

DIVORCE CHECKLIST FOR PRO SE LITIGANTS

(designed for parties who are representing themselves in a divorce lawsuit)

Below is a checklist that you must complete before appearing in front of the Court for your divorce.

- _____ 1. You **must** have filed all necessary paperwork (including a Final Decree of Divorce) with the Clerk's office **before** you will be given a Court date for the final divorce hearing. If you are using a Waiver of Service, this document **must** have been signed by the Respondent in front of a notary public and notarized **on a date after** the Original Petition for Divorce was filed. Additionally, the Final Decree of Divorce **must** include all of the elements necessary under Texas law.

You have several options to do this:

- Contact a private attorney;
- Find information and forms online at www.tyla.org, www.texaslawhelp.org (then click on *Family Law and Domestic Violence*, and then click on *Divorce / Free Forms*) or at www.freetexasforms.org (then click on either *Divorce in Texas WITH Children* or *Divorce in Texas WITHOUT Children*); or
- Contact Texas Rio Grande Legal Aid at (888) 988-9996, or www.trla.org, to see if you qualify for representation by their attorneys;

- _____ 2. If your spouse will not sign a Waiver of Citation and you know their address, you must ask that the Clerk issue a citation pursuant to the Texas Rules of Civil Procedure Section 99. If your spouse's whereabouts are unknown and there *are no* children born of the marriage, you must ask that the Clerk issue a citation by posting pursuant to Sec. 6.409 (d) of the Texas Family Code. If your spouse's whereabouts are unknown and there *are* children born of the marriage, then you must ask the Clerk to issue citation by publication pursuant to Sec. 6.409 of the Texas Family Code. For further information regarding these forms, please see the web sites listed in number 1 above.

- _____ 3. If there were children born during this marriage who are under the age of 18 years, and the divorce is contested (not agreed to) you **must** attend a parenting class as set out in Sec. 105.009 of the Texas Family Code. The course you select must comply with the requirements set out in Sec. 105.009 of the Texas Family Code and must be approved by the Court. If you cannot afford such a course, please contact the St. Henry de Osso Family Project at (830) 278-3438, for information regarding their *Cooperative Parenting and Divorce* course which is provided on a sliding fee scale or without charge. Your certificate of completion from your parenting class **must** be filed with the Clerk's office **before** you will be given a Court date for the final divorce hearing.

- _____ 4. Pick up a form entitled *Information on Suit Affecting the Family Relationship* (Texas Department of State Health Services - Vital Statistics Form) from the Clerk's office. Fill out the form according to the instructions and either file it with the Clerk's office, or bring the form with you to Court for the final divorce hearing.

- _____ 5. If a citation issued by the Clerk was personally served on your spouse and they did not file an answer, sign the proposed decree, or if they are not going to appear in court, you will need to prepare and bring to your final hearing a Certificate of Last Known Address

and an Affidavit of Nonmilitary Status. (These forms may be found on the web sites listed in number 1 above). If your spouse was served by posting or citation by publication you will, in addition to the above, need to prepare and bring to your final hearing a Statement of the Evidence pursuant to Sec. 6.409 of the Texas Family Code. (A form for the State of the Evidence may be found at the web sites listed in number 1 above).

- _____ 5. You will not be able to get a divorce if (a) 60 days have not elapsed from the date the lawsuit was filed (unless family violence is involved pursuant to § 6.702(c) of the Texas Family Code), (b) the Wife is pregnant, (c) either party parented a child with someone other than the other spouse during the marriage (unless that third-party is made a party to the divorce suit and is addressed in the decree), and/or (d) a child has been the subject of a prior Court order (unless the prior Court case has been transferred to the divorce Court, or consolidated with the divorce case). **If you have a case with the Attorney General concerning the child(ren) in this divorce, you must give their office a file-stamped copy of the Petition For Divorce as soon as you file it. You must also bring a certified copy of the Attorney General order concerning the child(ren) in this divorce with you to the final hearing.**
- _____ 5. **Only after** you have completed all of the above should you call the 38th District Court at (830) 278-3913 if your case is filed in Uvalde or Real Counties, or the Medina County Court at Law at 830-741-6060 if your case is filed in Medina County, to schedule a Court date for the final divorce hearing.

FOR CASES FILED IN THE MEDINA COUNTY COURT AT LAW

The Medina County Court at Law requires that you provide a Final Decree of Divorce prepared by a licensed attorney or using the most current form on the texaslawhelp.org website