

DIVORCE CHECKLIST FOR SELF-REPRESENTED LITIGANTS

PLEASE NOTE: The Courthouse Staff CANNOT give you Legal Advice. If it feels as though you cannot get helpful answers to your questions from the Courthouse Staff it is because we cannot give recommendations or legal advice that would assist one side of the case over the other.

You have options to obtain all required paperwork:

- Contact a private attorney;
- Contact Legal Aid of Northwest Texas, 10 Desta Drive, Suite 675E, Midland, Texas 79705, 432.686.0647, to see if you qualify for representation by their attorneys;
- Find information and forms online visit: www.texaslawhelp.org

___ 1. If you are filing 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 Petition for Divorce was filed. If you have a case with the Attorney General concerning the child(ren) in this divorce, you must serve a file-stamped copy of the Petition For Divorce to the Attorney General's office as soon as you file the petition.

___ 2. You will **not** be able to get a divorce if:

- (a) 60 days have not passed from the date your petition for divorce was filed (*unless family violence is involved pursuant to Section 6.702(c), Texas Family Code*);
- (b) The wife is pregnant at the time of the divorce hearing,
- (c) Either party parented a child with someone other than the other spouse during the marriage; or
- (d) A child has been the subject of a prior court order.

If your case is affected by the circumstances outlined in **(b), (c), or (d)**, there are several additional legal steps which must be taken before the Court can hear your divorce. If these circumstances apply to you, you are strongly encouraged to contact an attorney of your choice or Legal Aid of Northwest Texas to address these issues.

___ 3. If your spouse will not sign a Waiver of Service and you know your spouse's address, you **MUST** ask the District Clerk's Office to issue a citation pursuant to the Texas Rules of Civil Procedure. If your spouse's whereabouts are unknown and there are **no** children born of the marriage, you may ask that the Clerk issue a **Citation by Posting** pursuant to Section 6.409(d), Texas Family Code. If your spouse's whereabouts are unknown and there **are** children born of the marriage, then you may ask the Clerk to issue **Citation by Publication** pursuant to Sections 6.409 and 102.010, Texas Family Code. Each method of service described requires the filing of an appropriate **Affidavit** before **Citation** can be issued. For further information regarding these forms, please visit the website listed above.

___ 4. If a **Citation** issued by the District Clerk was personally served on your spouse and your spouse (1) did not file an answer or response; (2) did not sign the proposed decree; or (3) is 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 Non-military Status**. These forms may be found on the website listed above.

- Please contact the Court to verify return of service
- If a Citation has not been served yet check back or contact the Sheriff's department/private process server directly
- If the Citation is returned unserved after multiple attempts, you can file a **Motion for Alternative Service** with an **Affidavit** describing all of the efforts that have been made to serve the other party

___ 5. If your spouse was served by Posting or by Publication, in addition to the requirements specified in number 3 above, you will need to prepare and bring to your final divorce hearing a **Statement of the Evidence**. A form for the Statement of the Evidence may be found at the website listed above.

___ 6. **If there are children** born during this marriage who are under the age of 18 years, you and your spouse must attend a **Parent Education and Family Stabilization** class as required by Rule 5.2 of the Local Rules of Midland County, Texas. Your certificate of completion from your class must be filed with the District Clerk before your final divorce hearing.

- Court approved Parent Education classes are: www.parentclassonline.com and www.onlineparentingprograms.com

___ 7. **Prior to** the final hearing, pick up a form entitled *Information on Suit Affecting the Family Relationship* (Texas Department of State Health Services-Vital Statistics Form) from the website listed above. Fill out the form according to the instructions and bring the form with you to Court for the final divorce hearing. Any prior Court Orders involving the children named in the Petition for Divorce must be brought with you to your Court Hearing.

___ 8. Once you have prepared and signed appropriately the **FINAL DECREE OF DIVORCE**, please submit to the Midland County District Clerk's office, located on the 3rd floor of the Midland County Courthouse.

- If there are children involved, you **MUST** complete the **FINAL DECREE OF DIVORCE** that includes language for **DENTAL SUPPORT**. Absent extraordinary circumstances, the Court will expect to order dental support.

___ 9. The Court will contact you to schedule your hearing once your file has been reviewed successfully.

___ 10. If you will be needing an Interpreter for your final hearing, please contact the Court Coordinator at 432-688-4390 and request one before you appear for your scheduled Court date.