

[Fill in Cause number and court information exactly as it is written on the order you want to change.]

In the interest of (List children):

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

§
§
§
§
§
§

Cause No:

In the _____ District County Court of:

_____ County, Texas

ORIGINAL PETITION TO MODIFY THE PARENT-CHILD RELATIONSHIP

1. ORDER TO BE MODIFIED

The Order to be modified or changed is called:

_____.

The judge rendered or announced it _____.
month day year

2. DISCOVERY

Discovery should be conducted under Level 2 of Rule 190 of the Texas Rules of Civil Procedure. [Discovery is a procedure that can be used by parties in a lawsuit to find out information about the other party.]

3. JURISDICTION

This Court has continuing, exclusive jurisdiction of this case.

4. CHILDREN

The following children are the subject of this case.

	<u>Child's name</u>	<u>Sex</u>	<u>Date of Birth</u>	<u>Place of Birth</u>	<u>Current Address</u>
1	_____	_____	_____	_____	_____
2	_____	_____	_____	_____	_____
3	_____	_____	_____	_____	_____
4	_____	_____	_____	_____	_____
5	_____	_____	_____	_____	_____
6	_____	_____	_____	_____	_____

Information required by Section 152.209, Texas Family Code is attached in Exhibit Out-of-State Parent Affidavit.

5. PARTIES

Petitioner [You] --

I am the Petitioner, the person who is asking the Court to change the previous orders.

My name is _____.
[Print your full name.]

I live at _____ [address].

I am the children's [Check one.]

Sole Managing Conservator.

Joint Managing Conservator.

Possessory Conservator.

_____.

I have standing to bring this suit. The requested modification will be in the children's best interest.

Respondents –

The names and addresses of each party whose rights, privileges, duties, or powers may be affected by this motion are:

Respondent A:

Respondent's name is _____.
[PRINT the Respondent's full name]

Respondent lives at _____ *[address]*.

Respondent is the children's [Check one.]

Sole Managing Conservator.

Joint Managing Conservator.

Possessory Conservator.

_____.

Legal Notice

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Modify the Parent-Child Relationship to the Respondent right now because Respondent may sign a Waiver of Service *[You are saying that the Respondent may sign a paper, in front of a notary, agreeing that you have given him or her a FILE-STAMPED copy of this Original Petition to Modify the Parent-Child Relationship, and s/he does not want to have a sheriff, constable, or private process server give him or her another copy of this Original Petition to Modify the Parent-Child Relationship.]*, or voluntarily file an Answer.

If the Respondent does not sign a Waiver of Service, or file an Answer, I will ask a sheriff or constable to give a copy of this Original Petition to Modify the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

OR

Service of Process is requested: Please have a sheriff or constable give a copy of this Original Petition to Modify the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

OR

Citation by publication or other substituted service is necessary for the reasons stated in the attached affidavit. *[Attach Affidavit for Citation by Publication or Substituted Service.]*

Respondent B: Check this box if there is no Respondent B, and skip to the next page.

Respondent's name is _____.

[PRINT the Respondent's full name]

Respondent lives at _____.

[address].

Respondent is the children's [Check one]

Sole Managing Conservator. Joint Managing Conservator.

Possessory Conservator. _____ .

Legal Notice

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Modify the Parent-Child Relationship to the Respondent right now because Respondent may sign a Waiver of Service. [You are saying that the Respondent may sign a paper, in front of a notary, agreeing that you have given him or her a FILE-STAMPED copy of this Original Petition to Modify the Parent-Child Relationship, and s/he does not want to have a sheriff, constable, or private process server give him or her another copy of this Original Petition to Modify the Parent-Child Relationship.], or voluntarily file an Answer.

If the Respondent does not sign a Waiver of Service, or file an Answer, I will ask a sheriff or constable to give a copy of this Original Petition to Modify the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

OR

Service of Process is requested: Please have a sheriff or constable give a copy of this Original Petition to Modify the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

OR

Citation by publication or other substituted service is necessary for the reasons stated in the attached affidavit. [ATTACH Affidavit for Citation by Publication or Substituted Service.]

Respondent C: Check this box if there is no Respondent C, and skip to the next page.

Respondent's name is _____.

[PRINT your Respondent's full name]

Respondent lives at _____
[address].

Respondent is the children's *[Check one]*

Sole Managing Conservator. Joint Managing Conservator.

Possessory Conservator. _____ .

Legal Notice

No Service of Process Needed At This Time: Please do not have a sheriff or constable give a copy of this Original Petition to Modify the Parent-Child Relationship to the Respondent right now because Respondent may sign a Waiver of Service. *[You are saying that the Respondent may sign a paper, in front of a notary, agreeing that you have given him or her a FILE-STAMPED copy of this Original Petition to Modify the Parent-Child Relationship, and s/he does not want to have a sheriff, constable, or private process server give him or her another copy of this Original Petition to Modify the Parent-Child Relationship.], or voluntarily file an Answer.*

If the Respondent does not sign a Waiver of Service, or file an Answer, I will ask a sheriff or constable to give a copy of this Original Petition to Modify the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

OR

Service of Process is requested: Please have a sheriff or constable give a copy of this Original Petition to Modify the Parent-Child Relationship to the Respondent at this address:

[PRINT street address, city, state, and zip code where a copy of this petition can be delivered to the Respondent by law enforcement.]

OR

Citation by publication or other substituted service is necessary for the reasons stated in the attached affidavit. *[ATTACH Affidavit for Citation by Publication or Substituted Service.]*

6. NONRESIDENT ENTITLED TO CITATION *[Check all that apply, if Respondent does not live in Texas.]*

_____ named above, is a nonresident of Texas.
[PRINT the nonresident's name.]

- The children in this case live in Texas due to the actions or directives of the nonresident person.
- The nonresident person has lived in Texas with the children in this case.
- The nonresident person has lived in Texas and provided prenatal expenses or support for the children in this case.
- The nonresident person engaged in sexual intercourse in Texas, and the children in this case may have been conceived by that act of intercourse.
- The nonresident person was personally served with citation in Texas.
- The nonresident person has submitted 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.
- The nonresident person registered with the paternity registry maintained by the Bureau of Vital Statistics, as provided by Chapter 160 of the Texas Family Code.
- The nonresident person signed an Acknowledgment of Paternity of a child born in Texas, after September 1, 2009, as provided by Chapter 160 of the Texas Family Code.

7. CHILDREN'S PROPERTY.

- There has been no significant change to the children's property since the prior order.
- The following changes have occurred to the children's property since the prior order:

8. CHILDREN'S HEALTH INSURANCE.

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

Private Health Insurance is in effect: *(Complete, if the children have private health insurance.)*

Name of insurance company: _____

Policy number: _____

Cost of premium: \$_____

Name of person who pays for insurance: _____

The insurance policy is is not available through the parent's work.

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

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

Cost of premium (if any): \$_____

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

9. MODIFICATION (CHANGES) REQUESTED

The circumstances of the children, Sole Managing Conservator, Possessory Conservator, or other party affected by the order to be modified have materially and substantially changed since the judge announced the prior order.

The requested modification will change the following provisions of previous orders: *[CHECK one.]*

- Petitioner wants to change conservatorship (custody) orders.
- Petitioner does not want to change conservatorship (custody) orders. *[If you choose this box, skip to the next page.]*

9a. Changes to Managing Conservatorship (Custody)

[In Texas, it is presumed to be in a child's best interest when both parents are Joint Managing Conservators. This means that the parents make decisions together about the children's health, education, and welfare. In some cases, however, the Court finds that it is best for only one parent to make most of the decisions for the children. In those rare cases, the parent who makes the decisions is called a Sole Managing Conservator, and the other parent is named a Possessory Conservator. The law requires the court to name one parent a Home Parent, the parent who chooses the child's primary residence, unless both parents agree to be named Joint Managing Conservators, and to limit the child's legal residence to a specific geographic area.]

- Petitioner believes the parties will sign a written agreement, changing the conservatorship orders.

OR

- Petitioner asks the Court to change the conservatorship order to name **Petitioner:** *[CHECK only one.]*
- Joint Managing Conservator, with the exclusive right to establish the children's primary residence, (Home-Parent),
 - Joint Managing Conservator, noncustodial parent, (Co-Parent)
 - Sole Managing Conservator, (Home-Parent)
 - Possessory Conservator, (Co-Parent)

and to name **Respondent:** *[CHECK one for each respondent with legal custody. Circle the respondent's letter.]*

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

- This suit to modify asks the Court to change the party who has the exclusive right to designate the children's primary residence (the Home-parent), **and** it has been less than one year since the order or settlement agreement was signed.

(Petitioner has attached the required affidavit in Exhibit Petitioner's Supporting Affidavit, complying with *Texas Family Code, Section 156.102.*

[CHECK one.]

Petitioner wants to change child support orders.

Petitioner does not want to change child support orders. [If you choose this box, skip to the next page.]

9b. Changes to Child Support

Petitioner believes the parties will sign a written agreement, changing the child support orders.

OR

Petitioner asks the Court to change the child support orders, [CHECK all that apply. Circle respondent's letter]

reducing the amount of child support Petitioner pays each month.

increasing the amount of child support Petitioner pays each month.

reducing the amount of child support Respondent A B C pays each month.

increasing the amount of child support Respondent A B C pays each month.

Other [Describe.] _____

[Check one.]

- Petitioner wants to change orders regarding parental rights and duties.
- Petitioner does not want to change orders regarding parental rights and duties. [If you choose this box, skip to the next page.]

9e. Changes to Right and Duties

- Petitioner believes the parties will sign a written agreement, changing the orders regarding the parental rights and duties.

OR

- Petitioner asks the Court to change the orders regarding parental rights and duties to the following: [CHECK all that apply.]

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

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

Name of other person: _____ Relationship to child/ren: _____

10. INFORMATION REQUIRED BY SECTION 105.006

[Check only ONE box.]

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

OR

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

11. PRAYER

Petitioner asks that citation and notice issue as required by law and that the Court enter its orders in accordance with the allegations contained in this petition.

Petitioner asks for general relief.

Respectfully submitted,

Petitioner, Pro Se *[Sign your name on the line.]*

[PRINT your name and information.]:

Name: _____ Telephone: _____

Mailing Address: _____

Attachment(s) included with this Petition *[CHECK all that apply]:*

Exhibit Out-of-State Parent Affidavit

Exhibit Petitioner’s Supporting Affidavit Modification of Home (Custodial) Parent in Less Than One Year of Order