

Information & Instructions: General denial of attorney Ad Litem and General denial of Guardian Ad Litem

PREVIEW

1. Purpose: The purpose of the original answer filed by the attorney Ad Litem when the Respondent is cited by publication is to afford due process of law to the Respondent who has been served by publication rather than personal service. The appointment prevents the Petitioner from obtaining, in effect, a default judgment against the Respondent.
2. Attach the affidavit to be filed in order to obtain service of citation upon a Respondent by publication.

Information & Instructions: General denial of Guardian Ad Litem

1. The purpose of a Guardian Ad Litem is to represent the interests of minor children. This representation should be unbiased and avoid the conflicts of interest that may occur if the Petitioner's attorney also represents the minor children.

2. The Court shall appoint a Guardian Ad Litem as needed. Appointment will depend on the practice in the county in which the suit is filed. Some counties provide such services through an office such as the Domestic Relations Office of Travis County; others maintain lists of acceptable independent social workers and the like who may qualify as guardians. The scarcity of guardians may be reflected by appointment only to those cases in which there has been an allegation of family violence or abuse.

Form: General denial of Guardian Ad Litem

THIS DOCUMENT

NO: [Cause Number]

IN THE MATTER OF THE MARRIAGE OF
[Petitioner Name], Petitioner

IN THE DISTRICT COURT

v.

[District] JUDICIAL DISTRICT

[Respondent Name], Respondent

AND IN THE INTEREST OF:
[CHILD NAME]

[SUIT COUNTY] COUNTY, TEXAS

THANK YOU
GENERAL DENIAL OF GUARDIAN AD LITEM

[Guardian Ad Litem], Guardian Ad Litem for the above-referenced [child or children], the subject of this suit in the above-entitled and numbered cause files this General Denial and would

show the Court the following:
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~~1. General Denial~~
PREVIEW

1.1 The Guardian Ad Litem denies each and every, all and singular, the allegations contained in Petitioner's original petition and demands strict proof thereof and asks the Court to take no further action until the Guardian Ad Litem can investigate the surroundings of the child herein.

2. Best Interest of the Children

2.1 Guardian Ad Litem requests that the following factors be considered in determining the best interest of the children:

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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 or residential conservatorship of the child;

the programs available to assist each person seeking managing or residential conservatorship of the child in promoting the best interest of the child;

THIS DOCUMENT
the plans for the child of each person seeking managing or residential conservatorship of the child;

the stability of the home of each person seeking managing or residential conservatorship of the child;

the acts or omissions of each person seeking managing or residential conservatorship of the child.

any excuse for the acts or omissions of each person seeking managing or residential conservatorship of the child.

THANK YOU
2.2 The Guardian Ad Litem prays that all relief sought by the parties be denied and that the undersigned attorney be allowed a reasonable fee for legal services.

Prayer

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WHEREFORE, PREMISES CONSIDERED, Guardian Ad Litem prays that no further action be taken until the Guardian Ad Litem has had time to investigate this matter.

PREVIEW

The Guardian Ad Litem prays for attorney's fees and general relief.

Respectfully Submitted,

[Law Firm Name]

By

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[Attorney's Name]

[Attorney for Client Role]

[Attorney's Address]

[Telephone Number]

[Facsimile Number]

[Bar Card Number]

STATEMENT REGARDING ALTERNATIVE DISPUTE RESOLUTION

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 METHODS INCLUDING MEDIATION.

THIS DOCUMENT

WHILE I RECOGNIZE THAT ALTERNATIVE DISPUTE RESOLUTION IS AN ALTERNATIVE TO AND NOT A SUBSTITUTE FOR A TRIAL AND THAT THIS CASE MAY BE TRIED IF IT IS NOT SETTLED, I REPRESENT TO THE COURT THAT I WILL ATTEMPT IN GOOD FAITH TO RESOLVE BEFORE FINAL TRIAL CONTESTED ISSUES IN THIS CASE BY ALTERNATIVE DISPUTE RESOLUTION WITHOUT THE NECESSITY OF COURT INTERVENTION.

[Client Signature]

THANK YOU

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been served upon all attorneys of record and any parties who are not represented by an attorney on _____.

Attorney for: _____ Other attorney's client's name _____

Attorney's name: _____ Other attorney's name _____

Attorney's address: _____ Other attorney's address _____

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Type of Service:

PREVIEW

- U.S. Mail, certified return receipt requested no. _____.
- U.S. Mail, first class.
- Hand delivery by [name of delivery service]: _____.
- Facsimile transmission to _____ [fax number] before 5 p.m.

[Attorney's name]

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THIS DOCUMENT

THANK YOU

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