

Affidavits and Declarations (Family Law) Research Guide

Overview

This research guide includes information and resources on some of the most common affidavits and declarations related to family law. Both affidavits and declarations are types of sworn statements. An affidavit is “a voluntary declaration of facts written down and sworn to by a declarant, usually before an officer authorized to administer oaths,” like a notary. A declaration is “a formal statement, proclamation, or announcement, especially one embodied in an instrument.” (*Black Law Dictionary, 11th ed.*) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Civil Practice and Remedies Code

- Ch. 132 Unsworn Declarations
<https://statutes.capitol.texas.gov/Docs/CP/htm/CP.132.htm>

Texas Family Code

- Ch. 6 Dissolution of Marriage § 6.503 Affidavit, Verified Pleading and Bond Not Required
<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.6.htm#6.503>
- Ch. 161 Termination of the Child Relationship, § 161.103 Affidavit of Voluntary Relinquishment of Parental Rights
<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.161.htm#161.103>

Texas Rules of Civil Procedure

<https://www.txcourts.gov/rules-forms/rules-standards/>

- Rule 166a Summary Judgment (affidavits in relation to)

Secondary Resources in Print

Texas Family Law Practice Manual REF KFT 1294 .T4S7

- Vol. 1, Ch. 3 Divorce Pleadings
 - Form 3-2 Petitioner’s Supporting Affidavit
- Vol. 1, Ch. 5 Discovery
 - Form 5-30 Affidavit for Business Records
 - Form 5-31 Declaration for Business Records
- Vol. 1, Ch. 6 Information Gathering and Third-Party Notices
 - Form 6-53 Affidavit Concerning Cost and Necessity of Services
- Vol. 1, Ch. 8 Ancillary Motions and Proceedings
 - Form 8-19 Affidavit of Attempted Personal Service
 - Form 8-20 Affidavit in Support of Method of Alternative Service [rule 106]
 - Form 8-23 Affidavit in Support of Motion for Other Substituted Service
- Vol. 2, Ch. 19 Trial Proceedings
 - Form 19-23 Nonmilitary Affidavit / Affidavit Regarding Military Service
- Vol. 2, Ch. 23 Divorce-Decrees and Agreements Incident to Divorce
 - Form 23-10 Affidavit to Prove Up Agreed Final Decree of Divorce
 - Form 23-11 Declaration to Prove Up Agreed Final Decree of Divorce
- Vol. 3, Ch. 33 Enforcement- Child Support
 - Form 33-37 Homestead Affidavit as Release of Child Support Lien

- Form 33-38 Affidavit Contradicting Homestead Affidavit as Release of Child
- Vol. 3, Ch. 40 Original Suit Affecting Parent-Child Relationship
 - Form 40-2 Petitioner's Supporting Affidavit
- Vol. 3, Ch. 41 Modification of Texas Orders
 - Form 41-2 Petitioner's Supporting Affidavit
- Vol. 3, Ch. 42 Transfer
 - Form 42-2 Affidavit Controverting Motion to Transfer
- Vol. 3, Ch. 43 Interstate Proceedings
 - Form 43-15 Affidavit in Support of Nondisclosure of Information in Exceptional Circumstances [uifsa]
- Vol. 3, Ch. 44 Grandparents and Other Nonparents
 - Form 44-3 Affidavit in Support of Possession or Access by Grandparent
- Vol. 4, Ch. 46 Authorizations for Care of a Child
 - Form 46-5 Petition to [declare Authorization Agreement for adult Caregiver Void / Void Authorization Agreement for Adult Caregiver Void or Void Authorization Agreement]
 - Form 46-6 Order [Voiding Authorization Agreement for Adult Caregiver / Declaring Authorization Agreement for Adult caregiver void]
- Vol. 4, Ch. 53 Ancillary Forms for Termination and Adoption
 - Form 53-1 Affidavit of Waiver of Interest in Child[ren]
 - Form 53-2 Mother's Affidavit for Voluntary Relinquishment of Parental Rights [Nonagency]
 - Form 53-3 Father's Affidavit for Voluntary Relinquishment of Parental Rights [Nonagency]
 - Form 53-4 Mother's Affidavit for Voluntary Relinquishment of Parental Rights to Licensed Child-Placing Agency
 - Form 53-4 Father's Affidavit for Voluntary Relinquishment of Parental Rights to Licensed Child-Placing Agency

- Form 53-7 Revocation of Affidavit
- Form 53-11 Affidavit for Citation by Publication
- Form 53-12 Affidavit in Support of Citation by Publication [by Birth Mother]
- Form 53-17 Affidavit of Due Diligence
- Form 53-25 Affidavit Concerning Interstate Compact
- Vol. 4, Ch. 56 Miscellaneous SAPCR and Other Child-Related Forms
 - Form 56-1 Affidavit for UCCJEA Information

Texas Family Law Practice Manual Practice Notes REF KFT 1294 .T4S7

- Vol. 1, Ch. 6 Information Gathering and Third-Party Notices §6:14 Affidavit Concerning Costs and Necessity of Services
- Vol. 1, Ch. 8 Ancillary Motions and Proceedings; VI. Motions of Summer Judgment §8:58 Affidavits and Verifications
- Vol. 2, Ch. 50 Termination; General Information on Termination and Adoption
 - §50.8 Affidavit of Voluntary Relinquishment of Parental Rights
 - §50.9 Affidavit of waiver of interest in child

O'Connor's Texas Family Law Forms REF KFT 1294 A65 W55

- Ch. 1 General Forms
 - Form 1B:7 Affidavit
 - Form 1B:8 Unsworn Declaration
 - Form 1B:10 Jurat-Unsworn Declaration
- Ch. 6 Suit for Conservatorship
 - Form 6D:1 UCCJEA Affidavit
 - Form 6D:2 Affidavit to Seal UCCJEA Affidavit
- Ch. 9 Suit for Access
 - Form 9B:2 Grandparent Access-Affidavit
- Ch. 10 Suit for Termination
 - Form 10C:1 Affidavit of Voluntary Relinquishment of Parental Rights
 - Form 10C:2 Affidavit Waiving Interest in Child

- Ch. 11 Suit to Modify SAPCR
 - Form 11B:1 Modification of Primary Conservator-Affidavit
 - Form 11B:2 Temporary Orders-Affidavit
- Ch. 12 Temporary Orders
 - Form 12A:2 Protection of Spouse & Child-Affidavit (TRO)
- Ch. 13 Protective Orders
 - Form 13B:1 Temporary Ex Parte Protective Order-Affidavit
- Ch. 15 Spousal Maintenance
 - Form 15B:7 Withdraw Writ-Affidavit
- Ch. 16 Enforcing Child Support Orders
 - Form 16F:10 Withdraw Writ-Affidavit (Judicial Writ of Withholding)
 - Form 16G:4 Homestead Affidavit Release of Lien (Child Support Lien)
- Ch. 17 Enforcing Orders of Possession or Access
 - Form 17D:2 Writ of Habeas Corpus-Affidavit
- Ch. 18 Enforcing Property Division
 - Form 18E:2 Writ of Attachment-Affidavit

<https://www.txcourts.gov/media/1456942/statement-of-inability-to-afford-payment-of-court-costs-or-an-appeal-bond-bilingual.pdf>

Out-of-State Parent Declaration (Texas Law Help)
https://texaslawhelp.org/sites/default/files/2022-12/fm-osp-302_exhibit-out-of-state_party_declaration.pdf

Affidavit for Citation by Posting (Texas Law Help)
https://texaslawhelp.org/sites/default/files/pr-pos-111_post_aff_final.pdf

Affidavit for Citation by Publication [Divorce with Children] (Texas Law Help)
https://texaslawhelp.org/sites/default/files/pr-pub1-111_pub_aff_div_kids_final_1.pdf

Affidavit for Citation by Publication [Other] (Texas Law Help)
https://texaslawhelp.org/sites/default/files/pr-pub2-111_pub_aff_other_final_0.pdf

Military Status Affidavit (Texas Law Help)
https://texaslawhelp.org/sites/default/files/military_status_affidavit_1.pdf

Exhibit: Petitioner’s Supporting Affidavit or Sworn Declaration in Mistaken Paternity Case (Texas Law Help)
https://texaslawhelp.org/sites/default/files/fm-pat2-111-pat_term_mistaken_exh_petitioners_supp_aff_english_-_petitioner.pdf

Affidavit for Temporary Restraining Order (Texas Law Help)
https://texaslawhelp.org/sites/default/files/fm-fh-102_tro_affidavit.pdf

Declaration in Support of Changing Primary Custody Within One Year (Texas Law Help)
https://texaslawhelp.org/sites/default/files/fm-mod1-112_mod_dec_in_support_of_changing_custody_within_one_year_0.pdf

Unsworn Declarations (Texas Law Help)
<https://texaslawhelp.org/article/unsworn-declaration-information-instructions-and-forms>

CLE Materials

Advanced Family Law KFT 1294 .S83

- 2021 Ch. 8 Texas Evidence Handbook, Section XIV. B. Affidavits (Summary-Judgment Evidence), p. 68

Online Resources

General Affidavits (Texas Law Help)
<https://texaslawhelp.org/article/general-affidavit>

Application for Absentee Affidavit & Instructions/Affidavit of Proof of Identity/Affidavit of Age and Identity (Tarrant County Clerk Forms)
<https://www.tarrantcountytx.gov/en/county-clerk/forms.html>

Affidavit: Statement of Inability to Afford Payment of Court Costs or an Appeal Bond in Justice Court

Legal Assistance

**Legal Lines – Ask Attorneys simple legal questions
(free service)**

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

**Tarrant County Bar Association Lawyer Referral
Service: 817-336-4101 (\$20 for the first 30 minutes)**

