



117 LEGION DRIVE
RICHMOND, TEXAS 77469

ASSOCIATE COUNTY COURTS AT LAW

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OCCUPATIONAL DRIVER'S LICENSE PACKET

INSTRUCTIONS:

- **FULLY READ** all the documents and forms included in this packet.
- Check the status of your Driver's License to make sure you are actually in need of an Occupational Driver's License. See attached guides.
- All Occupational Driver's License Petitions **MUST** specify the petitioner's FULL NAME (including any suffixes such as JR. or II) in addition to the petitioner's DATE OF BIRTH and TEXAS DRIVER'S LICENSE NUMBER.
- A courtesy copy of the petition **MUST** be provided to the District Attorney's Office at the time of filing along with all of the above information.
- Make sure you fill out the petition **COMPLETELY** and attach all necessary and supporting documents; failure to do so may result in a second hearing being set.
- Failure to comply with these provisions will cause the petition not to be heard as scheduled.

FILING:

- All petitions must be filed with the Fort Bend County Clerk's Office – Civil. Petitions **CANNOT** be filed into existing criminal cases.
- All filings **MUST** include: (1) ODL Petition, (2) Proposed Order, and (3) SR-22 Form.
 - Texas DPS License Eligibility Sheet recommended but not required.

FEES:

- Base Filing Fee: \$350 USD
- Above fee does not include cost of Certified Copies. All costs and fees subject to adjustment by Fort Bend County Clerk's Office.
- If you are Indigent, complete the Statement of Inability to Afford Court Costs when submitting filings.
- Additional costs and fees may be required by the Department of Public Safety.

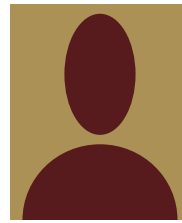
Eligibility for an ODL

(Transportation Code § 521.242; 521.001(a)(6))

For a person to be eligible for an ODL, their license (including a permit, a privilege to operate a motor vehicle, and a non-resident's operating privilege) has to first be suspended.

[Note: All citations below are from the Transportation Code.]

Texas Occupational Driver's License



Tjete



Reason Doesn't Have License	Eligible for an ODL?
License expired or was never issued and they <i>just haven't gone to the DMV</i> to get it.	No! There has been no "suspension." They could just go to the DMV, so that's what they need to do.
License or privilege suspended due to a <i>physical or mental disability or impairment</i> .	No! This is an exception in the law – suspensions for this reason are not eligible.
License or privilege <i>automatically suspended or canceled for a conviction</i> of an offense. <ul style="list-style-type: none">Offenses where conviction results in automatic suspension are listed in Subchapters O & P of Ch. 521.	Yes! BUT must file application in the court where they were convicted, which will <u>almost never be a justice court</u> . (And applicant must not have been issued more than one ODL after an automatic suspension upon conviction in the past 10 years.)
License or privilege suspended for a reason <i>other than</i> an automatic suspension upon a conviction (so <i>administratively suspended by DPS on its own or as a result of a court order</i>). Includes: <ul style="list-style-type: none">Suspension for failure to pay surcharges (708.152).Refusal to submit to a breath or blood test following a DWI stop (Ch. 724).Providing a breath/blood sample with over .08 BAC following a DWI stop (Ch. 524).Any cause for suspension listed under 521.292.	Yes! Must file application in a justice, county, or district court in the precinct or county in which: <ul style="list-style-type: none">The person resides; orThe offense occurred for which the license was suspended.
License cannot be renewed because of <i>placement in OMNI</i> .	No! This is not a suspension. This is a non-renewal. The remedy is for them to do what is necessary to remove themselves from OMNI.

But What If....?	Eligible for an ODL?
The applicant's <i>license has EXPIRED</i> , and they now can't renew for an eligible reason listed above.	Yes! The applicant's privilege has been suspended, so they are eligible.
The applicant <i>NEVER had a license</i> , and they now can't get one for an eligible reason listed above.	Maybe! <ul style="list-style-type: none">Literal reading of statute: no license or privilege to be suspended, so NOT eligible.DPS position: will honor an ODL in this situation if all other requirements are met.
The applicant is a <i>minor</i> and is otherwise eligible.	Yes! (Subject to the limitations described in 524.022(d)).
The applicant wants an ODL <i>to operate a CMV</i> and is otherwise eligible.	No! (But a CDL holder may get an ODL to operate a non-CMV vehicle).

Texas Occupational Drivers License (ODL)

If your Texas driver's license was *suspended, revoked, or denied* but you need to drive ... you may still be allowed to drive under certain circumstances if you get an **occupational driver's license (ODL)**.

What is an "Occupational Driver's License" or ODL?*

An occupational driver's license (ODL) is a restricted license that lets you drive at certain times, on specific days, under certain conditions, when you have an "essential need to drive."

An "essential need" means you need to drive to:

- ✓ do your job,
- ✓ get to and from work or school, or
- ✓ do essential household duties.

Where can I read the law?

You can read the Texas laws about Occupational Driver's Licenses and surcharges in:

- Texas Transportation Code chapter 521 subchapter L
- Texas Transportation Code chapter 601.
- Texas Health and Safety Code section 469.009.
- Texas Administrative Code, Title 7, Subtitle B, Ch. 521, Subtitle I, Ch. 708.

You can read the statutes online at: www.statutes.legis.state.tx.us.



Can anyone get an ODL?

No. You cannot get an ODL if:

- you lost your driving privileges because of a mental or physical disability,
- you lost your driving privileges for failure to pay child support,
- you need it to drive a commercial motor vehicle,
- the judge thinks you do not have an essential need,
- the judge is worried about public safety,
- you have received two ODLs in the past 10 years after a conviction, or
- you have a "hard suspension" waiting period due to a prior DWI arrest or conviction.

Caution!

The process can take **weeks** to complete and can get complicated.



You may need to hire an attorney to help you reach your goal.

Overview of Steps:

1. **Check** the status of your license to see if you really need to get an Occupational Driver's License (ODL) or if you can reinstate your license at www.Texas.gov/driver.
2. **Check** to see if you qualify for an ODL.
3. **Gather the forms** and information you need to ask the Court to order DPS to issue you an ODL.
4. **File** your forms with the Clerk of the Court.
5. Go to **Court** to ask the Judge to sign the Order.
6. If the Judge signs the order, **mail** the paperwork and fees to DPS **right away**.

See pages 3-4 for instructions...



*Caution: Effective September 1, 2015, if your license has been suspended due to an intoxication Offense under Penal Code 49.04 - 49.08, and you are obtaining an Occupational License:

- ♦ any vehicle you own or operate **MUST** be equipped with a working ignition interlock device in accordance with Texas Transportation Code Section 521.2465 for the entire period of the suspension (see Code of Criminal Procedure Section 13, Article 42.12); **and**
- ♦ you are not required to prove essential need and the ODL is not subject to any time of travel, reason for travel, or location of travel restrictions (see Transportation Code 521.244 (e) and 521.248 (d)).

Step 1 Do you really need an ODL? Or can you reinstate your license?

Sometimes people think they need an Occupational Driver's License when they could just **reinstate** their license.

Before asking the court for an ODL, check your license eligibility status at:

www.Texas.gov/driver

Click on "Drivers License Reinstatement and Status."

You can also call the
Texas Department of Public Safety (DPS)
to check your eligibility/qualifying status:
512-424-2600 (English)
512-424-7181 (Español)

This free site will tell you if you can drive with your current license and, if not, what you need to do to become eligible. If you are not eligible, the website will tell you:

1. The requirements to meet.
2. The fees you need to pay.
3. About surcharge waiver programs.

You can pay fees on this website and get information on how to mail proof that you met the compliance requirements to DPS. Keep checking the website because it is updated daily.



Be careful! Recent court actions, out-of-state violations, and AG-reported child support arrearages may not be reflected in your current eligibility status.

Step 2 Do you qualify for an ODL?

Even if you get a court order for an Occupational Driver's License, DPS cannot issue one if:

- * You lost your driving privileges for a medical condition.
- * You lost your driving privileges because you owe child support.
- * You have received two ODLs after a conviction in the past 10 years.
- * You don't qualify to get a Texas driver's license because you are in the United States unlawfully. The documents to verify that you are a citizen or that you are in the United States lawfully are listed at:

www.txdps.state.tx.us/DriverLicense/ApplyforLicense.htm

Step 3 Gather your paperwork

- ✓ Two court forms:
 - 1) The *Petition for Occupational Driver's License* asks the Court to issue an order.
 - 2) The *Order for Occupational Driver's License* orders DPS to issue you an ODL.

Print the court forms at www.TexasLawHelp.org. You can also use the interactive forms interview on TexasLawHelp. With this program, you answer questions about your need to drive, etc. Then you print out the prefilled-in forms.

- ✓ Certified Abstract (Type AR) of your driving record from DPS: Get your Type AR Certified Abstract:

*By mail with form DR-36 (takes 3-4 weeks, costs \$20) or
*Online (quickly, cost \$22 & must have audit number) at
<http://www.dps.texas.gov/DriverLicense/driverrecords.htm>.

- ✓ Proof that you need to drive to go to work, school, or perform essential household duties, etc.
Examples of proof: your school schedule or registration, a current pay stub, a letter from your job, or an affidavit (sworn statement) explaining your need to drive.
- ✓ SR-22 proof of insurance from your insurance company: Get the SR-22 (also called a "Financial Responsibility Certificate") from your insurance company. The SR-22 proves that you have the minimum liability insurance required by law. If you don't own a vehicle, you can get a Texas Non-Owner SR-22 Insurance Policy. Your insurance company will tell DPS if the SR-22 coverage lapses, terminates or is cancelled—and then your ODL will be revoked.

Step 4 File your papers with the Court

When you file your *Petition for Occupational License* with the Court you are asking the court to order DPS to issue you an Occupational Driver's License.

If your license was automatically suspended or cancelled following a conviction, file the *Petition* in the same court that convicted you.

If your license was *not* suspended or cancelled following a conviction, file the *Petition* in the county where you live or where the offence occurred. You may have a choice between filing in District Court, County Court-at-Law or Justice of the Peace (JP) court. If so, you may want to research local procedures, court costs, and court scheduling to decide which court is best for your situation.

Ask the court clerk when you should come back for the hearing. You may need to schedule a time for your hearing.

Note: Travis County residents can review the *Instructions for Travis County ODL Filers* for local procedure information.

Step 5 Go to Court

Go to Court the day of your hearing. Arrive early.

When you go to Court, bring:

1. The *Order for an Occupational Driver's License* form. Fill out all but the restrictions and the judge's signature.
2. A Certified Abstract of your full driver record (Type AR).
3. The SR-22 from your insurance company.
4. Some courts may require a copy of the court order suspending your license and/or the notice of suspension from DPS.
5. Proof that you need to drive.
6. A copy of the filed *Petition*.

Note: If you filed an Affidavit of Indigency to waive the court filing fees, the court may require proof of income & expenses.

At the hearing: The judge reviews your *Petition* and other paperwork. Then the judge decides whether or not to sign the Order granting an occupational license. If the judge signs the order, he/she will mark the restrictions as to when and where you can drive.

After the judge signs your order, get a certified copy of your filed *Petition* and at least two certified copies of the Order from the clerk.



You may use a certified copy of the Order for ODL to drive for 45 days after the order takes effect. Read your order to learn when it takes effect. See *FAQ about waiting periods*.

If you don't receive your ODL before the **45th day** you can't drive until you either receive the ODL or go back to court to get an Amended Order for ODL that extends the deadline.

Step 6 Texas Department of Public Safety

A court's occupational drivers license *Order* is **not** the license itself. Rather, it is a court order telling the Texas Department of Public Safety (DPS) to issue an occupational drivers license to you. After you get the court *Order*, you must contact DPS to get the actual occupational drivers license.

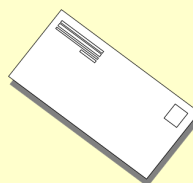
Mail the following documents to DPS as soon as possible!

- ✓ a certified copy of your *Petition* for ODL
- ✓ a certified copy of the *Order* for ODL that was signed by the Judge
- ✓ your SR-22 proof of insurance certificate,
- ✓ A check, money order or cashier's check payable to the Texas DPS for the Occupational License fee. Send \$10 for a 1-year license or \$20 for a 2-year license.

- ✓ A check, money order or cashier's check made out to the Texas Department of Public Safety for the amount you owe in reinstatement fees, if any.

Go to www.Texas.gov/driver or call DPS at 512-424-2600 to find out what you owe.

Mail all the documents **together** by certified mail return receipt requested (so that you have proof you mailed them) to:



Texas DPS
Enforcement & Compliance Service
P.O. Box 4087
Austin, Texas 78773-0320

Frequently Asked Questions (FAQs)

Will the State have a lawyer against me at the hearing?

Sometimes, if your license was suspended because:

- of a criminal homicide, or an intoxication offense under Penal Code 49.04 – 49.08
- you were under 21 and your license was suspended according to Texas Transportation Code, 521.342.

How do I get a Certified Abstract (Type AR) of my driving record?

You may purchase your driving record **online**, with a credit card and print it out. The online cost is \$22. You will need to enter your driver's license number *and license audit number* and the last four digits of your social security number at:

www.dps.texas.gov/DriverLicense/driverrecords.htm

To get a Certified Abstract **by mail**, print the DR-36 form called "Request for a Certified Abstract of a Driver Record" from

www.dps.texas.gov/DriverLicense/driverrecords.htm

Mail the completed form and a \$20 check or money order to Texas DPS. This form does not require the audit number or your social security number.

Can I drive after the Judge signs the Order?

You may use a certified copy of the Order for ODL to drive for 45 days **once the order takes effect**.

Read your Order to learn when it takes effect.

If you don't receive your actual ODL from DPS before the 45th day **you can't drive** until you either receive the ODL or go back to court to get an Amended Order for ODL that extends the deadline.

Waiting Periods— Why wouldn't an Order take effect as soon as the Judge signs it?

An Order for ODL will take effect as soon as a judge signs it **UNLESS** one of the following waiting periods (also called "hard suspension" applies.

If your license was suspended for refusing or failing a blood or breath test when arrested for DWI or other alcohol or drug-related driving or boating offense, the order for ODL cannot take effect for:

- **90 days** after your license was suspended — if during the 5 years before your arrest your license was suspended because of an alcohol or drug-related **arrest**.
- **180 days** after your license was suspended — if during the 5 years before your arrest your license was suspended because of a DWI, Intoxication Assault, or Manslaughter **conviction**.
- **365 days** after your license was suspended — if during the 5 years before your arrest your license was suspended because of a second (or more) DWI, Intoxication Assault, or Manslaughter **conviction**.

How long will it take to get my ODL from DPS?

Processing time runs between three and four weeks unless a **waiting period** (*see above*) applies. Call DPS for more information at (English) 512-424-2600 or 512-424-7181 (Español).

What happens after I get my ODL from DPS?

- Maintain your SR-22 insurance. If your insurance lapses, your Occupational Driver's License will be revoked.
- Always keep your ODL, a certified copy of the court order for ODL and proof of SR-22 insurance with you when you drive. It is a Class B misdemeanor to drive without a certified copy of the court order in your possession.
- Only drive when and where the court order for ODL allows you to drive. It is a Class B misdemeanor to drive at other times or places.
- If the times and/or places you need to drive changes, go back to court to modify the *Order*.

Surcharge Indigency/Incentive Programs

If your license was suspended for failure to pay a surcharge and you have a low income DPS may:

1. reduce any surcharge amount you owe and
2. let you keep driving while you make payments on the surcharge amount. For more information about this program go to:

www.txsurchargeonline.com

CAUSE No. _____

THE STATE OF TEXAS

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COUNTY COURT AT LAW

VS

No. _____ () OF

FORT BEND COUNTY, TEXAS

PETITION FOR OCCUPATIONAL DRIVER'S LICENSE

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes _____, Petitioner, and petitions the Court for an Occupational Driver's License under the provisions of Section 521242 of the Texas Transportation Code, and in support thereof would respectfully show this Honorable Court the following:

1. Legal Name: _____
First Middle Last

2. Home Address: _____
Street Address Unit Number

City State Zip Code

3. Contact Info: _____
*() ()
Phone Number Cellular Phone*

Email Address

4. Date of Birth: _____
MM / DD / YYYY

5. SSN (*last four*): XXX - XX -
Last four digits of Social Security Number ONLY. DO NOT INCLUDE ALL NINE DIGITS

6. Jurisdiction:
(*Select All That Apply*)

- ☐ Petitioner is a Resident of Fort Bend County; or,
☐ Petitioner committed an offense in Fort Bend County resulting in suspension of license; or,
☐ Petitioner was convicted of an offense in Fort Bend County resulting in suspension of license.

7. Driver's License:
(*Select All That Apply*)

- ☐ Petitioner's Texas Driver's License No. is: _____, expiring on: _____
☐ Petitioner has never held a Texas Driver's License,
☐ Petitioner has an Out-of-State driver's license from _____
Said license number is: _____, expiring on: _____
☐ Petitioner has had two or more occupational driver's licenses in the last ten years

8. Petitioner has obtained **REQUIRED** SR-22 Form from his / her insurance provider and attached said Form to this petition as Exhibit A.

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9. Suspension:

(Select All That Apply)

- ☐ Driver's License is suspended because of physical or mental disability
- ☐ Driver's License is suspended because of non-payment of child support
- ☐ Driver's License is suspended following conviction of a qualifying offense
- ☐ Driver's License is suspended following arrest with a breath sample registering over 0.08
- ☐ Driver's License is suspended following arrest and refusal to provide a blood or breath sample
- ☐ Driver's License is suspended by a court order
- ☐ Other (specify): _____

10. Need to Drive:

(Select All That Apply)

- ☐ Petitioner needs to drive to and from his / her place of work or as a condition of employment
- ☐ Petitioner needs to drive himself / herself or others to school
- ☐ Petitioner needs to drive himself / herself or others to religious services
- ☐ Petitioner needs to drive himself / herself or others to perform essential household duties
- ☐ Petitioner needs to driver in and through the following counties: _____

11. Requested Conditions:

(Select All That Apply)

- ☐ Petitioner is required to maintain an ignition interlock device pursuant to conviction or court order
- ☐ Petitioner is requesting waiver of the 4-hour requirement
- ☐ Petitioner is requesting a contemporaneous driving log in lieu of time/date restrictions; **OR**,
- ☐ Petitioner is requesting the following driving schedule:

	MON:	TUES:	WED:	THUR:	FRI:	SAT:	SUN
FROM:	_____	_____	_____	_____	_____	_____	_____
TO:	_____	_____	_____	_____	_____	_____	_____

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that he be granted the privilege to drive a motor vehicle to perform his occupation or trade, and to perform his essential household duties under such restrictions as the Court may determine.

Signed this _____ day of _____, 20____.

Respectfully submitted,

Petitioner / Attorney for Petitioner

CAUSE No. _____

THE STATE OF TEXAS

VS

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COUNTY COURT AT LAW

No. _____ (____) OF

FORT BEND COUNTY, TEXAS

EXHIBIT “A”

ATTACH SR-22 FORM HERE

CAUSE No. _____

THE STATE OF TEXAS

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COUNTY COURT AT LAW

VS

No. _____ () OF _____

FORT BEND COUNTY, TEXAS

VERIFICATION

For attorney completion

BEFORE ME, the undersigned authority, on this day personally appeared _____
who after being duly sworn declared:

“My name is _____. I am the attorney of record in the above-captioned case. I have read the attached Petition for Occupational Driver’s License and hereby affirm that to the best of my knowledge said Petition is true and correct.”

Affiant Signature

Date

SO SWORN BEFORE ME THIS ____ DAY OF _____, 20__.

SEAL OF OFFICE

Signature of Person Administering Oath

CAUSE No. _____

THE STATE OF TEXAS

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COUNTY COURT AT LAW

VS

No. _____ (____) OF

FORT BEND COUNTY, TEXAS

UNSWORN DECLARATION

For Pro Se Petitioners

Unsworn Declaration Made Under Penalty of Perjury. As allowed by Section 132.001 of the Texas Civil Practices and Remedies Code, I am filing this Unsworn Declaration in support of the Petition for Occupational Driver's License in place of a Verified Petition.*

I, _____, Petitioner in the above-captioned case, declare under penalty of perjury that all information in this Petition is true and correct. I understand I could be prosecuted for lying on this form.

Signed in Fort Bend County, Texas, this ____ day of _____, 20__.

Petitioner

*Pursuant to Texas Civil Practice and Remedies Code Section 132.001, an unsworn declaration may be used in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by statute or required by a rule, order, or requirement adopted as provided by law. This provision does not apply to an oath of office or an oath required to be taken before a specified official other than a notary public. An unsworn declaration made under this section must be 1) in writing, 2) signed by the person making the declaration as true under penalty of perjury and 3) in substantially the form used above.

CAUSE No. _____

THE STATE OF TEXAS

VS

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COUNTY COURT AT LAW

No. _____ () OF

FORT BEND COUNTY, TEXAS

ORDER GRANTING OCCUPATIONAL DRIVER'S LICENSE

On this date, the Court came to consider the Petition for Occupational Driver's License of _____

_____, who appeared before the Court and announced ready.

The Court finds that:

1. Petitioner's Texas Driver's License is suspended:

(Select All That Apply)

- ☐ Following conviction of a qualifying offense
☐ Following arrest with a breath sample registering over 0.08
☐ Following arrest and refusal to provide a blood or breath sample
☐ By a court order

2. There is an essential need for Petitioner to operate and drive a motor vehicle to perform her occupation or trade or for transportation to and from where Petitioner practices her occupation or trade, and in the performance of necessary household duties.
3. There is a sufficient showing of the necessity for waiving the 4-hour restriction and that Petitioner should be allowed, authorized and granted the right to operate a motor vehicle pursuant to the driver's license ordered herein for a period not to exceed 12 hours in any 24 consecutive hours.
4. Petitioner HAS / HAS NOT had a prior suspension arising from an alcohol or drug related enforcement contact in the five years preceding the arrest.
5. Petitioner has a valid policy of liability insurance as required by the Texas Motor Vehicle Safety-Responsibility Act.
6. The Texas Department of Public Safety should issue an occupational driver's license to Petitioner for a duration of the suspension period, accordingly.

It is, therefore, ORDERED by this Court, that Petitioner, _____, be and is here now granted an occupational driver's license and use of a motor vehicle on the following days, times, routes and areas, and the four hour restriction is waived, and the 12 hour period is granted to-wit:

- ☐ Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday not to exceed 12 hours in any consecutive 24-hour period; and
- ☐ Petitioner shall maintain and carry a contemporaneous driving log to prove to any peace officer that Petitioner is not driving more than 12 hours in any consecutive 24-hour period and provide said driving log to the court or any law enforcement officer of the State of Texas upon request; **or**
- ☐ Petitioner must drive only on the days and times listed below:

	MON:	TUES:	WED:	THUR:	FRI:	SAT:	SUN
FROM:	_____	_____	_____	_____	_____	_____	_____
TO:	_____	_____	_____	_____	_____	_____	_____

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- ☐ Petitioner shall install and maintain at Petitioner's expense an ignition interlock device approved by the Texas Department of Public Safety in accordance with Texas Transportation Code Section 521.2465 and maintain records to prove to any peace officer that Petitioner is not driving more than 12 hours in any consecutive 24-hour period and provide said records to the court or any law enforcement officer of the State of Texas upon request.
- ☐ Petitioner may drive in ALL Texas counties.

It is further ORDERED that:

1. This Order granting Petitioner's Occupational Driver's License is effective immediately.
2. Petitioner may use a copy of this Court order as an occupational Texas driver's license for 45 days after the date this order becomes effective.
3. The Texas Department of Public Safety shall issue to Petitioner an occupational Texas driver's license, referring on its face to this order of the Court.
4. The Clerk of this Court shall furnish Petitioner with a certified copy of this Order, at the Petitioner's expense.
5. The Clerk of this Court shall forward a certified copy of this order to the Texas Department of Public Safety, together with Petitioner's license, as required.
6. Petitioner must attend a program approved by the Court that is designed to provide counseling and rehabilitation services to persons for alcohol dependence.

SIGNED and ENTERED this _____ day of _____, 20____.

Hon. _____, Judge Presiding
Fort Bend County Court At Law No. _____

A CERTIFIED COPY OF THIS ORDER MUST BE CARRIED BY THE NAMED PETITIONER AT ALL TIMES WHILE OPERATING A MOTOR VEHICLE. A PEACE OFFICER MAY EXAMINE THE CERTIFIED COPY UPON REQUEST WHEN PETITIONER IS OPERATING A MOTOR VEHICLE. IT IS AN OFFENSE TO OPERATE A MOTOR VEHICLE WHEN A CERTIFIED COPY OF THIS ORDER IS NOT CARRIED.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA



Cause Number: _____
(The Clerk's office will fill in the Cause Number when you file this form)

Plaintiff: _____
(Print first and last name of the person filing the lawsuit.)

And

Defendant: _____
(Print first and last name of the person being sued.)

In the (check one):
☐ District Court
☐ County Court / County Court at Law
☐ Justice Court

Court
Number

County Texas

**Statement of Inability to Afford Payment of
Court Costs or an Appeal Bond**

1. Your Information

My full legal name is: _____ My date of birth is: ____/____/____
First Middle Last Month/Day/Year

My address is: (Home) _____
(Mailing) _____

My phone number: _____ My email: _____

About my **dependents**: "The people who depend on me financially are listed below.

	Name	Age	Relationship to Me
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____

2. Are you represented by Legal Aid?

☐ I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.

-or-

☐ I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

☐ I am not represented by legal aid. I did not apply for representation by legal aid.

3. Do you receive public benefits?

☐ I do not receive needs-based public benefits. - or -

☐ I receive these **public benefits/government entitlements** that are based on indigency:

(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

- ☐ Food stamps/SNAP ☐ TANF ☐ Medicaid ☐ CHIP ☐ SSI ☐ WIC ☐ AABD
☐ Public Housing or Section 8 Housing ☐ Low-Income Energy Assistance ☐ Emergency Assistance
☐ Telephone Lifeline ☐ Community Care via DADS ☐ LIS in Medicare ("Extra Help")
☐ Needs-based VA Pension ☐ Child Care Assistance under Child Care and Development Block Grant
☐ County Assistance, County Health Care, or General Assistance (GA)
☐ Other: _____

4. What is your monthly income and income sources?

"I get this monthly income:

\$_____ in monthly wages. I work as a _____ for _____.
Your job title Your employer

\$_____ in monthly unemployment. I have been unemployed since (date) _____.

\$_____ in public benefits per month.

\$_____ from other people in my household each month: (List only if other members contribute to your household income.)

\$_____ from ☐ Retirement/Pension ☐ Tips, bonuses ☐ Disability ☐ Worker's Comp
☐ Social Security ☐ Military Housing ☐ Dividends, interest, royalties
☐ Child/spousal support
☐ My spouse's income or income from another member of my household (If available)

\$_____ from other jobs/sources of income. (Describe) _____

\$_____ is my **total monthly** income.

5. What is the value of your property?

"My **property** includes:

Value*

Cash \$_____

Bank accounts, other financial assets _____

_____ \$_____

_____ \$_____

_____ \$_____

Vehicles (cars, boats) (make and year)

_____ \$_____

_____ \$_____

_____ \$_____

Other property (like jewelry, stocks, land,
another house, etc.)

_____ \$_____

_____ \$_____

_____ \$_____

Total value of property → \$_____

6. What are your monthly expenses?

"My **monthly expenses** are:

Amount

Rent/house payments/maintenance \$_____

Food and household supplies \$_____

Utilities and telephone \$_____

Clothing and laundry \$_____

Medical and dental expenses \$_____

Insurance (life, health, auto, etc.) \$_____

School and child care \$_____

Transportation, auto repair, gas \$_____

Child / spousal support \$_____

Wages withheld by court order \$_____

_____ \$_____

Debt payments paid to: (List) \$_____

_____ \$_____

_____ \$_____

Total Monthly Expenses → \$_____

*The value is the amount the item would sell for less the amount you still owe on it, if anything.

7. Are there debts or other facts explaining your financial situation?

"My **debts** include: (List debt and amount owed) _____

(If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts.") Check here if you attach another page. ☐

8. Declaration

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

☐ I cannot afford to pay court costs.

☐ I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.

My name is _____. My date of birth is : ____ / ____ / _____.

My address is _____
Street City State Zip Code Country

▶ _____ signed on ____ / ____ / ____ in _____ County, _____
Signature Month/Day/Year county name State