that it is false, you could be prosecuted in criminal court.

Option 1

I swear or affirm that the information in my Application (both the Cover Sheet and this Verification Page) is true and correct.

_____
Signature of minor

_____ _____
Name of minor printed or typed Minor's date of birth

Sworn to or affirmed in my presence this _____ day of _____, 20____.

_____
Signature of notary public, clerk, or other person authorized to give oaths

(Option 2 is on the next page)

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Option 2

My name is _____ (*First*) _____ (*Middle*) _____ (*Last*), my date of birth is _____, and my address is _____ (*Street*), _____ (*City*), _____ (*State*), _____ (*Zip Code*), and _____ (*Country*). I declare under penalty of perjury that the information in my Application (both the Cover Sheet and the Verification Page) is true and correct.

Executed in _____ (*County*), State of _____, on the _____ day of _____ (*Month*), _____ (*Year*).

_____
Signature of minor

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Request to Postpone Trial Court Hearing in Proceeding to Waive Parental Notification and Consent; Designation of Alternate Time for Hearing (Form 2C)

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____

_____COUNTY, TEXAS

Please check and complete any questions below that apply:

_ I request that the court postpone its hearing on my application. The hearing currently is due to be held on or by _____ at _____ a.m./p.m.

_ Please rule on my application by 5 p.m. on the fifth business day after (please state a date after which you will be ready to have a hearing) _____. The clerk will notify you concerning the specific time of the hearing.

_ I will contact you at a later time to determine a time for the hearing.

Attorney's Signature: _____

Attorney's Name, Printed: _____

Attorney's State Bar No.: _____

Attorney's Address: _____

Attorney's Telephone: _____

Attorney's Email Address: _____

Attorney's Fax No.: _____

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Judgment and Findings of Fact and Conclusions of Law on Application in Proceeding to Waive Parental Notification and Consent (Form 2D)

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____

_____COUNTY, TEXAS

This matter was heard on this ____ day of _____, 20___. Based on the testimony and evidence presented, this court finds:

1. The applicant is pregnant.

2. The applicant is unmarried and under 18 years of age.

3. The applicant has not had her disabilities as a minor removed under Chapter 31 of the Texas Family Code.

4. The applicant wishes to have an abortion without her doctor notifying and obtaining the consent of either of her parents, her managing conservator, or her guardian.

5. Clear and convincing evidence supports the following: [State "yes" beside an issue for which the court finds in favor of the applicant by clear and convincing evidence. If any one issue is decided in favor of the applicant, the court need not consider the other issues.]

   _ The applicant is mature and sufficiently well informed to make the decision to have an abortion performed without notification to, or the consent of, either of her parents, her managing conservator, or her guardian.

   Finding of Facts and Conclusions of Law:

   _____

   _____

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_____

_____

_____

_____

_ Notifying and attempting to obtain the consent of either of the applicant's parents, her managing conservator, or her guardian would not be in her best interest.

Findings of Facts and Conclusions of Law:

_____

_____

_____

_____

_____

_____

THEREFORE, IT IS ORDERED:

_ The application is GRANTED and the applicant is authorized to consent to the performance of an abortion without notifying and obtaining the consent of either of her parents or a managing conservator or guardian.

_ The application is DENIED. The applicant is advised of her right to appeal under Rule 3 of the Rules for a Judicial Bypass of Parental Notice and Consent Under Chapter 33 of the Family Code and will be furnished a Notice of Appeal form, Form 3A.

All costs shall be paid by the State of Texas pursuant to Family Code Chapter 33.

_____

Judge Presiding

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Certificate of Deemed Denial of Application in Proceeding to Waive Parental Notification and Consent (Form 2E)

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____

_____COUNTY, TEXAS

This will certify that on the _____ day of _____, 20___, Jane Doe filed an application for a court order authorizing her to consent to an abortion without the parental notice and consent required by Sections 33.002 and 33.0021, Family Code. The court did not rule on the application by 5 p.m. on the fifth business day after the day the application was filed. Accordingly, under Rule 2.5(g) of the Rules for a Judicial Bypass of Parental Notice and Consent Under Chapter 33, Family Code, the application is deemed to be DENIED.

Signed this _____ day of _____, _____.

_____

Judge Presiding or Clerk

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Order that Costs in Proceeding to Waive Parental Notification and Consent Be Paid by the State Pursuant to Texas Family Code § 33.007 (Form 2F)

Notice: To guarantee reimbursement, this Order must be served on the Director, Fiscal Division, Texas Department of Health, within the deadlines imposed by Rule 1.9(b) of the Rules for a Judicial Bypass of Notice and Consent Under Chapter 33 of the Family Code.

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____

_____ COUNTY, TEXAS

ORDER

In this proceeding filed under Texas Family Code § 33.003, the court heard evidence on the _____ day of _____, 20___, concerning court costs. Based on the evidence presented, pursuant to Texas Family Code § 33.007, the State of Texas is ordered to pay:

1. Reasonable and necessary attorney ad litem fees and expenses of $_____ to:

   Name:

   State Bar No.

   Address:

   Telephone:

   Federal Tax ID:

2. Reasonable and necessary guardian ad litem fees and expenses of $_____to:

   Name:

   Address:

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Telephone:

Federal Tax ID:

3. Court reporter's fees certified by the court reporter to:

Name:

Address:

Telephone:

Federal Tax ID:

4. All court costs certified by the clerk.

_____

Judge Presiding

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Clerk's Certification of Court Costs and Fees and Transmission of Order for Payment in Proceeding to Waive Parental Notification and Consent (Form 2G)

Director, Fiscal Division
Texas Department of Health
1100 West 49th Street
Austin TX 78756

Re: *In re Jane Doe*

Cause No. _____

Court: _____

County: _____

Dear Sir or Madam:

Please find enclosed a certified copy of an Order issued on _____, 20___, in the referenced case. Please pay the amounts to the payees as stated in the Order.

In accordance with the Order, I certify the following fees and costs for payment as follows:

Amount: $_____

Name of the Clerk: _____

Address : _____

Tax Identification No.: _____ Thank you.

Sincerely,

_____

[seal]

Name: _____

Position: _____

Encl.: Certified copy of Order

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Order Appointing Interpreter for Proceeding to Waive Parental Notification and Consent Under Chapter 33, Family Code (Form 2H)

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____

_____ COUNTY, TEXAS

ORDER

ORDERED that for good cause, the following person is appointed an interpreter to assist the applicant in applying for relief under Chapter 33, Family Code:

Name: _____ State Bar No. _____

Address: _____

Telephone: _____ Federal Tax ID: _____

Signed: this _____ day of _____, 20___.

_____

Judge

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OATH FOR INTERPRETER

I, _____, do swear or affirm that I am competent and well versed in the _____ language and will: (1) make a true interpretation of all the proceedings to the applicant; and (2) repeat verbatim all statements, questions, and answers of all persons who are a part of the proceeding to the applicant, counsel, the court, and others in the English language and in the _____ language, using my best skill and judgment.

I will not: (1) participate in any manner other than as an interpreter in the decision making or adjudicative process; (2) communicate with any other person regarding the proceedings except a literal translation of questions, answers, or remarks made during the proceeding; or (3) disclose or discuss any of the proceedings with any person following entry of judgment.

_____
Signature

_____
Printed Name

_____
Address

_____
Telephone Number

SWORN TO AND SUBSCRIBED before me on _____, 20__.

[Seal]

_____

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Notice to Clerk and Court Reporter to Prepare Records (Form 2I)

CAUSE NO. _____

IN RE JANE DOE:

This matter was heard on the _____ day of _____, _____. The Court has issued a final judgment. **Jane Doe may desire to appeal.** Jane Doe request the court reporter and appropriate clerk to immediately prepare a record of the trial proceedings and make it available to:

_____ _____

_____ _____

_____ _____

(Name and address of guardian ad litem) **(Name and address of minor's attorney)**

Immediately upon completion of the record, the clerk must contact both the undersigned attorney and the guardian ad litem at the following telephone numbers to advise that the record is available:

_____ _____

(Telephone number for guardian ad litem) **(Telephone number for minor's attorney)**

A copy of this notice has been given to both the appropriate clerk and court reporter and no additional request for the record of the trial proceedings is required. The filing of this document with the clerk constitutes proof that written request for preparation of the trial record was made.

Signed the ____ day of _____, _____ at _____ [time] a.m./p.m. [circle one]

_____
ATTORNEY

_____
GUARDIAN AD LITEM

Caution: no official or court personnel involved in the proceedings may ever disclose to anyone outside the proceedings—including the minor's parent, managing conservator, or legal guardian—that the minor is or has ever been pregnant, or that she wants or has ever wanted an abortion, except as permitted by law.

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Notice to Clerk and Court Reporter to Prepare Records (Form 2J)

CAUSE NO. _____

IN RE JANE DOE:

This matter was heard on the _____ day of _____, _____. The Court has issued a final judgment and **no appeal will be taken.** Jane Doe's attorney or guardian ad litem requests the court reporter and the appropriate clerk to prepare a record of the trial proceedings and make it available to:

_____ _____

_____ _____

_____ _____

(Name and address of guardian ad litem) **(Name and address of minor's attorney)**

Upon completion of the record, the clerk must contact both the undersigned attorney and the guardian ad litem at the following telephone numbers to advise that the record is available:

_____ _____

(Telephone number for guardian ad litem) **(Telephone number for minor's attorney)**

A copy of this notice has been given to both the appropriate clerk and the court reporter and no additional request for the record of the trial proceedings is required. The filing of this document with the clerk constitutes proof that written request for preparation of the trial record was made.

Signed the ____ day of _____, _____ at _____ [time] a.m./p.m. [circle one]

_____
ATTORNEY

_____
GUARDIAN AD LITEM

Caution: no official or court personnel involved in the proceedings may ever disclose to anyone outside the proceedings—including the minor's parent, managing conservator, or legal guardian—that the minor is or has ever been pregnant, or that she wants or has ever wanted an abortion, except as permitted by law.

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Attention Clerk: Please Expedite

Notice of Appeal in Proceeding to Waive Parental Notification and Consent (Form 3A)

As prescribed by the Clerk of the Supreme Court of Texas pursuant to Tex. Fam. Code § 33.004(d).

CAUSE NO. _____

IN RE JANE DOE

IN THE _____

_____

_____ COUNTY, TEXAS

Important: Your lawyer should fill out the information below.

On this ___ day of _____, 20___, notice is hereby given that Jane Doe appeals to the _____ Court of Appeals from the final order entered in the above-referenced cause denying her application for a court order authorizing her to consent to an abortion without the parental notification and consent required by Sections 33.002 and 33.0021, Family Code.

Attorney's Signature _____

Attorney's Name, Printed _____

State Bar No. _____

Attorney's Address _____

Attorney's Telephone _____

Attorney's Email Address _____

Attorney's Fax No. _____

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Request to Postpone Court of Appeals' Ruling in Proceeding to Waive Parental Notification and Consent; Designation of Alternative Time for Ruling (Form 3B)

CAUSE NO. _____

IN RE JANE DOE

IN THE COURT OF APPEALS FOR THE

_____ DISTRICT OF TEXAS

AT _____, TEXAS

Please check and complete any questions below that apply:

_ I request that the court postpone its ruling on my appeal. The appeal currently is due to be ruled on by 5 p.m. on _____.

_ Please rule on my appeal by 5 p.m. on the fifth business day after (state a date after which you will be ready to proceed) _____. If the court holds oral argument, the clerk will notify you of its date and time.

_ I will contact you at a later time to determine a time for ruling on my appeal.

Attorney's Signature _____

Attorney's Name, Printed _____

Attorney's State Bar No. _____

Attorney's Address _____

Attorney's Telephone _____

Attorney's Email Address _____

Attorney's Fax No. _____

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Judgment on Appeal in Proceeding to Waive Parental Notification and Consent (Form 3C)

CAUSE NO. _____

IN RE JANE DOE

IN THE COURT OF APPEALS FOR THE

_____ DISTRICT, TEXAS

AT _____, TEXAS

It is ORDERED that the trial court's final order in this cause denying the minor's application for a court order authorizing her to consent to an abortion without the parental notice and consent required by Sections 32.002 and 33.0021, Family Code, is:

_ Affirmed. The minor will be advised of her right to appeal under Rule 4 of the Rules for a Judicial Bypass of Parental Notice and Consent Under Chapter 33 of the Family Code and furnished a notice of appeal form, Form 4A.

_ Reversed and the application is GRANTED.

_ Opinion to follow.

_ No opinion to follow.

_____
Justice

Other members of the panel:

Justice _____

Justice _____

Date: _____

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Certification of Deemed Affirmance of Order On Appeal in Proceeding to Waive Parental Notification and Consent (Form 3D)

CAUSE NO. _____

IN RE JANE DOE

IN THE COURT OF APPEALS FOR THE

_____DISTRICT OF TEXAS

AT _____, TEXAS

This will certify that on the _____ day of _____, 20___, Jane Doe filed her notice of appeal from an order denying her application for a court order authorizing her to consent to an abortion without the parental notice and consent required by Sections 33.002 and 33.0021, Family Code. The court of appeals did not rule on her appeal by 5 p.m. on the fifth business day after the day the notice of appeals was filed. Accordingly, the order is deemed to be AFFIRMED.

Signed this _____ day of _____, 20____.

_____
Judge Presiding or Clerk

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ATTENTION CLERK: PLEASE EXPEDITE

Notice of Appeal to the Texas Supreme Court in Proceeding to Waive Parental Notification and Consent (Form 4A)

CAUSE NO. _____

IN THE SUPREME COURT OF TEXAS

IN RE JANE DOE

On this _____ day of _____, 20___, notice is hereby given that Jane Doe petitions the Supreme Court of Texas for review of the order entered in Cause No. _____, in the _____ Court of Appeals affirming the denial of her application for a court order authorizing her to consent to an abortion without the parental notice and consent required by Sections 33.002 and 33.0021, Family Code.

Attorney's Signature _____

Attorney's Name, Printed _____

Attorney's State Bar No. _____

Attorney's Address _____

Attorney's Telephone _____

Attorney's Email Address _____

Attorney's Fax No. _____

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Chapter 15

Collaborative Law

Form 15-1 Collaborative Law Retainer Letter to Client 1033

Form 15-2 Letter to Client's Spouse Inviting Collaboration 1039

Form 15-3 Collaborative Law Participation Agreement 1041

Form 15-4 Consulting Expert's Participation Agreement 1052

Form 15-5 Neutral Allied Professional's Participation Agreement 1055

Form 15-6 Notice of Collaborative Law Procedures 1057

Form 15-7 Collaborative Law Six-Month Status Report 1060

Form 15-8 Collaborative Law One-Year Status Report 1062

Form 15-9 Joint Motion for Continuance 1064

Form 15-10 Notice of Termination of Collaborative Law Procedures 1067

Form 15-11 Notice of Settlement 1069

Form 15-12 Collaborative Law Settlement Agreement 1071

Form 15-13 Amendment to Collaborative Law Participation Agreement 1082

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Form 15-1

This form is written for a divorce case but may be reworded as appropriate for any other family law situation. If the client has already signed an employment agreement, the client should be advised to obtain independent counsel before signing this additional agreement.

Collaborative Law Retainer Letter to Client

[**Date**]

[**Name and address of client**]

Re: Retainer agreement

[**Salutation**]

You have retained our firm to advise you in connection with your collaborative law process. In a collaborative law process, each spouse has an attorney, and all have a shared commitment to avoid litigation. The process primarily entails informal discussions and conferences for purposes of settling all issues. Each party and his or her attorney agree to adhere to honesty and mutual respect for the process.

You have requested representation in the collaborative law process after you were provided with information about the material benefits and risks of the collaborative law process as compared to the material benefits and risks of other reasonably available alternatives for resolving your family law matter, including litigation, mediation, and arbitration.

Scope and Duties

If your spouse agrees to proceed in a collaborative law process, I will represent your interests through the final settlement and filing of a judgment of dissolution, subject to the following:

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1. I will serve as your attorney solely for the purposes of filing the petition or answer, notice of collaborative process, status reports, and final divorce papers.

2. I will not represent you in litigation except to the extent that the parties agree to submit selected issues to a private judge or arbitrator. My representation is terminated by any party's decision to litigate, whether it was your decision or not.

3. Neither I nor any attorney in the law firm with which I am associated will represent you in any family law litigation against your present spouse now or in the future, except for the limited purpose of obtaining or defending an emergency order to protect your health, safety, welfare, or interest or that of a member of your family.

4. If this collaborative law process does not result in settlement, I will cooperate with you in transferring your file to new counsel.

5. I will keep you reasonably informed of the settlement process and will not agree to a settlement of any issue without your consent. I will promptly respond to your inquiries.

You acknowledge and agree that, for as long as you participate in the collaborative law process, you are giving up your right to have your own experts, your right of access to the court system, and your right to formally object to producing any documents or to providing any information to the other side that I determine is appropriate.

To this end, you agree to make full disclosure of the nature, extent, and value of your income, assets, and liabilities. You also agree to provide me with any changes or developments affecting these disclosures. You authorize me to fully disclose all information that in my discretion must be provided to your spouse and your spouse's attorney.

You and I both have the right to withdraw from this contract, if either of us feels we cannot abide by the principles of collaborative law, by notifying the other in writing. I agree to give you fifteen days' notice of my intention to withdraw.

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[**Include if applicable:** If your spouse declines to proceed in a collaborative law process, this retainer agreement will be void, and you and I will need to enter into a new retainer agreement for conventional divorce representation before our firm can proceed to represent you. In that event, I advise you to retain independent counsel to review any new agreement.]

Financial Provisions

It is understood that our firm uses a team approach involving partners, associates, and legal assistants, if appropriate, when their participation will in our judgment facilitate the highest-quality and most efficient and cost-effective representation of our clients. We reserve the right to, and you agree that we may, bring in outside counsel to assist in your case if in our judgment it is appropriate to do so.

For our services, you agree to pay for time devoted to your case at the following rates:

[**Name of attorney**] [**number**] dollars ($[**amount**]) per hour

[**Name of associate**] [**number**] dollars ($[**amount**]) per hour

[**Name of paralegal**] [**number**] dollars ($[**amount**]) per hour

These rates are subject to adjustment. In signing this letter you agree that, after written notification is sent to you of a fee adjustment, you will be responsible for payment at the adjusted rate. We are not able to quote a fixed attorney's fee or to predict what your total fee will be, because each case is unique, and it is impossible to predict just how much work will be involved.

In addition, you will be charged for expenses, including filing fees, photocopies, messengers, travel, parking, and telephone charges out of our local area. Also, it may be necessary to retain the services of an accountant, appraiser, actuary, or other expert to value certain assets. If we deem it advisable to retain an expert, we will recommend an expert and will

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obtain full consent of both parties and attorneys before engaging the expert's services. Payment for your share of the expert's services is your sole liability. You will be required to pay each expert directly.

[**Include if applicable:** The amount you will be charged for preparation of documents may be calculated on a basis other than an hourly fee. In other words, chargeable time does not always equal actual time.] Attorney time is normally billed in [tenths/[**specify**]] of an hour; the minimum unit charge for attorney time is [0.10/[**specify**]] hours ([6/[**specify**]] minutes). You will be billed for all time that we spend associated with your case, including telephone time, travel time, file review, and the other tasks involved in preparing your case.

In certain instances, one party agrees to pay some of the other party's attorney's fees and costs. If appropriate, we will seek such agreements on your behalf. However, the obligation to pay fees and costs to us remains your own, regardless of any such agreements.

Before proceeding, we require an initial trust account deposit of [**number**] dollars ($[**amount**]). You will be billed for amounts drawn against your account on a [monthly/bimonthly/regular] basis and are responsible for paying the bill within [**number**] days of receiving it. If you have any questions or objections to a bill, you agree to notify us in writing immediately on receiving it. After we complete our services to you in this matter and after all costs, expenses, and fees for services have been drawn against your account, I agree to refund you any retainer balance remaining. If your balance at that time is insufficient to cover the remaining unpaid costs, expenses, and services, you will be responsible for, and you agree to pay, the remaining amounts within thirty days of receiving your final bill. If payment has not been made thirty days after you received your final bill, you agree to pay interest on this unpaid balance at the rate of [**percent**] percent per year.

If the retainer is not replenished promptly as agreed above or any bill is not paid within thirty days, it is understood that no further work will be done until payment is received or

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other satisfactory arrangements are made and confirmed in writing. In the alternative, we reserve the right to withdraw as your attorney; you agree in signing this letter to sign promptly, on our request, all documents necessary for us to withdraw.

Please note that, because of necessary processing delays, the statement date shown on your monthly bill is ordinarily up to a week later than the actual date of services recorded on the statement. Since your subsequent monthly bill may include services that were actually rendered during the prior billing period, you should not assume that a statement contains *all* charges incurred up to the statement date.

In signing this letter, you agree that we will have a judgment lien against any sums you may receive in this action, to pay any unpaid balance of your attorney's fees and costs remaining in this action at the time of settlement. You further agree that we may record this agreement in any county in which you own real property if you fail to pay all sums owing to this office and that the recording of this agreement will constitute a lien against that real property. You further agree that, regardless of whether this agreement is recorded or not, all unpaid fees and costs owing to this office will be paid from the escrow on the sale of any real property owned in whole or in part by you.

If for any reason we are compelled to commence collection efforts on any outstanding bill, then, in addition to the above, you agree to pay us actual attorney's fees and costs incurred (whether our own time or that of other attorneys employed) in connection with that collection effort.

We make every effort at this point to acquaint you with our firm's philosophy and procedures and with the parameters within which we are able to assist you. If your needs and expectations change and become incompatible with our views regarding the conduct of your case, or if a substantial disagreement arises between us, we reserve the right to withdraw from your employment. If that occurs, we will provide you with notice so that you may have the

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opportunity to employ other counsel; again, you agree in signing this letter to sign promptly, on our request, all documents required to permit us to withdraw as your attorney.

Please read this letter carefully. If you agree with its terms, please sign the enclosed copy and return it to me. This agreement is a legally binding contract between us, which you are free to have reviewed by another attorney before signing. We encourage you to do that if you have any uncertainty about entering into any part of this agreement with us. If you have any comments or questions concerning this letter of agreement, please contact me at your convenience. It is very important that we have a clear understanding about fees and costs, because we want to devote our efforts and attention to the substance of your case and to avoid any possible future misunderstanding about our financial arrangements with you.

Sincerely yours,

[**Name of law firm**]

By:_____
[**Name of attorney**]

Enc.: Copy of retainer agreement

I understand and agree to the terms of the foregoing letter.

Dated:_____

_____
[**Name of client**]

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Form 15-2

This form is written for a divorce case but may be reworded as appropriate for any other family law situation.

Letter to Client's Spouse Inviting Collaboration

[**Date**]

[**Name and address of client's spouse**]

Re: Divorce proceedings

[**Salutation**]

As you perhaps know, I have been retained by your [wife/husband] to represent [her/him] in divorce proceedings. I am writing you to outline the way I operate in these proceedings with the hope of enlisting your active involvement in a refreshing approach to resolving divorce issues that is straightforward and does not involve the courts in an adversarial way.

The approach is called "collaborative law." [**Include if applicable:** A brochure describing this process is enclosed.] Collaborative law provides a unique settlement process as an alternative to expensive, time-consuming trial procedures. The collaborative law process does not rely on court-imposed resolutions; instead, it relies on an atmosphere of honesty, cooperation, integrity, and professionalism geared toward the future well-being of the [parties/family]. In this process, each party hires an attorney trained in collaborative law. The parties understand that if adversarial proceedings are required because they and their attorneys are not able to settle the divorce through informal talks and sharing of information, the collaborative attorneys will withdraw and trial attorneys will be retained for adversarial proceedings.

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Your spouse would like to participate in the collaborative law process. If you retain a collaborative attorney, we can proceed on that basis. Enclosed is a list of some local collaborative attorneys for your consideration.

Sincerely yours,

_____

[**Name of attorney**]

Enc.
c:

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Form 15-3

This form is written for a divorce case but may be reworded as appropriate for any other family law situation.

Collaborative Law Participation Agreement

Purpose

The undersigned parties, [**name of party A**] and [**name of party B**] (the "parties"), agree as follows:

It is our intention to resolve through the collaborative law process, without the intervention of a court, the following matter: [**description of matter to be resolved**]. This agreement is being entered into pursuant to title 1–A of the Texas Family Code.

Beginning and Concluding Collaborative Process

The collaborative process under this collaborative law participation agreement begins when we sign this agreement, and it concludes on (1) resolution of the collaborative matter as evidenced by a signed writing [**include if applicable:** and entry of a final decree of divorce] or (2) termination of the collaborative process. A party may request a court to approve a resolution of all or part of the collaborative matter, as evidenced by a signed writing. Such a request, if made with the consent of the parties, does not conclude the collaborative process.

Termination of Collaborative Process

Participation in the collaborative process is voluntary, and any party has the unilateral right to terminate the process, with or without cause, at any time. Termination of the collaborative process occurs when (1) a party gives written notice to the other party that the process is

Husband's initials _____ Wife's initials _____

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ended, (2) a party begins a judicial proceeding related to the collaborative matter without the agreement of all parties, or (3) a party discharges a collaborative lawyer or a collaborative lawyer withdraws from further representation of a party. Notwithstanding the previous provision, the collaborative process can continue if, not later than thirty days after discharge or withdrawal of a collaborative lawyer, the unrepresented party engages a successor collaborative lawyer, the parties consent in writing to continue the process and amend this agreement to identify the successor collaborative lawyer, and the successor collaborative lawyer confirms in writing his or her representation of a party in the collaborative process.

Communication

We will effectively and honestly communicate with each other with the goal of efficiently and economically settling the terms of the dissolution of the marriage. All written and oral communications between us will be respectful and constructive, and we will not make accusations or claims not based in fact. We will make timely, full, candid, and informal disclosure of information related to the collaborative matter without formal discovery and will promptly update information that has materially changed.

Settlement meetings will be focused on economic [**include if applicable:** and parenting] issues and the constructive resolution of those issues. We will not engage in unnecessary discussions of past events.

In accordance with the Texas Family Code, we will maintain the confidentiality of all oral and written communications relating to this matter. All oral communication and written material used in or made a part of the collaborative law process will be admissible or discoverable only if admissible or discoverable independent of this process. This paragraph does not apply to reports of abuse or neglect required by law, agreed formal discovery, sworn docu-

_____ _____

Husband's initials Wife's initials

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ments prepared in this matter, a fully executed collaborative law settlement agreement, or evidence of fraud.

To maintain an objective and constructive process, we will discuss settlement of divorce issues with each other only in the settlement conference setting. We will not discuss these matters with each other outside the conference setting except as mutually agreed by us and our attorneys. We understand that, from time to time, the attorneys will meet together to plan agendas for settlement meetings, but no agreements will be made by the attorneys on our behalf without our consent.

Include the next three paragraphs if applicable.

We acknowledge that inappropriate communications regarding settlement of our divorce can be harmful to our minor child[ren]. Communication with the minor child[ren] regarding these issues will occur only as agreed by us and our attorneys. In resolving issues about sharing the enjoyment of and responsibility for the child[ren], we, the attorneys, and the therapists will make every effort to reach amicable solutions that promote the child[ren]'s best interests.

We will act quickly to mediate and resolve differences related to the child[ren] to promote a caring, loving, and involved relationship between the child[ren] and both parents. We will not seek a custody evaluation while the matter is a collaborative law case.

We will insulate the child[ren] from involvement in our disputes. We will attend [**name of parent education course**] [**include if applicable:** with the child[ren] in a county where the program is available] as soon as possible.

Continue with the following.

Husband's initials _____ Wife's initials _____

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We authorize the use of unencrypted e-mail, facsimile, or any other electronic communications to relay information and deliver documents in the collaborative law process. Joint communications of agendas, minutes, drafts of documents, and agreements may be sent simultaneously to us, the attorneys, and any experts or advisors.

Neutral Experts and Neutral Allied Professionals

If neutral experts or neutral allied professionals are needed, we will retain them jointly unless we agree otherwise in writing. They will be used for communication facilitation, settlement-option development, valuation, cash-flow analysis, tax issues, [**include if applicable:** parenting issues,] and any other issue that requires expert advice or recommendations. We will agree in advance how they will be paid.

Select one of the following.

Any such neutral expert or neutral allied professional may not be called by either of us as a witness, and their written materials prepared specifically for the collaborative law process are inadmissible if we fail to reach settlement through the collaborative law process unless we and the neutral expert or neutral allied professional agree otherwise in writing after the collaborative law process is terminated.

Or

If this matter becomes adversarial, any expert used in the collaborative law process may be called by either of us as a witness but may not be presented in court as a jointly hired neutral expert unless we agree otherwise in writing.

Include the following if applicable.

_____ _____

Husband's initials Wife's initials

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Either of us may use a consultant for assistance in gathering or organizing information as long as all such information gathered or organized by the consultant is made available to the other party as soon as it becomes available.

Continue with the following.

Information

We will deal with each other in good faith and will promptly provide all necessary and reasonable information requested. No formal discovery procedure will be used unless specifically agreed to in advance. [**Include if applicable:** We will be required to sign a sworn statement making full and fair disclosure of our income, assets, and debts (a sworn inventory and appraisement) unless we agree otherwise in writing.]

We acknowledge that, by using informal discovery, we are giving up certain investigative procedures and methods that would be available to us in the litigation process. We give up these measures with the specific understanding that we will make to each other a complete and accurate disclosure of all assets, income, debts, and other information necessary for us to reach a fair settlement. Participation in the collaborative law process is based on the assumptions that we have acted in good faith and that we have provided complete and accurate information to the best of our ability. [**Include if applicable:** We will make full disclosure of all material information concerning our children.] Refusal to be honest or failure to disclose such information shall be grounds for one or both collaborative attorneys' withdrawal from representation or termination of the collaborative law process.

Enforceability of Agreements

We may agree to the entry of temporary orders. On request of either party or as required by local rules, temporary mutual injunctions shall be submitted to the Court for entry.

Husband's initials _____ Wife's initials _____

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If we require a temporary agreement for any purpose, the agreement will be put in writing and signed by us. [**Include if applicable:** If either party withdraws from the collaborative law process, the written agreement may be presented to the court as an agreement enforceable under rule 11 of the Texas Rules of Civil Procedure, which may become a court order and, if required by either party, shall be in the form of an agreed temporary order and entered by the court.] A collaborative attorney shall be permitted to present to the court a written agreement that is signed by both parties and the collaborative attorneys for entry of a temporary order.

We may agree in writing to the resolution of any or all issues presented by our case. Any written agreement that is signed by both parties and their collaborative attorneys may be filed with the court as a collaborative law settlement agreement in accordance with section 15.105 of the Texas Family Code or as a rule 11 agreement, which the court may make retroactive to the date of the written agreement and which may be made the basis of a court order.

We understand and agree that neither collaborative attorney shall be permitted to go to court to enforce any written agreements between us. Should a party seek to enforce any written agreement over the objection of the other party, we must withdraw from the collaborative law process. In such event, the collaborative attorneys shall withdraw as attorneys of record and, if required, shall consent to the substitution of trial counsel.

Legal Process

Attorneys: The attorneys do not represent both clients. While the respective attorneys are committed to negotiation in an atmosphere of honesty and integrity, neither party can look to the attorney representing [his or her/his/her] spouse to provide legal advice or information, and each attorney must continue to have an obligation to represent that attorney's client diligently and cannot be, or represent himself or herself to be, representing the legal interests of the other party.

_____ _____

Husband's initials Wife's initials

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[**Name of party A's attorney**] DOES NOT REPRESENT [**name of party B**]. [**Name of party B's attorney**] DOES NOT REPRESENT [**name of party A**]. NOTHING IN THIS AGREEMENT SHOULD BE INTERPRETED AS OBLIGATING EITHER ATTORNEY TO VIOLATE HIS OR HER ETHICAL OBLIGATIONS TO REPRESENT HIS OR HER CLIENT'S BEST INTERESTS.

Court Proceedings: We understand that our attorneys' representation is limited to the collaborative law process and that neither attorney can ever represent one of us in court in a proceeding against the other spouse.

If the collaborative law process terminates, both attorneys will be disqualified from representing either client, and consultants will be disqualified as witnesses and the consultants' work product will be inadmissible as evidence unless we agree otherwise in writing.

Include the following paragraph if representing the client pro bono.

Notwithstanding the understandings in the previous paragraph, [[**name of party A**] has/[**name of party B**] has/we each have] an annual income that qualifies [her/him/each of us] for free legal representation under the criteria established by the law firm[s] with which [her/his/our respective] collaborative lawyer[s] [is/are] associated. [[**Name of party A**] authorizes/[**name of party B**] authorizes/we authorize] another lawyer in the law firm of the [respective] law firm[s] to represent [her/him/us] without a fee in the collaborative matter or a related matter, as long as the collaborative lawyer is isolated from participation in the matter through procedures within the law firm that are reasonably calculated to isolate the lawyer from participation.]

Continue with the following.

After this date, no motion or document will be prepared or filed without our agreement, other than a [joint petition for divorce/petition for divorce and an answer] [**include if applica-**

Husband's initials _____ Wife's initials _____

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ble: and mutual injunctions]. Service of citation will not be required. We will not seek judicial intervention during the collaborative law process, except for withdrawal or substitution of counsel or for the limited purpose of obtaining or defending an emergency order to protect the health, safety, welfare, or interest of a party or a member of the party's family, unless we agree otherwise.

Withdrawal from Collaborative Law Process: If one of us decides to withdraw from the collaborative law process, that party will give prompt written notice to the court, if appropriate, and to the other party through [his or her/his/her] attorney. On withdrawal from the collaborative law process there will be a thirty-day waiting period (unless there is an emergency) before any court hearing, to permit each of us to retain another attorney and make an orderly transition. All temporary agreements will remain in full force and effect during this period. The intent of this provision is to avoid surprise and prejudice to the rights of the other party. Either party may bring this provision to the attention of the court in requesting a postponement of a hearing.

Withdrawal of Counsel: If one of us chooses to withdraw from the collaborative law process by seeking court involvement, both attorneys shall immediately withdraw from the representation and notify the court that the collaborative law process has been terminated. Further, we understand that neither collaborative attorney (or any attorney associated in the practice of law with him or her) may serve as litigation counsel in this case thereafter. Both attorneys will cooperate in transferring the file to new counsel and are authorized to disclose information to prospective future counsel on their respective client's request. Nothing in this agreement will preclude the withdrawal of counsel for a party and substitution as counsel of another collaborative attorney, and such withdrawal and substitution will not terminate the collaborative law process.

_____ _____

Husband's initials Wife's initials

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Understandings

We understand there is no guarantee that the collaborative law process will be successful in resolving our case. We understand that the process cannot eliminate concerns about the disharmony, distrust, and irreconcilable differences that have led to our current conflict. We understand that we are still expected to assert our respective interests and that our respective attorneys will help each of us to do so.

We further understand that we should not lapse into a false sense of security that the process will protect each of us. We understand that, although our collaborative attorneys share a commitment to the process described in this agreement, each attorney has a professional duty to represent his or her own client diligently and is not the attorney for the other party.

Do not include the following paragraph if representing the client pro bono.

Attorney's Fees and Costs

We understand that our attorneys and consultants are entitled to be paid for their services, and the first task in a collaborative matter is to ensure payment to each of them and to make funds available for this purpose. We will make funds available from our community or separate estates, as needed, to pay these fees. We understand that, if necessary, one party may be asked to pay both attorneys' fees from community property managed solely by [him or her/him/her] (for example, [his or her/his/her] salary) or from that party's separate-property funds. To the extent possible, all attorney's fees and costs (including expert's fees) incurred by both parties shall be paid in full before entry of an agreed final decree of divorce.

Continue with the following.

Husband's initials _____ Wife's initials _____

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Participation with Integrity

We will work to protect the privacy, respect, and dignity of all involved, including parties, attorneys, and consultants.

We will maintain a high standard of integrity. Specifically, we will not take advantage of each other or of the miscalculations or mistakes of others; instead, we will identify and correct them.

Acknowledgment

We acknowledge that we have read this agreement, understand its terms and conditions, and agree to abide by them. We acknowledge that we have chosen the collaborative process after discussing with our counsel the material benefits and risks of collaborative law as compared to the material benefits and risks of other reasonably available alternatives for resolving this matter. We understand that by agreeing to this alternative method of resolving the divorce issues, we are giving up certain rights, including the right to conduct formal discovery, the right to participate in formal court hearings, and other rights provided by the adversarial legal system.

_____

[Name of party A]
[Address]
Signed on _____

_____

[Name of party B]
[Address]
Signed on _____

_____ _____

Husband's initials Wife's initials

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[**Name of attorney for party A**] confirms representation of [**name of party A**] in the collaborative process hereunder.

_____

[**Name**]
Attorney for [**name of party A**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

[**Name of attorney for party B**] confirms representation of [**name of party B**] in the collaborative process hereunder.

_____

[**Name**]
Attorney for [**name of party B**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

_____ _____

Husband's initials Wife's initials

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Form 15-4

This form is written for a divorce case but may be reworded as appropriate for any other family law matter.

Consulting Expert's Participation Agreement

[**Name of party A**] and [her/his] attorney, [**name**], [**name of party B**] and [his/her] attorney, [**name**], and [**name of expert**] enter into this Consulting Expert's Participation Agreement. [**Name of party A**] and [**name of party B**] (the "parties") have chosen to use the principles of collaborative law to settle the issues of their divorce. The parties have agreed that, when appropriate, they will use neutral experts for any issue that requires expert advice or recommendations.

In that regard the parties have agreed to retain [**name of expert**] as consulting [appraiser/accountant/psychologist/financial expert/[**describe other expert**]] for the purpose of [**state expert's duties in detail**]. The parties agree to pay [**name of expert**] a retainer of [**number**] dollars ($[**amount**]) [**include if applicable:** and [**state other terms of remuneration**]]. The parties agree to pay [**name of expert**] as follows: [**state source of funds**].

The parties and [**name of expert**] agree that, if this matter becomes adversarial, [**name of expert**] [may/may not] be called as a witness [**include if applicable:** and written materials prepared by [**name of expert**] specifically for the collaborative law process are inadmissible unless the parties and [**name of expert**] agree otherwise in writing after the collaborative law process is terminated]. The parties and [**name of expert**] further agree that, if this matter becomes adversarial, [**name of expert**] [may/may not] be used as a consulting expert [**include if applicable:** and written materials prepared by [**name of expert**] specifically for the collaborative law process are inadmissible unless the parties and [**name of expert**] agree otherwise in writing after the collaborative law process is terminated].

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[**Name of party A**] and [**name of party B**] agree to promptly provide all necessary and reasonable information requested by [**name of expert**] and sign all necessary and reasonable authorizations requested by [**name of expert**].

_____

[**Name of party A**]
[**Address**]
Signed on _____

_____

[**Name of party B**]
[**Address**]
Signed on _____

_____

[**Name**]
Attorney for [**name of party A**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

_____

[**Name**]
Attorney for [**name of party B**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

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_____

[**Name of expert**]
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

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Form 15-5

This form is written for a divorce case but may be reworded as appropriate for any other family law matter.

Neutral Allied Professional's Participation Agreement

[**Name of party A**] and [her/his] attorney, [**name**], [**name of party B**] and [his/her] attorney, [**name**], and [**name of neutral allied professional**] enter into this Neutral Allied Professional's Participation Agreement. [**Name of party A**] and [**name of party B**] (the "parties") have chosen to use the principles of collaborative law to settle the issues of their divorce. The parties have agreed that, when appropriate, they will use neutral allied professionals as members of the collaborative settlement team.

In that regard the parties have agreed to retain [**name of neutral allied professional**] as [communications facilitator/financial consultant/child specialist] for the purpose of [**state in detail neutral allied professional's duties**]. The parties agree to pay [**name of neutral allied professional**] a retainer of [**number**] dollars ($[**amount**]) [**include if applicable:** and [**state other terms of remuneration**]]. The parties agree to pay [**name of neutral allied professional**] as follows: [**state source of funds**]. The parties and [**name of neutral allied professional**] agree that, if this matter becomes adversarial, [**name of neutral allied professional**] may not be called as a witness and written materials prepared by [**name of neutral allied professional**] specifically for the collaborative law process are inadmissible unless the parties and [**name of neutral allied professional**] agree otherwise in writing after the collaborative law process is terminated.

[**Name of party A**] and [**name of party B**] agree to promptly provide all necessary and reasonable information requested by [**name of neutral allied professional**] and sign all necessary and reasonable authorizations requested by [**name of neutral allied professional**].

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_____

[**Name of party A**]
[**Address**]
Signed on _____

_____

[**Name of party B**]
[**Address**]
Signed on _____

_____

[**Name**]
Attorney for [**name of party A**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

_____

[**Name**]
Attorney for [**name of party B**]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

_____

[**Name of neutral allied professional**]
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

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Form 15-6

This form is written for a divorce case but may be reworded as appropriate for any other family law matter.

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Collaborative Law Procedures

Notice is hereby given that this suit for divorce is being conducted under collaborative law procedures. The parties and attorneys signed a collaborative law agreement on [**date**]. This case was filed on [**date**].

_____
[**Name**]
[Petitioner/Joint Petitioner]
Signed on _____

_____
[**Name**]
[Respondent/Joint Petitioner]
Signed on _____

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_____

[**Name**]
Attorney for [Petitioner/[**name**],
Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

_____

[**Name**]
Attorney for [Respondent/[**name**],
Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

Order

On _____, the Court considered the Notice of Collaborative Law Procedures and ORDERS that the clerk of the court place this case on the collaborative law docket.

The parties in this cause are ORDERED to file status reports regarding the collaborative process on or before the following dates:

First Status Report	_____	(No later than 180 days after the date the parties signed the collaborative law agreement.)
Second Status Report	_____	(No later than the first anniversary of the date the parties signed the collaborative law agreement.)

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SIGNED on _____.

_____

JUDGE PRESIDING

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Form 15-7

This form is written for a divorce case but may be reworded as appropriate for any other family law situation. The report must be filed not later than the 180th day after the date the written agreement to use the collaborative law procedure was signed or, if the proceeding was filed by agreement after the collaborative family law participation agreement was signed, not later than the 180th day after the date the proceeding was filed. Tex. Fam. Code § 15.103(c)(1).

Include the following notice if a minor is named in the caption or if the report contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Collaborative Law Six-Month Status Report

The parties and attorneys in this case signed a collaborative law agreement on [**date**]. The parties and attorneys certify, by their signatures below, that they are still participating in the collaborative law process in this suit for divorce and that they desire to continue to do so. They further certify that this report is being filed on or before the 180th day after the date [the written agreement to use the collaborative law procedures was signed/this proceeding was filed].

_____

[**Name**]
[Petitioner/Joint Petitioner]
Signed on _____

_____

[**Name**]
[Respondent/Joint Petitioner]
Signed on _____

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_____

[**Name**]
Attorney for [Petitioner/[**name**], Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

_____

[**Name**]
Attorney for [Respondent/[**name**], Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

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Form 15-8

This form is written for a divorce case but may be reworded as appropriate for any other family law matter. The report must be filed on or before the first anniversary of the date the written agreement to use the collaborative law procedure was signed or, if the proceeding was filed by agreement after the collaborative family law participation agreement was signed, on or before the first anniversary of the date the proceeding was filed, accompanied by a motion for continuance. Tex. Fam. Code § 15.103(c)(2).

Include the following notice if a minor is named in the caption or if the report contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Collaborative Law One-Year Status Report

The parties and attorneys in this case signed a collaborative law agreement on [**date**]. The parties and attorneys certify, by their signatures below, that they are still participating in the collaborative law process in this suit for divorce and that they desire to continue to do so. They further certify that this report is being filed on or before the first anniversary of the date [the written agreement to use the collaborative law procedures was signed/this proceeding was filed].

The parties' Motion for Continuance of this case [**include if applicable:** on the collaborative law docket] is attached to this report.

_____

[**Name**]
[Petitioner/Joint Petitioner]
Signed on _____

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_____

[**Name**]
[Respondent/Joint Petitioner]
Signed on _____

_____

[**Name**]
Attorney for [Petitioner/[**name**],
Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

_____

[**Name**]
Attorney for [Respondent/[**name**],
Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

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Form 15-9

This form is written for a divorce case but may be reworded as appropriate for any other family law situation.

Include the following notice if a minor is named in the caption or if the motion contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Joint Motion for Continuance

This Motion for Continuance is brought by [**name**], [Petitioner/Joint Petitioner], and [**name**], [Respondent/Joint Petitioner], who show in support:

1. This case is being carried on the [**include if applicable:** collaborative law] docket and is not presently set for trial.

2. The parties and attorneys in this case signed a collaborative law agreement on [**date**]. This matter was filed with the Court on [**date**].

3. The parties have certified that they are still participating in the collaborative law process in the matter of their divorce suit and that they desire to continue to do so.

4. This continuance is not sought solely for delay but that justice may be done.

[**Name**] and [**name**] pray that the Court grant the Motion for Continuance.

_____

[**Name**]
[Petitioner/Joint Petitioner]
Signed on _____

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_____

[**Name**]
[Respondent/Joint Petitioner]
Signed on _____

_____

[**Name**]
Attorney for [Petitioner/[**name**],
Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

_____

[**Name**]
Attorney for [Respondent/[**name**],
Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

An unsworn declaration may be used in place of a written sworn declaration. See form 8-27.

I, the undersigned attorney of record, swear under oath that the above Motion for Continuance is true and correct.

_____

[**Name**]
Attorney for [**name**]

SIGNED under oath before me on _____.

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_____
Notary Public, State of Texas

I, the undersigned attorney of record, swear under oath that the above Motion for Continuance is true and correct.

_____
[**Name**]
Attorney for [**name**]

SIGNED under oath before me on _____.

_____
Notary Public, State of Texas

Order Granting Continuance

The Court finds that the parties in this case have timely filed their collaborative law one-year status report attesting to their desire to continue to use collaborative law procedures and have accompanied their report with a motion for continuance of this case [**include if applicable:** on the collaborative law docket]. The Court finds that the parties have fully complied with the requirements of section 15.103(c)(2) of the Texas Family Code. Therefore, IT IS ORDERED that the Joint Motion for Continuance of this matter [**include if applicable:** on the collaborative law docket] is hereby GRANTED.

SIGNED on _____.

_____
JUDGE PRESIDING

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Form 15-10

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Termination of Collaborative Law Procedures

Notice is given that collaborative law procedures have been terminated in this case.

_____
[Name]
[Petitioner/Joint Petitioner]
Signed on _____

_____
[Name]
[Respondent/Joint Petitioner]
Signed on _____

_____
[Name]
Attorney for [Petitioner/[**name**], Joint Petitioner]
State Bar No.:
[E-mail address]
[Address]
[Telephone]
[Fax]
Signed on _____

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_____

[**Name**]
Attorney for [Respondent/[**name**],
Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

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Form 15-11

Include the following notice if a minor is named in the caption or if the document contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Notice of Settlement

Notice is hereby given that this case has been settled using collaborative law procedures. An agreed order is being prepared and will be presented to the Court with supporting testimony on [**date**].

_____

[**Name**]
[Petitioner/Joint Petitioner]
Signed on _____

_____

[**Name**]
[Respondent/Joint Petitioner]
Signed on _____

_____

[**Name**]
Attorney for [Petitioner/[**name**], Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

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_____

[**Name**]
Attorney for [Respondent/[**name**],
Joint Petitioner]
State Bar No.:
[**E-mail address**]
[**Address**]
[**Telephone**]
[**Fax**]
Signed on _____

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Form 15-12

Include the following notice if a minor is named in the caption or if the agreement contains other unredacted sensitive data. See § 6 of the Introduction in volume 1 of this manual concerning protection of sensitive data in filed documents.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

[Caption. See § 3 of the Introduction in volume 1 of this manual.]

Collaborative Law Settlement Agreement

1. Parties

The parties to this Collaborative Law Settlement Agreement are [**name of party A**] and [**name of party B**].

2. Scope of Agreement

The parties hereby agree to settle all claims and controversies between them, asserted or assertable, in this case except [**specify**].

The following provisions are examples only.

3. Real Estate

1. [[**Name of party A**]/[**name of party B**]] will own the property commonly known as [**address, city**], Texas, and will pay the remaining balance of the mortgage.

2. The property commonly known as [**address, city**], Texas, will be listed for sale with a real estate agent who is active in the area where the property is located. It will be sold for a price and on terms that are mutually agreeable to the parties. Until the closing of the sale—

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a. [[**Name of party A**]/[**name of party B**]] will have the exclusive use and possession of the property and will pay all utilities and keep the property maintained and in good repair;

b. [[**Name of party A**]/[**name of party B**]] will pay the mortgage payments as they come due; and

c. [[**Name of party A**]/[**name of party B**]] will pay the insurance premiums and ad valorem taxes as they come due.

On the sale, the net sales proceeds will be divided [**percent**] percent to [**name of party A**] and [**percent**] percent to [**name of party B**]. If, after [**number**] days after the divorce, the parties are unable to agree on a sales price or terms, then either party may apply to the Court for the appointment of a receiver to take possession of the property and sell it and, after the receiver's fee, to distribute the remaining proceeds in the proportions specified above.

3. [[**Name of party A**]/[**name of party B**]] will own the property commonly known as [**address, city**], Texas, and will pay [[**name of party B**]/[**name of party A**]] the sum of [**number**] dollars ($[**amount**]) in the following manner:

a. The execution of a vendor's lien note in the principal sum of [**number**] dollars ($[**amount**]), bearing [**percent**] percent interest per year, payable over a period of [**number**] months, in equal installments of [**number**] dollars ($[**amount**]).

b. The assumption of the remaining balance of the mortgage to [**name of mortgagee**].

c. The execution of a deed of trust to secure the vendor's lien note described in (a.) above and the execution of a deed of trust to secure the assumption of the mortgage described in (b.) above.

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4. Personal Property

1. [**Name of party A**] will own the property listed in Schedule A.

2. [**Name of party B**] will own the property listed in Schedule B.

5. Motor Vehicles

1. [**Name of party A**] will own the [**specify**] motor vehicle and will pay the remaining balance of any lien debt on it.

2. [**Name of party B**] will own the [**specify**] motor vehicle and will pay the remaining balance of any lien debt on it.

6. Money

1. [**Name of party A**] will receive the following bank accounts: [**specify**].

2. [**Name of party B**] will receive the following bank accounts: [**specify**].

7. Life Insurance

1. [**Name of party A**] will receive all policies of insurance on [her/his] life.

2. [**Name of party B**] will receive all policies of insurance on [his/her] life.

8. Retirement

[[**Name of party A**]/[**name of party B**]]'s retirement benefits at [**employer**] that have accrued through the date of divorce will be divided [**percent**] percent to [**name of party A**] and [**percent**] percent to [**name of party B**]. A QDRO will be submitted to the Court for entry that contains the following particulars regarding the division of benefits: [**specify—see instruction box below**].

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All terms of the division should be included in the agreement; if they are not included, they are not awarded. See section 2.B.6. in form 23-6 in this manual. The language there presents examples only and must be modified for the actual division and different plan.

The following must be included:

- the full and accurate plan name (note that, for example, unless the participant works for Fidelity, "Fidelity 401(k)" is NOT the plan name);
- the precise method of division;
- the date of division (typically the date of the MSA or the divorce);
- all features (e.g., loans, survivor benefits) awarded; and
- who is responsible for the QDRO preparation and submission and all associated fees.

Special consideration for defined contribution plans: If gains and losses are not included, determine how to handle the shortfall if the amount available at segregation is less than the amount awarded. Will the QDRO award the alternate payee 100 percent of the account balance in this event? How will the deficiency be handled?

Special consideration for defined benefit plans: If the participant is already receiving a monthly benefit, will the participant have to pay the alternate payee the portion of the benefit between the date of divorce and the date the plan starts paying the alternate payee directly? If so, specify how, using enforceable language.

Repeat if applicable.

9. Spousal Maintenance

Parties should not include any provisions deviating from chapter 8 of the Family Code unless they want to exceed the amount of monthly spousal maintenance or the duration of spousal maintenance that a court may order without an agreement. Parties wanting to deviate from the termination grounds set forth in section 8.056 of the Family Code should use the alimony provisions instead, as that deviation may cause a court to find that the postdivorce support is not spousal maintenance, despite what the parties call it.

[[**Name of party A**]/[**name of party B**]] will pay spousal maintenance to [[**name of party B**]/[**name of party A**]] of [**number**] dollars ($[**amount**]) per month for [**number**] months, beginning on [**date**], with each payment being due and payable on the [**day of month**] of each

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month. The maintenance obligation will terminate earlier on the first occurrence of an event set forth in section 8.056 of the Texas Family Code.

The parties stipulate that under chapter 8 of the Texas Family Code, without an agreement of the parties, the maximum monthly spousal maintenance obligation the Court could order [[**name of party A**]/[**name of party B**]] to pay [[**name of party B**]/[**name of party A**]] is [**number**] dollars ($[**amount**]) and the maximum duration of a spousal maintenance obligation the Court could order [[**name of party A**]/[**name of party B**]] to pay [[**name of party B**]/[**name of party A**]] is [**number**] months. [**Include if applicable:** The parties understand that the Court may not enforce by contempt or income withholding any provision of an agreed order for maintenance that exceeds the amount of periodic support the Court could have ordered under chapter 8 of the Family Code or for any period of maintenance beyond the period of maintenance the Court could have ordered under that chapter.]

This spousal maintenance obligation will be governed by the provisions of chapter 8 of the Texas Family Code and may be modified, enforced, or terminated only in accordance with those provisions.

10. Alimony

Select one of the following.

[[**Name of party A**]/[**name of party B**]] will pay contractual alimony to [[**name of party B**]/[**name of party A**]] of [**number**] dollars ($[**amount**]) per month for [**number**] months, beginning on [**date**], with each payment being due and payable on the [**day of month**] of each month. The alimony obligation will terminate earlier on the occurrence of one of the following events:

Or

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[[**Name of party A**]/[**name of party B**]] will pay contractual alimony to [[**name of party B**]/[**name of party A**]] of [**number**] dollars ($[**amount**]) per month until the earliest event set forth below, beginning on [**date**], with each payment being due and payable on the [**day of month**] of each month. The alimony obligation will terminate on the occurrence of one of the following events:

Continue with the following. The listed items are examples.

1. Death of [**name of party A**];

2. Death of [**name of party B**];

3. Remarriage of [[**name of party A**]/[**name of party B**]]; or

4. Cohabitation by [[**name of party A**]/[**name of party B**]] with another person with whom [[**name of party A**]/[**name of party B**]] has a dating or romantic relationship in a permanent place of abode on a continuing basis.

This alimony obligation is contractual in nature and will not be governed by the provisions of chapter 8 of the Texas Family Code and may not be modified, enforced, or terminated in accordance with those provisions.

11. Liabilities

1. [**Name of party A**] will pay the liabilities listed in Schedule C.

2. [**Name of party B**] will pay the liabilities listed in Schedule D.

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12. Parenting Plan

The parties agree to the terms and provisions contained in the parenting plan required under Texas Family Code section 153.603, which is incorporated in this agreement as Exhibit [**exhibit number/letter**] attached to this agreement. [**See form 16-1.**]

13. Attorney's Fees and Costs

1. [**Name of party A**]'s attorney's fees will be paid by [[**name of party A**]/[**name of party B**]].

2. [**Name of party B**]'s attorney's fees will be paid by [[**name of party A**]/[**name of party B**]].

3. Costs will be paid by [[**name of party A**]/[**name of party B**]].

14. Other Provisions

The provisions of this Collaborative Law Settlement Agreement shall be effective immediately as a contract, shall supersede any temporary orders or other agreements of the parties with respect to the subject matter of this agreement, and shall serve as a partition of all property set forth in this agreement to the person to whom such property is awarded. All income from any property awarded in this agreement is partitioned to the person to whom the property is awarded. All earnings from each party are partitioned to the person providing the services giving rise to the earnings. These partitions are to be effective pursuant to section 4.102 of the Texas Family Code, and each party waives further disclosure of property and debts of the other pursuant to section 4.105 of the Texas Family Code.

The parties acknowledge that they each understand their right to have accountants, business and property evaluation specialists, appraisers, and other qualified people to further determine the nature and extent of their property and the property rights and values associated

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therewith, and their liabilities and amounts thereof, and to conduct discovery through sworn inventories and appraisements, depositions, interrogatories, requests for admissions, requests for document production, obtaining any appraisals, expert opinions, and expert reports, or any other judicial remedies available.

The parties each represent that they are sufficiently aware of the property and liabilities of the marital estate to make an informed decision regarding settlement [**include if applicable:** , and they waive their right to further determine the nature and extent of the property and liabilities of the marital estate and to conduct discovery].

[**Specify any other provisions of agreement.**]

15. Release

Each party releases the other from all claims, demands, and causes of action each may have against the other, save and except those covenants, duties, and obligations set forth in this agreement.

Include 16. if applicable.

16. Full Disclosure

Each party represents that [he or she/he/she] has made a fair and reasonable disclosure to the other of the property and financial obligations known to [him or her/him/her].

17. Final Documents

1. The terms of this agreement will be incorporated in a decree and agreement incident to divorce that will follow the forms published in the current edition of *Texas Family Law Practice Manual*. The attorney for [[**name of party A**]/[**name of party B**]] will prepare the documents.

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2. Other closing documents will be prepared by the attorney for the party who will benefit thereby, with such documents to follow the forms published in the current edition of *Texas Family Law Practice Manual*.

18. Disputes Regarding This Agreement

If any dispute arises with regard to the interpretation or performance of this agreement or any of its provisions, including the necessity and form of closing documents, the parties agree to try to resolve the dispute by phone conference with the collaborative law attorneys who facilitated this settlement.

ANY DISPUTES ARISING FROM THE DRAFTING OF THE DECREE OR CLOSING DOCUMENTS OR THE INTERPRETATION AND CLARIFICATION OF THIS AGREEMENT THAT CANNOT BE RESOLVED BY PHONE CONFERENCE AS SET FORTH ABOVE SHALL BE DECIDED BY BINDING ARBITRATION WITH [name] SERVING AS ARBITRATOR. Parties and/or counsel agree to notify [**name**], in writing, of their request for [his/her] services at least seven days prior to a court entry date and will deposit an additional [**number**] dollars ($[**amount**]) per party toward the cost of those services before any arbitration services are rendered.

Any disputes regarding drafting shall be resolved whenever possible by reference to the current edition of *Texas Family Law Practice Manual*.

19. No Duress

Each party signing this Collaborative Law Settlement Agreement has entered into the settlement agreement freely and without duress.

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20. Place of Performance

This agreement is made and is performable in [**county**] County, Texas, and must be construed in accordance with Texas law.

21. Court Appearance

The parties [**include if applicable:** and their respective attorneys] agree that, with no less than forty-eight hours' notice via e-mail, either Petitioner or Respondent [**include if applicable:** and [his/her/his or her] attorney] may appear in court for the purpose of presenting evidence and securing rendition of judgment in accordance with this Collaborative Law Settlement Agreement, and the parties agree that this Court may orally render judgment on such date, with the Agreed Decree of Divorce to be submitted on a date established by the Court. The parties waive the making of a record.

22. THIS AGREEMENT IS NOT SUBJECT TO REVOCATION.

_____

[**Name of party**]
Signed on: _____

_____

[**Name**]
Attorney for [**name of party**]
Signed on: _____

_____

[**Name of party**]
Signed on: _____

_____

[**Name**]
Attorney for [**name of party**]
Signed on: _____

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Attach all schedules mentioned in the agreement.
Attach the parenting plan if applicable.

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Form 15-13

Amendment to Collaborative Law Participation Agreement

On [**date**] [**name of party A**] and [**name of party B**] entered into a Collaborative Law Participation Agreement. [**Name of party A**] was represented by [**name of party A's attorney**], and [**name of party B**] was represented by [**name of party B's attorney**].

On [**date**] [**name of attorney**] [was discharged/withdrew] from representation of [**name of party**], and on [**date**] [**name of successor attorney**] was retained by [**name of party**] as successor collaborative attorney.

By their signatures below, [**name of party A**] and [**name of party B**] reaffirm the Collaborative Law Participation Agreement signed on [**date**] and consent to continue the collaborative process. We hereby amend the agreement to identify [**name of successor attorney**] as attorney for [**name of party**].

This amendment is being signed no later than the thirtieth day after the date the notice of [**name of attorney**]'s [discharge/withdrawal] was sent to the parties.

SIGNED on _____.

_____
[**Name of party A**]

_____
[**Name of party B**]

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By my signature below, I, [**name of successor attorney**], confirm my representation of [**name of party**] in the collaborative process.

_____

[**Name of successor attorney**]

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