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The sample below has been edited. Detailed, step-by-step instructions are included with each set of forms. After purchase, the documents offered and produced through our site will not contain such restrictions.

NO. _____

IN THE MATTER OF	§ IN THE DISTRICT COURT
THE MARRIAGE OF	§
	§
JANE DOE	§ _____
JUDICIAL CIRCUIT	§
	§
AND	§
	§
JOHN DOE	§ BEXAR COUNTY, TEXAS
	§
AND IN THE INTERESTS OF	§
	§
JOHN DOE JR	§
MINOR CHILD	§

ORIGINAL PETITION FOR DIVORCE

AND APPLICATION FOR TEMPORARY ORDERS

TO THE HONORABLE JUDGE OF SAID COURT:

This suit is brought by Jane Doe, Petitioner, social security number 123-45-6789, who is 58 years of age and resides in Bexar County, Texas. Respondent, John Doe, Social Security number 987-65-4321, is 53 years of age and resides at 123 South Main St, Any City, Texas 12345.

I.

Jane Doe has been a domiciliary of the State of Texas for the preceding six-month period and a resident of Bexar County for the

preceding ninety-day period.

II.

No process is necessary at this time.

III.

The parties were married on or about June 22, 1969, in Memphis, Tennessee, and ceased to live together as husband and wife on or about April 20, 1995.

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

IV.

Petitioner and Respondent are the parents of the following child of this marriage under 18 years of age, who is not under the continuing jurisdiction of any other court:

Name and Sex: John Doe Jr; Male

Birthplace and Date: Any City, Texas; October 12, 1993

Present Residence: 1234 Main St, Any City , Texas 12345.

Social Security No.: 123-45-6789

There are no court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships affecting the children.

No property is owned or possessed by the children.

Petitioner and Respondent, on final hearing, should be appointed sole managing conservator and possessory conservator respectively.

Respondent should be ordered to make payments for the support of the child in the manner specified by the Court. Petitioner requests that such payments for the support of the child survive the death of the Respondent and become obligations of the Respondent's estate.

V.

Petitioner requests the Court upon final hearing to order a division of the estate of the Parties in a manner that the Court deems

just and right, as provided by law.

VI.

Petitioner requests a change of name to Jane Jones.

VII.

APPLICATION FOR TEMPORARY ORDERS

Petitioner requests the Court to make the following temporary orders:

1. Petitioner should be appointed temporary managing conservator, and child support and visitation should be set;
2. Petitioner has insufficient income for support; and requests temporary alimony;
3. Petitioner should be awarded the temporary exclusive use and possession of the home, furnishings, fixtures, and automobile.

Petitioner has incomplete knowledge of the estate of the parties, and, for the preservation of Petitioner's property and rights, Respondent should be ordered to file with the Court a sworn Inventory and Appraisal of all the separate and community property owned and of all obligations, debts and liabilities owed by the parties or either of them. It is further requested that Respondent, in regard to all personal and real property, and insurance policies, set forth the following:

- a. the date and amount of the purchase price;
- b. the total obligation outstanding thereon;
- c. the fair market value.

In regard to any benefit plans incident to employment, Respondent should specify in detail:

- a. the type of plan(s) currently in effect;
- b. the employee/employer contributions thereto during the existence of the plan;
- c. the current cash value;
- d. the date of inception and vesting period;
- e. the amount and dates of funds withdrawn therefrom during the existence of the plan.

Respondent should be ordered to produce copies of the parties' income tax returns, together with any and all supporting schedule and information used in connection with their original income tax returns, for the last four years, and of Respondent's bank records, including canceled checks and statements, for the last four years.

VIII.

A protective order under Chapter 71 or Section 3.581 of the Texas Family Code is in effect with regard to the parties of this suit.

The protective order was issued by the 16th District Court in Cause No. 012345 and was entered on September 5, 1997. A copy of the protective order is attached to this petition.

PRAYER

Petitioner prays:

1. that citation and notice issue as required by law and that the Court grant a divorce and decree such other relief as more specifically requested in this pleading;
2. that upon notice and hearing the temporary relief requested herein be ordered;
3. that Petitioner's name be changed as requested above;
4. that Respondent be ordered to pay the fees and costs of this suit;
5. that upon final hearing, the Court make orders regarding conservatorship, support of, and access to the child, according to the best interest of the child.

Petitioner requests all other fair and equitable relief.

Respectfully submitted,

Jane Doe
1234 Main St
Any City, Texas 12345
(210) 555-1212

I AM AWARE THAT IT IS THE POLICY OF THE STATE OF TEXAS TO PROMOTE THE AMICABLE AND NONJUDICIAL SETTLEMENT OF DISPUTES INVOLVING CHILDREN AND FAMILIES. I AM AWARE OF ALTERNATIVE DISPUTE RESOLUTION

NO. _____

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	§
AND IN THE INTERESTS OF	§
	§
JOHN DOE JR	§
MINOR CHILD	§

RESPONDENT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

John Doe, Respondent in the above-styled cause, file Respondent's Original Answer to the Original Petition for Divorce, and for such would respectfully show the Court as follows:

Respondent denies all of the allegations contained in the Original Petition and demands strict proof thereof.

WHEREFORE, Respondent prays that all relief requested by Petitioner be denied and for such other relief to which Respondent may be entitled.

Respectfully submitted,

John Doe
123 South Main St
Any City, Texas 12345
(214) 555-1212

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	§	
AND IN THE INTERESTS OF	§	
	§	
JOHN DOE JR	§	
MINOR CHILD	§	

NOTICE OF HEARING FOR TEMPORARY ORDERS

Notice is given to Respondent, John Doe, to appear before this Court in its courtroom located at _____, Texas, on the _____ day of _____, _____, at _____ a.m./p.m. The purpose of the hearing is to determine whether the Court should make temporary orders regarding (1) payments for the support of Petitioner during the pendency of this cause; and (2) such other and further orders respecting the property and the parties as pled for or as may be deemed necessary and equitable.

SIGNED this _____ day of _____, _____.

Judge Presiding

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	§	
JOHN DOE JR	§	
MINOR CHILD	§	

TEMPORARY ORDERS

On the _____ day of _____, _____, came on to be heard the application of Jane Doe for temporary orders.

Petitioner, Jane Doe, appeared in person and announced ready.

Respondent, John Doe:

[] appeared in person and announced ready.

[] although duly and properly notified, did not appear.

The Court, having considered the pleadings and heard the evidence and argument of the parties or their counsel, finds that all necessary prerequisites of the law have been legally satisfied and that this Court has jurisdiction over the parties and subject matter of this cause.

The Court finds that the following orders for the safety and welfare of the child are in the best interest of the child.

IT IS ORDERED that Jane Doe be and is hereby appointed Temporary Managing Conservator of the following children:

John Doe Jr

IT IS ORDERED that John Doe be and is hereby appointed Temporary Possessory Conservator of the following children:

John Doe Jr

IT IS ORDERED that the Temporary Possessory Conservator shall have possession of the child in accordance with the Marital Separation Agreement, attached as Exhibit "A", which is incorporated for all purposes.

IT IS ORDERED that Jane Doe as temporary sole managing conservator and John Doe as temporary possessory conservator at all times shall each retain the following rights and duties:

- (1) To receive information from the other parent concerning the health, education, and welfare of the child;
- (2) To inform the other parent in a timely manner of significant information concerning health, education, and welfare of the child;
- (3) To confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child;
- (4) To have access to medical, dental, psychological, and education records of the child;
- (5) To consult with any physician, dentist, or psychologist of the child;
- (6) To consult with school officials concerning the child's welfare and educational status, including school activities;
- (7) To attend school activities;
- (8) To be designated on any records as a person to be notified in case of an emergency;
- (9) To consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
- (10) To manage the estate of the child to the extent the estate has been created by the parent or the parent's family.

IT IS ORDERED that Jane Doe and John Doe shall each retain the following rights and duties during their respective periods of possession:

- (1) The duty of care, control, protection, and reasonable discipline of the child;
- (2) The duty to support the child, including providing the child with food, clothing, and shelter, and medical and dental care not involving an invasive procedure;
- (3) The right to consent to medical and surgical treatment of the child not involving an invasive procedure; and
- (4) The right to direct the moral and religious training of the child.

IT IS ORDERED that Jane Doe as temporary sole managing conservator exclusively has the following rights, privileges, duties, and powers:

- (1) The right to establish the primary residence of the child;

(2) The right to consent to medical, dental, and surgical treatment involving invasive procedures, and to consent to psychiatric and psychological treatment of the child;

(3) The right to receive and give receipt for payments for the support of the child and to hold or disburse any funds for the benefit of the child;

(4) The right to represent the child in legal proceedings and to make other decisions of substantial legal significance concerning the child;

(5) The right to consent to marriage and to enlistment in the armed forces of the United States;

(6) The right to make decisions concerning the child's education;

(7) The right to services and earnings of the child; and

(8) Except when a guardian of the child's estate or a guardian of attorney ad litem has been appointed for the child, the right to act as an agent of the child in relation to the child's estate if required by the state, the United States, or a foreign government.

IT IS ORDERED that John Doe pay to Jane Doe for the support of:

John Doe Jr

\$ _____ per _____, with the first installment being due and payable on _____, _____, and a like installment being due and payable on each _____ and _____ day of each and every _____ thereafter until further order of this Court.

IT IS ORDERED that John Doe make all said payments through the _____ County Child Support Office, Texas.

IT IS ORDERED that John Doe pay to Jane Doe as temporary support \$ _____ per _____, with the first installment being due and payable on _____, _____, and a like installment being due and payable on each _____ and _____ day of each and every _____ thereafter until further order of this Court.

The Court finds that the following order respecting the property and parties are necessary and equitable.

IT IS ORDERED that Jane Doe have the exclusive use and possession of the following property during the pendency of this suit:

1. All furniture, furnishings, and fixtures currently in Jane Doe's possession.
2. All clothing, jewelry, and personal effects currently in Jane Doe's possession.
3. The 1990 Jeep Wrangler motor vehicle.
4. The residence located at 1234 Main St, Any City, Texas.

IT IS ORDERED that John Doe have the exclusive use and possession of the following property during the pendency of this suit:

1. All furniture, furnishings, and fixtures currently in John Doe's possession.
2. All clothing, jewelry, and personal effects currently in John Doe's possession.

IT IS ORDERED THAT Jane Doe shall pay the following debts, liabilities, and obligations during the pendency of this case:

1. All ordinary and necessary living expenses incurred by Jane Doe or the child.
2. The monthly rent payment together with all utilities and maintenance for the residence located at 1234 Main St, Any City, Texas.

IT IS ORDERED THAT John Doe shall pay the following debts, liabilities, and obligations during the pendency of this case:

1. All ordinary and necessary living expenses incurred by John Doe.

IT IS ORDERED that John Doe shall maintain in full force and effect the medical and health insurance coverage on the children and Petitioner and Respondent shall each be responsible for one-half (½) of all medical expenses of the child not covered by insurance.

IT IS ORDERED that both parties file with each other or their respective counsel and the Clerk of this Court a sworn inventory and appraisal of all the separate and community property owned by the parties and of all debts owed by the parties, said inventory to be filed forty-five (45) days after the entry by the Court of these Agreed Temporary Orders.

IT IS ORDERED that this case is set for trial on the merits on the _____ day of _____, _____, at _____ o'clock ____ .m.

All said temporary orders are without prejudice to either party to petition the Court for new or additional orders.

All said temporary orders shall continue in full force and effect until further order of this Court.

SIGNED this _____ day of _____, _____.

Judge Presiding

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JOHN DOE	§	BEXAR COUNTY, TEXAS
	§	
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	§	
JOHN DOE JR	§	
MINOR CHILD	§	

ORDER WITHHOLDING FROM EARNINGS FOR CHILD SUPPORT

The Court ORDERS you, the employer of the Obligor, to withhold income from the Obligor's disposable earnings from this employment as follows:

OBLIGOR:

Name: John Doe
Address: 123 South Main St, Any City, Texas 12345
Social Security Number: 987-65-4321
Driver's License Number: TX987654321

OBLIGEE:

Name: Jane Doe
Address: 1234 Main St, Any City, Texas 12345
Social Security Number: 123-45-6789
Driver's License Number: TX1234567890

CHILD:

Name: John Doe Jr

Address: 1234 Main St, Any City , Texas 12345

Social Security Number: 123-45-6789

Driver's License Number: None.

Birthdate: October 12, 1993

Birthplace: Any City, Texas

Withholding Earnings for Current Child Support:

The Court ORDERS that any employer of the Obligor shall begin withholding from Obligor's disposable earnings no later than the first pay period which occurs 14 days following the date this Order is served on the employer.

The amount of earnings to be withheld is:

- (1) \$ if the Obligor is paid monthly
- (2) \$ if the Obligor is paid twice monthly
- (3) \$ if the Obligor is paid every other week
- (4) \$ if the Obligor is paid every week

The employer shall withhold earnings in the above amount for so long as the Obligor is employed or until all children for whom support is due reach the age of eighteen years, marry, die, have had their disabilities of minority removed for general purposes, or until further order of the Court; provided however so long as any child who has not married, had disabilities of minority removed, or been otherwise emancipated is fully enrolled on his/her eighteenth birthday in an accredited secondary school in a program leading to a high school diploma, then the employer shall continue to withhold earnings in the above amount for each month of enrollment (and all summer months and vacation breaks occurring between any two scheduled periods of enrollment) until the end of the school year in which the last child graduates. For the purposes of this Order a child is deemed to be "fully enrolled on his/her eighteenth birthday" if such birthday occurs during a summer month following a spring semester and preceding a fall semester of full enrollment.

Maximum Amount Withheld:

The maximum amount to be withheld shall not exceed 50 percent of the Obligor's disposable earnings.

Method of Payment:

The Court ORDERS the employer to pay all amounts withheld on each

regular pay day through:

Agency: _____ County Child Support Office

Address: _____, Texas

Agency Account Number: _____

All payments shall be made payable to _____, and shall identify the Obligor, Obligee, and the Agency Account Number.

Calculating Disposable Earnings:

The employer shall calculate the Obligor's disposable earnings which are subject to withholding for child support, as follows:

1. Determine the "earnings" of the Obligor, which means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, including periodic payments pursuant to a pension, disability and retirement program and unemployment benefits.

2. Subtract the following sums to calculate the Obligor's "disposable earnings":

(a) any amounts required by law to be withheld, i.e., Federal Income Tax and Federal FICA or OASI tax (Social Security), Railroad Retirement Act contributions;

(b) union dues;

(c) nondiscretionary retirement contributions by the Obligor; and

(d) medical, hospitalization, and disability insurance coverage for the Obligor and his or her children

More Than One Withholding Order:

If this Order contains provisions for withholding from earnings for a child support arrearage, or if the employer is served with another Writ of Withholding or Order Withholding from Earnings for Child Support relating to this Obligor, in this case or another case, the Court ORDERS the employer to withhold equal amounts on all orders for current support until each writ or order is individually complied with or until the maximum amount to be withheld from the Obligor's disposable earnings is reached, whichever occurs first. Thereafter, if the employer is served with a Writ of Withholding or Order Withholding from Earnings for Child Support pertaining to a child support arrearage of this Obligor, the Court ORDERS the employer to withhold equal amounts on all orders or writs for child support arrearages until each order or writ is complied with or until the maximum total amount to be withheld from the Obligor's disposable earnings is reached, whichever occurs first.

Notice of Change of Employment:

The Court ORDERS an employer to notify this Court and the Obligee in writing within seven days of the date that the Obligor terminates employment. The employer is ORDERED to provide the Obligor's last

known address and the name and address of the Obligor's new employer, if known.

Reference to Income Withholding Law:

Attached to this Order is a copy of Texas Family Code §14.43, which sets forth rights, duties, and potential liabilities of employers, in addition to the provisions of this Order.

SIGNED this _____ day of _____, _____.

Judge Presiding