

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number: _____
(Print court information exactly as it appears on the Original Petition for Divorce)

In the Matter of the Marriage of

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

And

In the _____
(Court Number)

- District Court
- County Court at Law

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

_____ County, Texas

Respondent’s Original Answer and Counter-Petition for Divorce

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

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

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

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

Print your answers.

My name is: _____
First Middle Last

I am the **Respondent and Counter-Petitioner** in this divorce case. I am **not** the Petitioner, the person who filed for this divorce first.

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

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

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

or I do not have a social security number.

1. General Denial

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

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

2. Contact Information

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

My email address is: _____

My phone number is: (_____) _____ - _____

I understand that I must notify the Court and my spouse's lawyer or my spouse (if my spouse does not have a lawyer) in writing if my mailing address or email address changes during these divorce proceedings.

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

3. Counter-Petition for Divorce

I also file this Counter-Petition for Divorce against my spouse:

Print your spouse's name: First Middle Last

My spouse is the **Petitioner and Counter-Respondent**.

4. Discovery Level

The discovery level in this case, if needed, is: (Check one box.)

- Level 1. Check here if you and your spouse have less than \$250,000 in property.
 Level 2. All other couples check here.

5. Dates of Marriage and Separation

My spouse and I got married on or about: _____
Month Day Year

We stopped living together as spouses on or about: _____
Month Day Year

6. Grounds for Divorce

I ask the Court to grant me a divorce. The marriage has become insupportable due to discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation.

7. Child(ren) Together

My spouse and I **do** have a child or children together who are under the age of 18 or still in high school. All of our child(ren) who are under the age of 18 or still in high school are listed below. However, there is a **final** court order for custody (conservatorship), visitation, child support, and medical and dental support of all the children listed below and I am not asking to change that order at this time.

The order was made in _____ County and _____ State.

The cause number for the order is _____.

I understand I must attach a file-stamped copy of the order to my Final Decree of Divorce.

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

Note: Do not use this form if you have a court order about your children but:

- 1) the order does not include all the children you and your spouse have together, or
- 2) the order is a temporary order, or
- 3) you are asking the court to make changes to the order.

If one of these situations applies, you must ask a lawyer to draft the appropriate form for your case.

8. Is Either Spouse Pregnant?

(Check one box.)

- The wife in this marriage **is not** pregnant.
- The wife in this marriage **is** pregnant. I understand that I cannot finish the divorce until after the child is born.

(If the wife is pregnant, also check one box below.)

- The husband **is** the father of this child. I ask the court to include orders for custody, visitation, child support and medical support for the child in the Final Decree of Divorce.
- The husband **is not** the father of this child. I understand that paternity of the child must be established before I can finish the divorce.

(Read "Texas Paternity Law: Frequently Asked Questions" at www.TexasLawHelp.org for information about establishing paternity.)

9. Did the Wife have a Child with Another Partner While Married to the Husband?

(Check one box. Fill in the requested information, if applicable.)

- The wife **did not** have a child with another partner while married to the husband.
- The wife **did** have a child with another partner while married to the husband. All of the children born during the marriage that are not the Husband's adopted or biological children are named below:

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

(If the wife had a child or children with another partner during the marriage, check one box below.)

- Paternity of the child(ren) named above **has not** been established. I understand that paternity of the child(ren) must be established before I can finish my divorce. (Read "Texas Paternity Law: FAQs" at www.TexasLawHelp.org for information about establishing paternity.)
- Paternity of the child(ren) named above **has** been established: (Check one box.)
 - A court order has established that another man is the biological father and/or the Husband is not the biological father of the child(ren) listed above. I understand I must attach a file-stamped copy of the court order to my Final Decree of Divorce.
 - An Acknowledgement of Paternity was signed by the biological father and a Denial of Paternity was signed by the Husband for the child(ren) listed above. I understand I must attach a copy of these documents to my Final Decree of Divorce.

10. Protective Order Statement

Check the appropriate boxes. Fill in requested information, if applicable.)

Note: You **must** provide information about any protective order or pending application for protective order involving you and your spouse or a child of either you or your spouse. This includes information about any:
(1) family violence protective order,
(2) sexual assault, sexual abuse, trafficking, or stalking protective order, and
(3) emergency protective order issued after an arrest.
You **must also** attach a copy of any protective order (even if it's expired) in which one spouse or child of either spouse was the applicant or victim and the other spouse was the respondent or defendant.
If your divorce counterpetition does not accurately reflect whether there is a protective order against either spouse, the Court may require you to file an amended counterpetition and serve your spouse with it.

10A. No Protective Order

- I **do not** have a Protective Order against my spouse and I have not asked for one.
- My spouse **does not** have a Protective Order against me and has not asked for one.

10B. Pending Protective Order

- I **have** filed paperwork with a court asking for a Protective Order against my spouse, but a judge has not decided if I should get it. I asked for a Protective Order on _____ in _____ County, _____ State.
Date filed County State

The cause number is _____.

Cause Number

If I get a Protective Order, I will file a copy of it before any hearings in this divorce.

- My spouse **has** filed paperwork asking for a Protective Order against me, but a judge has not decided if my spouse will get it. My spouse asked for a Protective Order on

_____ in _____ County, _____ State.
Date filed County State

The cause number is _____.

Cause Number

If my spouse gets a Protective Order, I will file a copy of it before any hearings in this divorce.

10C. Protective Order in Place

- I **do have** a Protective Order against my spouse. I got the Protective Order in _____ County, _____ State on _____ Date Ordered.

The cause number for the Protective Order is

Cause Number

Either I have attached a copy of the Protective Order to this Petition or I will file a copy of it with the court before any hearings in this divorce.

- My spouse **does have** a Protective Order against me. The Protective Order was made in _____ County, _____ State on _____ Date Ordered.

The cause number for the Protective Order is _____ Cause Number

Either I have attached a copy of the Protective Order to this Petition, or I will file a copy of it with the court before any hearings in this divorce.

11. Waiver of Waiting Period Based on Family Violence

(Check only if applicable. If it is NOT applicable, skip to the next section.)

- I ask the Court to waive the 60-day waiting period for divorce because: (Check one box.)
- My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.
- I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.

12. Family Information

(Check only if applicable. If it is NOT applicable, skip to the next section.)

- I believe my child(ren) or I will be harassed, abused, seriously harmed or injured, or otherwise subjected to family violence if I must give my spouse the information checked below for myself and the child(ren):
- | | | | |
|---------------------------------------|--|---|--|
| <input type="checkbox"/> home address | <input type="checkbox"/> mailing address | <input type="checkbox"/> employer | <input type="checkbox"/> work address, |
| <input type="checkbox"/> home phone | <input type="checkbox"/> work phone | <input type="checkbox"/> social security number | <input type="checkbox"/> driver's license number |

13. Property and Debt

Note: It is important to talk with a lawyer if you or your spouse has a house, land, business, retirement funds, other valuable property or debt. Getting advice from a lawyer can save you time and money in the long run. You SHOULD NOT use these forms if there are complicated property issues, especially if you want to do anything besides award real property (like a house) to just one spouse.

About community property: Texas is a community property state. This means that any new property that either spouse gets from the minute they are married until the minute the judge grants the divorce is probably community property, even if the property is only in one spouse's name.

About separate property: Property owned by a spouse before the marriage is that spouse's separate property. In addition, if either spouse receives a gift, an inheritance, or a recovery for personal injuries that occurred during the marriage (not including a recovery for lost wages or medical expenses); it is that spouse's separate property. There are exceptions to these general rules. If you have questions talk with a lawyer.

About retirement: Retirement funds (such as 401k, pension, profit sharing, stock option plans and IRAs) earned by either spouse during the marriage are usually considered to be community property that can be divided by the court. This is true even if you or your spouse has not yet retired. If you want the Court to divide retirement funds (other than an IRA), you will need to have the Court sign an additional form, usually called a "Qualified Domestic Relations Order" (QDRO), to make the division effective. You should have the QDRO prepared before you go to court, so the judge can sign it when you finish your divorce. A QDRO form is not included with this divorce set or on TexasLawHelp. You may be able to get a sample QDRO form from the employer or retirement fund administrator. If not, you should hire a lawyer to draft the QDRO form. If you use the employer or retirement fund administrator's QDRO form, you should still have a lawyer review it to make sure you are not giving up important benefits.

Note: If you and your spouse plan to keep your own retirement funds or do not have retirement funds, you do not need a QDRO.

About debt: A creditor's right to collect a debt is not affected by a divorce decree. So, if the Court orders your spouse to pay a debt (such as a mortgage) that is in both of your names, but your spouse doesn't pay it, the creditor can still seek payment from you. Ask a lawyer how to protect yourself in this situation.

13A. Community Property and Debt

If my spouse and I can agree about how to divide the property and debts we got during our marriage, I ask the Court to approve our agreement. If we cannot agree, I ask the Court to divide our community property and debts according to Texas law.

13B. Separate Property

I own the following separate property. I owned this property before I was married or I received this property as a gift or inheritance during my marriage or I received this property as recovery for personal injuries that occurred during the marriage (not including any recovery for lost wages or medical expenses). I ask the Court to confirm this property as my separate property.

(Fill in all lines. If you have no property to list in a particular category, write "none.")

House located at _____
Street Address City State Zip

Land located at: _____
Street Address City State Zip

Cars, trucks, motorcycles or other vehicles

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

Other **money** or **personal property** I owned before I was married, received as a **gift** or **inheritance** during my marriage, or property I purchased during my marriage with separate property funds:

Money I received as recovery for **personal injuries** that occurred during the marriage that was not for lost wages or medical expenses: _____

14. Name Change

(Check one box.)

- I am NOT asking the Court to change my name.
- I ask the Court to change my name back to a name I used before. I am not asking the court to change my name to avoid criminal prosecution or creditors. I ask that my name be changed to:

First Middle Last

Note: You cannot use this form to change your name to anything other than a name that you previously used.

15. Request for Judgment

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



Respondent-Counter-Petitioner's Signature

Date

Respondent-Counter-Petitioner's Printed Name

Phone Number

Mailing Address City State Zip

Email Address

Fax (if available)

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

16. Certificate of Service

I gave a copy of this document to my spouse's lawyer or my spouse (if my spouse does not have a lawyer) on the same day this document was filed with (turned in to) the Court as follows:

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

If I filed a paper copy of this document, I gave a copy of it to my spouse or my spouse's lawyer in person, by mail, by commercial delivery service, by fax, or by email.

Respondent–Counter-Petitioner's Signature

Date

Note: For a referral to a lawyer call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service, 800-252-9690.

For information about free and low-cost legal help in your county go to www.texasbar.com/ReferralDirectory or call the Legal Aid office serving your area:

Legal Aid of Northwest Texas, 888-529-5277 (serves the Dallas–Fort Worth area and Northwest Texas)

Lone Star Legal Aid, 800-733-8394 (serves the Houston area and East Texas)

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

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

National Domestic Violence Hotline, 800-799-SAFE (7233),

Texas Family Violence Legal Line, 800-374-HOPE (4673), or

Crime Victims, 888-343-4414.