

Habeas Corpus - Writ of Attachment (Family Law) Research Guide

Overview

This research guide includes information and resources on Habeas Corpus/Writ of Attachment for family law cases. This is a request to the court for the quick return of a child when you have a court order stating you should have the child and the other parent refuses to return the child. 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

Texas Family Code – Ch. 157 Subchapter H: Habeas Corpus
<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.157.htm#H>

Secondary Resources in Print

Texas Family Law Practice and Procedure KFT 1294.F35

- Vol. 3, Task K1 Obtaining Writ of Habeas Corpus Compelling Return of Child

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

- Ch. 17D Writ of Habeas Corpus-Petition (includes Writ of Attachment in sample) §17D:1
- Ch. 18E Enforcing Property Division §18E:1-4 Writ of Attachment

O'Connor's Texas Family Law Handbook KFT 1294.A291 O26

- Ch. 11-D Habeas Corpus-Enforcing Possession
 - §5.4.7(2) Writ of Attachment
 - §5.5.3-5.5.4 Affidavit supporting writ of attachment & Order for issuance of writ of attachment
 - §6.3 Writ of Attachment
 - §7.1.2 Writ of Attachment

Texas Family Law Practice Manual KFT 1294.T4S7

- Vol. 2, Ch. 36 Physical Possession of Child

Texas Family Code Annotated KFT 1294.A3

- Ch. 157 Enforcement, Subchapter H: Habeas Corpus §157.371 *et seq*

Dorsaneo's Texas Litigation Guide KFT 1730.T4

- Vol. 10, Ch. 152 §152.03[5][a] Habeas Corpus generally
- Vol. 23, Ch. 372 Enforcement of SAPCR Orders Habeas Corpus §372.10, §372.60, and §372.130-372.133

CLE Materials

Advanced Family Law Drafting KFT 1294.A92

- 2021 Ch. 4 Ex Parte Drafting
- 2001 Ch. 10 Family Violence, Section IV: Ex Parte Orders, p. 5-6 (appendix has sample forms, p. 29)

Family Law 101 KFT 1294.A75 F351

- 2019 Ch. 2 What's the Emergency? TROs, Protective Orders, and Habeas Corpus

Advanced Family Law Course KFT 1294.S83

- 2000 Ch. 63 Ex-Parte Orders

Online Resources

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

Habeas Corpus-Writ of Attachment Forms (Tarrant County Law Library)

[https://www.tarrantcounty.com/content/dam/main/law-library/pdfs/Habeas Corpus Writ of Attachment Kit.pdf](https://www.tarrantcounty.com/content/dam/main/law-library/pdfs/Habeas%20Corpus%20Writ%20of%20Attachment%20Kit.pdf)

What to do When a Parent Refuses to Follow a Court Order and Return a Child (Texas Law Help)

<https://texaslawhelp.org/article/what-to-do-when-a-parent-refuses-to-follow-a-court-order-and-return-a-child>

Child Custody and Support Enforcement (TSLL)

<https://guides.sll.texas.gov/child-custody-and-support/enforcing-a-sapcr>

Children in Distress: What to Do When You Need Emergency Relief (Nacol Law Firm)

<https://www.nacollawfirmblog.com/family-law/children-in-distress-what-to-do-when-you-need-emergency-relief>

What to Do If a Parent Illegally Takes a Child (North Texas Family Lawyers)

<https://www.northtexasdivorcelawyers.com/blog/2014/july/what-to-do-if-a-parent-illegally-takes-the-child/>

Habeas Corpus and Return of Child (Busby and Associates)

<https://www.busby-lee.com/familylawblog/habeas-corpus-return-of-child-texas/>

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>