

Information & Instructions: Grounds and Procedure for Motion to Transfer

PREVIEW

1. Chapter 103, Texas Family Code, sets forth the rules for venue in original suits.

Venue for a termination suit would be in the Court of continuing exclusive jurisdiction of the child[ren]. If there is no Court of continuing exclusive jurisdiction, then venue lies in the county where the child has resided for the past six (6) months. Chapter 155, Texas Family Code, sets forth the law on Continuing, Exclusive Jurisdiction and Transfer.

2. A motion to transfer is timely if it is made at the time the petition is filed. Another party may timely file a motion to transfer if it is filed on or before the first

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Monday after the twentieth day after the date of service of citation or before the commencement of the hearing, whichever is sooner. The procedure for a transfer is set forth in §155.204, Texas Family Code.

3. A controverting affidavit must be filed any party contesting the transfer on or before the first Monday after the expiration of twenty days after the date the Motion to Transfer is served. If no controverting affidavit is filed, the motion to transfer shall be granted by the Court after the expiration of the time for filing the controverting affidavit. §155.204, Texas Family Code. Each party is entitled to not less than ten (10) days notice of the hearing on the motion to transfer.

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PREVIEW
Cause Number _____.

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY] COUNTY, TEXAS

_____ JUDICIAL DISTRICT

MOTION TO TRANSFER

~~IN SUIT AFFECTING THE PARENT-CHILD RELATIONSHIP~~

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1. Petitioners, [Names of adoptive parents], file this motion requesting the transfer of the above styled cause, which was filed on [Date] in this court, to the _____ County, and in support hereof would show the court the following:

2. Venue is proper in [County] because the child resides in that county with Petitioners, who are the [Petitioners' relationship to the child] of the child. The child has resided in that county for at least six months.

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[or] The child has been placed in the home of Petitioners for adoption, and Petitioners reside in [Name of county].

3. Venue for this proceeding is in the County of Petitioner's residence pursuant to [State the applicable facts]

THANK YOU
4. The child's birth [Mother or father other than the petitioners], [Name of the child's birth mother or father other than the petitioner], has signed an Affidavit of Relinquishment of Parental Rights and [He or she] resides at [The address of child's birth parent, other than petitioner].

5. The [Parent/parents] of the [Child/children] [Has/have] informed petitioners' attorney that [He or she] does not oppose the transfer requested herein.

PRAYER
PREVIEW

Petitioners pray that the court set a hearing on Movant's request for transfer of this proceeding.

Petitioners pray that the court order a transfer of the proceedings in accordance with the allegations made in this Motion.

Petitioners pray for general relief.

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Respectfully Submitted,

[Law firm name]

By _____

[Attorney's name]

[Attorney's address]

[Telephone & facsimile number]

State Bar Number _____

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Case Number _____

PREVIEW

IN THE INTEREST OF:

[CHILD'S NAME],

[A CHILD]

IN THE DISTRICT COURT OF

[COUNTY NAME], TEXAS

_____ JUDICIAL DISTRICT

MOVANT'S SUPPORTING AFFIDAVIT FOR TRANSFER

[State]

[County]

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Before the undersigned notary public, personally appeared [Petitioner's name], who was duly sworn and placed under oath, and who under oath stated:

1. "My name is [Petitioner's name]. I am a Movant in the foregoing Motion to Transfer. I am at least eighteen years of age, and I am competent to testify to the matters set forth herein in reference to the Motion to Transfer. I have read the foregoing Motion to Transfer. I am acquainted with the facts stated herein, and they are true and correct.

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2. "The child/children, [Child's name], who is/are the subject of this suit and Motion to Transfer is/are:

Names of Children	Sex	Birth Date	Birth Place

THANK YOU

3. "The child has resided with me, the undersigned Affiant, at [Address including: city, county, state and zip code] at all times since [Date].

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4. "I am a Petitioner in a suit to terminate the natural parent's relationship with the child[ren], and I am also seeking to adopt the child[ren]. I reside at [Street address of

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petitioner] in the city of [Name of city], in the [Name of county] County, [State]

5. "This Motion to Transfer is based upon fact that said child[ren], [Name of child[ren]], and I, have resided in [Name of County], [State] for over [Months] months. [or] I have resided in [Name of county], [State], for at least [Months] months.

6. "The child will have resided with us for a period of more than six (6) months, before any final Decree of Adoption will be issued.

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Signed on _____.

[Petitioner's name], Affiant

State of Texas
County of [Name of County]

THIS DOCUMENT

Subscribed and sworn to before me on [date] by [Name of Petitioner] and acknowledged before me on _____ by [Name of Petitioner].

I, the undersigned notary swear that I am not an employee or relative of the Petitioner(s) or the attorney(s) for the petitioner(s).

THANK YOU

Signature of officer

Notary's typed or printed name
My commission expires: _____
[or Notary's Stamp]

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Cause Number _____
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IN THE INTEREST OF: _____ IN THE DISTRICT COURT OF
[CHILD'S NAME], _____ [COUNTY NAME], TEXAS
[A CHILD] _____ JUDICIAL DISTRICT

ORDER TRANSFERRING SUIT

AFFECTING THE PARENT-CHILD RELATIONSHIP

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to Transfer the above styled and number cause, and the Court having considered the pleadings and supporting evidence and affidavits, finds that the Motion to Transfer filed by [Movants' names], Petitioners, should be granted.

IT IS THEREFORE ORDERED that this suit is hereby transferred to the District or other Court of Competent Jurisdiction for Family Cases in [County], [State].

IT IS ORDERED THAT the Clerk of this Court shall file forth with the complete files in all matters affecting the child in this cause, including certified copies of all entries in the Minutes, and a certified copy of any decree of dissolution of marriage issued in a suit joined with the suit affecting the parent-child relationship to the above-named court.

Signed on _____.

Judge Presiding
THANK YOU

APPROVED AND CONSENTED TO AS TO BOTH FORM AND SUBSTANCE:

[Name of attorney]
Attorney for petitioner
[Street address]
[City, [State], Zip code]
[Phone] [Facsimile]

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State Bar Number _____

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THANK YOU

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