

PRO SE **DIVORCE HANDBOOK**

“Representing Yourself in Family Court”



Produced As A Public Service By
The Texas Young Lawyers Association
2002-2003

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Last Updated: December 2005

IMPORTANT INFORMATION – PLEASE READ THIS FIRST –

IN THE EVENT YOU OR ANY MEMBER OF YOUR FAMILY IS THE VICTIM OF DOMESTIC VIOLENCE, YOU SHOULD IMMEDIATELY CONTACT 1 (800) 799-SAFE (1-800-799-7233).

YOU SHOULD ALSO CONTACT A PRIVATE ATTORNEY OR YOUR LOCAL LEGAL AID PROVIDER BEFORE FILING FOR DIVORCE. THIS HANDBOOK AND THE PRO SE DIVORCE PROCESS MAY NOT BE APPROPRIATE FOR A DIVORCE WHERE DOMESTIC VIOLENCE IS INVOLVED. DOMESTIC VIOLENCE CAN INCLUDE PHYSICAL, MENTAL, EMOTIONAL AND VERBAL ABUSE.

The Texas Family Code (Section 71.004) defines Family Violence as: *(1) An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault or sexual assault, but does not include defensive measures to protect oneself; (2) Abuse by a member of a family or household toward a child of the family or household; or (3) Dating violence (as defined by Texas Family Code Section 71.0021.)*

The Texas Council of Family Violence defines Battering (or Abuse) as: *A pattern of coercive control that one person exercises over another. Battering is a behavior that physically harms, arouses fear, prevents a woman from doing what she wishes or forces her to behave in ways she does not want. Battering includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation.*

TABLE OF CONTENTS

INTRODUCTION	1
THINGS TO KNOW BEFORE YOU GET STARTED	1
MARITAL PROPERTY	2
Presumption of Community Property	2
Separate Property	2
Division of Community Property	3
ISSUES CONCERNING CHILDREN	3
Parenting Plan and Parenting Coordinator.....	3
Child Custody	3
Supervised Visitation.....	4
The Right to Decide Where a Child will Live.....	4
Standard Possession Order	4
Establishing Child Support	5
Employer's Order to Withhold.....	5
Modifying Child Support.....	5
GETTING STARTED	6
Filing the Petition	6
Notifying Your Spouse	6
The Answer.....	7
The Waiting Period.....	8
CONCLUDING DIVORCE PROCEEDINGS	8
Timing Issues	8
Final Decree of Divorce	9
The Day of the Divorce	9
REVIEWING THE UNCONTESTED DIVORCE PROCESS	10
HELPFUL TIPS	15
COMMON WORDS IN A TEXAS DIVORCE	15
HELPFUL PHONE NUMBERS AND OTHER RESOURCES	20
Directory of District Courts in Texas	20
Office of the Attorney General.....	29
Texas County Websites.....	29
Legal Aid Offices.....	33
Lawyer Referral Services	34
Miscellaneous Resources.....	34
Internet Resources.....	34

SAMPLE FORMS.....37
Appendix A – Sample Original Petition for Divorce37
Appendix B – Sample Affidavit of Inability to Pay Costs45
Appendix C – Sample Waiver of Service49
Appendix D – Sample Final Decree of Divorce.....53
Appendix E – Sample Prove Up Questions for Uncontested
Divorce Without Children.....73
Appendix F – Sample Prove Up Questions for Uncontested
Divorce With Children.....75

PRO SE DIVORCE HANDBOOK

“REPRESENTING YOURSELF IN FAMILY COURT”

The following information is not legal advice and is not a substitute for legal representation by an attorney. Be aware that Pro Se litigants must follow the same rules as those represented by attorneys.

Divorce is more than an emotional event; it is also a legal proceeding. Failing to protect your rights during a divorce, as with any legal matter, can have serious, long-term consequences. The most common issues resolved in a divorce include division of community property (and debt), determination of parental rights, and child support.

This handbook provides a general introduction to representing yourself in a simple (uncontested) divorce. Although you have the legal right to represent yourself in any court proceeding, the process can be quite complex and, if at all possible, it is recommended that you have an attorney represent your interests, especially if domestic violence, child custody or large amounts of property are involved.

A “Pro Se” Litigant is a person who appears on his or her own behalf in court, without a lawyer. Whether you are Pro Se or represented by an attorney, there are specific rules and deadlines that you will be expected to follow. Some of these rules and deadlines will be addressed in this handbook. However, should you choose to represent yourself, you will also need to consult all relevant and current law, including the current version of the Texas Rules of Civil Procedure, the Texas Civil Practice and Remedies Code, the Texas Family Code, and the local rules for the county in which your divorce is pending. You can visit your county law library in your county courthouse, or go online at www.capitol.state.tx.us to find these resources.

THINGS TO KNOW BEFORE YOU GET STARTED

Always keep in mind that a divorce is a legal proceeding, and that at some point during a divorce proceeding, you will most likely have to appear in court. Although courtrooms are very formal places with their own rules for how people are to conduct themselves, there is no need to be afraid of going to court or addressing the judge. A few simple rules regarding manners should get you through your experience:

1. Always Dress Nicely.

There is no need to purchase new clothes to appear in court. However, everything you wear should be clean and well ironed.

Men should wear pants and a shirt with a collar. If you have them available, a suit, jacket or tie always look good.

Women should wear a dress, skirt or pants that are not too tight, too short or low cut.

Never wear shorts, t-shirts, sandals, sunglasses, a hat or excessive make-up or jewelry to court.

2. Behavior.

All persons are expected to act their very best in the courtroom.

When speaking in court, speak clearly, politely, and loud enough to be heard by the Judge and the court reporter. If the court reporter is making a transcript, all responses must be verbal (e.g., not by a nodding or shaking of the head).

Never interrupt anyone, especially the Judge.

When addressing the Judge, refer to him or her as “Your Honor.”

When addressing or referring to anyone else, refer to him or her as “Mr.,” “Mrs.,” or “Ms.”

If the Judge asks you a question, always begin or end your answer with “Sir,” “Ma’am,” or “Your Honor.”

Never read anything in court except court documents.

Never eat, drink or chew gum in court.

Finally, turn off all noise-making items such as cell phones or pagers. If you must keep such items turned on, switch the item to the silent mode.

3. Friends and Family.

Although you may want the support of your family or friends, you generally should not bring children to court. Children are often not permitted in court because they can be distracting to you, the Judge and other parties in the courtroom.

MARITAL PROPERTY

Presumption of Community Property. Texas is a “community property” state. In other words, all property owned by married persons on the dissolution of a marriage, whether by death or divorce, is presumed to be the property of both the husband and the wife. Likewise, any debts incurred during marriage are presumed to be community debt. This means that the debts are presumed to be owed by both the husband and the wife. Like community property, community debt must also be divided in a divorce.

The presumption of community property may only be overcome by clear and convincing evidence that certain property is separate, rather than community property. This is generally done by tracing and clearly identifying property as separate property at the “inception of title,” or the moment when the property was first acquired.

Separate Property. Generally speaking, property acquired before a marriage and property acquired during marriage through gift or inheritance, or with funds that were themselves separate property, is separate property. Also, married persons may agree to

“partition” community property, in which case, that property becomes each person’s separate property.

Division of Community Property. Community property and community debt are supposed to be divided in a manner that the court “deems just and right, having due regard for the rights of each party and any children of the marriage.” This does not mean that community property or debt must necessarily be equally divided, and it often will not be. The judge dividing community property and debt may consider many factors, such as the size of your and your spouse’s separate estates, and any fault in causing the divorce.

Community property cannot always be easily divided. Take for example the situation where two people own a home and want to get divorced. The easiest solution would be for the Judge to order the parties to sell the house and divide the proceeds. However, now add children to the picture. The judge will often order that the spouse with whom the children will live be permitted to remain in the house with the children to permit the children to continue living in their home and upset their lives as little as possible. However, this does not mean that the other spouse loses his or her community interest in the house. The Judge may order that the house be sold and the proceeds divided after the youngest of the children reaches the age of eighteen. Another remedy may be to award full ownership of the house to the spouse with whom the children will reside, but give the other spouse the full interest in some other community property, such as a ranch, vacation home, savings account or a retirement account.

As you can see from the example above, many factors go into a judge’s decision regarding the division of community property.

ISSUES CONCERNING CHILDREN

Parenting Plan. In 2005, the Texas Legislature began requiring the addition of a “Parenting Plan” in the Final Decree of Divorce. The Parenting Plan includes the conservatorship rights of the parents, the visitation schedule, the child support, and also provides for other issues that may affect the child in order to minimize the risk of future disagreements.

Parenting Coordinator. Another creation of the 2005 Texas Legislature is the “Parenting Coordinator.” In a Suit Affecting the Parent-Child Relationship (such as a divorce or custody or child support law suit), the court may appoint someone known as the Parenting Coordinator. It is the job of this coordinator to meet with the parents and to assist them in reaching agreements regarding their children.

Child Custody. The court that handles a divorce proceeding also determines who shall have custody of any children from the marriage. The term “custody,” in a divorce, often serves as shorthand for “who gets the children.” The vast majority of parents are awarded “joint custody” in a divorce, meaning that all rights and duties concerning the children are shared. In every case, however, the court must ultimately decide what custody arrangement is in the children’s best interest. The legal term for joint custody is

Joint Managing Conservatorship, and this arrangement is presumed to be in the best interests of the children of the marriage. However, even in the joint custody situation, the court must designate one parent who has the authority to determine the location of the children's primary residence. This parent is called the Primary Joint Managing Conservator and also referred to as the "custodial parent," because most Primary Joint Managing Conservators will decide that the children's primary residence is in that parent's home. The other parent is called the "Possessory Conservator," because that parent has the right to possession of the children at certain times, and is commonly referred to as the "non-custodial parent." Aside from the decision regarding the location of the children's primary residence, most other major parenting decisions are shared between the Primary and the Possessory Conservator. The presumption under the law is that Joint Managing Conservatorship is in the best interest of the children.

In rare circumstances, one parent may be appointed as the Sole Managing Conservator. In this case, the other parent is still referred to as the Possessory Conservator. Generally, this occurs only if: (1) the other parent has been absent from the children's lives; (2) there is a history of physical, psychological, or sexual abuse or neglect by other parent; or (3) there is a history of extreme conflict between the parents over educational, medical, or religious values. However, this does not mean that the other parent loses his or her right to visit with the children. The only rights a Sole Managing Conservator has over a Primary Joint Managing Conservator relate to the sole right to make certain decisions regarding the children's lives, such as educational and health matters.

Other legal custody arrangements that can be ordered at divorce include split custody, in which one or more children live with one parent while the remaining children live with the other parent, and divided custody, also referred to as alternating custody. This form of custody allows each parent to have the child for alternating blocks of time, often every year or two years, with equal visitation rights. Such legal arrangements are much less common. Judges are reluctant to order split custody, in particular, because of a firm belief that children should not be separated from their brothers and/or sisters.

Supervised Visitation. If there has been a history of abuse or neglect, the court may require that any visitation by the abusive or neglectful parent be supervised.

The Right to Decide Where a Child will Live. As discussed above, only one parent may have the right to establish the primary residency of the children. This location is often stated in the Final Decree of Divorce. Sometimes, a court will place limits on where the children's residence may be located. For example, courts will often order that the children's residence not be located outside of the county where the children resided prior to the divorce if both parents still reside in the same county.

Standard Possession Order. Visitation arrangements can have many variations. In fact, parents may agree to almost any arrangements regarding child custody. However, if parents cannot agree, child custody will generally follow a schedule developed by the Texas Legislature that is designed to be fair and workable for both parents in most circumstances. In general, the Standard Possession Order ("SPO") provides

that the noncustodial parent is granted visitation of the child beginning at 6:00 p.m. every first, third and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday, as well as every Thursday evening, from 6:00 p.m. to 8:00 p.m. All holidays, including Thanksgiving, Christmas (winter) and spring break are divided between the parents, giving one parent the right to spend a particular holiday with the child every other year. The SPO also provides for the noncustodial parent to have thirty days with the child during the summer, or forty-two if the child lives more than 100 miles away from that parent.

Establishing Child Support. As noted above, the Primary Joint Managing Conservator, or the custodial parent generally has the right to receive child support on behalf of the child. The amount of support owed by the Possessory Conservator, or non-custodial parent will depend on the income of the non-custodial parent, as well as the number of children for whom the non-custodial parent has a duty to support (both from the marriage at issue as well as any other children). If there is only one child of the marriage and no children outside the marriage, child support will be set at 20% of the non-custodial parent's net income (after FICA, Social Security, and Medicare have been taken out). If there are two children, the child support will be set at 25% of the net income. If there are three children, child support will be set at 30% of the net income, and it will increase at 5% increments thereafter. No parent however, may be required to pay more than 50% of his or her net earnings to fulfill all of his or her child support obligations. These percentages are adjusted slightly when the non-custodial parent has other children from outside the marriage for whom the non-custodial parent must also pay child support. Also, factors such as whether the non-custodial parent is intentionally unemployed, or underemployed (not earning as much as he or she is capable) will be considered by the court. Finally, although child support is discussed in this manual within the scope of a divorce proceeding, a custodial parent, whether named as Primary Joint Managing Conservator, or Sole Managing Conservator need not have ever been married to the non-custodial parent to receive child support.

Employer's Order to Withhold. Many Texas courts require that an Employer's Order to Withhold be signed at the time that a divorce with children is finalized. An Employer's Order to Withhold orders the employer of the non-custodial parent to take the child support owed directly from the non-custodial parent's paycheck. Although it may take a few weeks to get the process started, once it is up and running, the Employer's Order to Withhold often makes the process of paying child support smooth and simple. All child support payments are then sent by the employer to a central processing center where the checks are processed and submitted to the parent to whom the support is owed.

Modifying Child Support. In order to request a change, the parent who is requesting the modification must file a Petition to Modify, in which he or she seeks modification of the Final Decree of Divorce. Unless there is a material and substantial change in circumstances, such as the non-custodial parent getting a really big raise, or the child suddenly requires additional support due to illness, child support may generally only be modified every three years, and then, only if the amount of the child support payment would increase or decrease by 20% or \$100.00.

GETTING STARTED

Filing the Petition: The spouse who files for divorce is called the Petitioner. The other spouse is called the Respondent. The first decision to be made is where to file for divorce. To file for a divorce in Texas: (i) you and/or your spouse must have lived in Texas for at least six months before filing for divorce; and (ii) you must file in the county in which either you or your spouse has lived for at least ninety days. A sample divorce petition (called an “*Original Petition for Divorce*”) is attached to this manual as Appendix “A.”

Although most divorces in Texas are “no-fault,” sometimes, parties will plead grounds such as cruelty or adultery in order to gain a tactical advantage, especially when one person is seeking an unequal division of the community estate. You should take extreme caution when pleading specific grounds for divorce, however. The Texas Family Code permits the court to strike certain types of inflammatory remarks or detailed allegations of marital misconduct from a petition for divorce. The specifics of such matters should not be set forth in detail in the petition. In other words, to plead the ground of adultery, you should say “Petitioner requests a divorce on the grounds that Respondent has committed multiple acts of adultery” rather than “Petitioner requests a divorce from Respondent because Respondent has repeatedly cheated on Petitioner with the next door neighbor.”

The Original Petition For Divorce (the “Petition”), along with two extra copies, and the appropriate filing fee, should be filed by hand delivery, or mail, with the District Clerk’s office in the appropriate county. The clerk will date stamp and file the original, and will date stamp the copies to show the date and time the Petition was filed. The original will be assigned a “cause number” that will be listed at the top of the Petition, and one copy will be returned to you. If you choose to mail the Petition, included a self-addressed and stamped envelope for the clerk to return your copy to you. The third copy will be used to notify the Respondent of the divorce proceeding. There is no cost for file stamping of extra copies. However, there is a fee if the clerk later has to make a copy for you from the court’s file. At the time of filing, you will also be required to pay a filing fee. Filing fees vary from county to county and you should call ahead to determine the filing fee for your case. If you cannot afford the filing fee, you must file an Affidavit of Inability to Pay Court Costs, which you must sign in the presence of a notary public, at the same time you file your Petition. If the Judge accepts your Affidavit of Inability to Pay Court Costs, your filing fee and other court costs will be waived. A sample form of the Affidavit of Inability to Pay Costs is attached as Appendix “B.”

Notifying Your Spouse: The second step is to legally notify your soon to be ex-spouse (the “Respondent”) of the Petition for divorce. You must serve the Respondent in one of the following ways: (1) have the Respondent sign a waiver of citation; (2) hire a private process server or a county constable to personally serve the Respondent with a “citation,” which is formal notice of the filing of the Petition for divorce prepared by the District Clerk; or (3) if, after a diligent search, you cannot locate the address of the Respondent, you may request that the court order that Respondent be served by publication or posting.

The first and easiest method of legal notice to the Respondent is through a Waiver of Service. A Waiver is only valid if it is signed by the Respondent *after* the Petition for divorce has been filed with the court and the Respondent has been provided with a file-stamped copy of the Petition. Once the waiver has been signed by the Respondent, the waiver should be filed with the Court. Make a copy of the Waiver. Take the Waiver and the copy to the District Clerk's office. Tell the clerk you would like to file the Waiver. The clerk will file stamp the original and the copy. She will then keep the original and return the copy to you for your records. The Waiver must be on file a minimum of 10 days before a divorce can be finalized. A sample form of Waiver of Service is attached to this manual as Appendix "C."

The second way to provide legal notice to the Respondent is to personally serve the Respondent with the citation. This will generally involve some type of fee. To accomplish personal service, you will need to provide to the District Clerk the address where you believe the Respondent may be served and request that a citation be issued. The District Clerk will then issue a citation and forward a copy of your Petition to the Constable or Sheriff in the county where the Respondent will be served. If the Respondent will be served in a different county or if you would like to have the Respondent served by an authorized private process server, the District Clerk will return the citation to you. It is then your responsibility to deliver the citation to the appropriate process server. Personal service is considered complete when the process server hands the citation to the Respondent. The process server, whether a sheriff, constable or private process server, must file an affidavit with the Court stating he or she served the citation and Petition on the Respondent. If an Affidavit of Inability is on file with the Court, the Sheriff or Constable may waive their fee. However, a private process server will not normally waive his fees even if you have an Affidavit of Inability on file with the court. The benefit of a private process server is that he or she will try to serve the Respondent at any place and time you believe the Respondent can be found while a Sheriff or Constable may only attempt service at certain times of the day and week.

The third method of notifying the Respondent of the Petition for divorce is by posting or publication. This method requires a Court order and should only be used if you have tried everything possible and cannot locate the Respondent. Service by posting is done usually when no children or property are involved in a divorce. To obtain service by posting, you must request that the District Clerk post the citation at the courthouse. After a certain amount of time has passed, the clerk will notify the court that service by posting has been completed. Service by publication is done in the newspaper in the city where the Respondent was last known to have resided. To obtain service by publication, request that the District Clerk issue publication in the particular newspaper authorized by the Court. You will be responsible for any fees charged by the newspaper. Once the publication is complete, you must file proof of the publication with the District Clerk's office.

The Answer: Once the Respondent has been notified of the Petition for Divorce, whether through Waiver of Service, Personal Service of Citation, or publication, the Respondent's deadline to file an answer is the Monday following 20 days after date the Respondent is served. However, in a divorce, an Answer is still considered valid as long

as it is filed before the divorce is final. Once the Respondent files an Answer, he or she is entitled to receive notice of all court hearings and to be present in court for any proceedings in the case. If the Respondent does not file an Answer, it is possible for you to move forward with the divorce without notice to the Respondent until after the case is final.

Middle of the Case (the “Waiting Period”). A Court cannot grant a divorce until the Petition for divorce has been pending for at least sixty days. This time period begins to run on the date the Petition is filed with the Court. This “waiting period” serves many purposes. Sometimes it permits the parties to “cool-down” and possibly reconcile. Generally, however, it is hoped that the parties will use this time to reach an agreement regarding the specifics of their pending divorce. Reaching an agreement with your soon-to-be ex-spouse during the waiting period can prevent an outside party (usually a judge) from making decisions regarding your life, property and relationship with your children.

After a Petition for divorce has been filed, the Court, on its own motion, or the motion of either party, after notice and a hearing, may grant temporary orders. Temporary orders set out the “ground rules” for the parties’ conduct during the waiting period with regard to such matters as the preservation of property, the protection of both parties, and issues pertaining to the children such as child support and visitation.

If the Respondent files an Answer or makes a court appearance, negotiations may be necessary to reach a final settlement. The Courts require or encourage parties to try to reach agreement. A common dispute resolution method is called mediation. Mediation is a non-binding, confidential process that may be done at any time during the divorce proceedings and the cost is paid by the parties. The mediator is a neutral third party either appointed by the court or selected by the parties by agreement. The mediator meets separately with the parties and tries to assist in finding a common ground solution acceptable to both parties. Mediation does not require a resolution or a settlement, but if a settlement is reached, the agreement is then usually considered binding.

If a settlement cannot be reached, the issues will then be presented to the judge or a jury (if timely requested and the jury fee paid) at the final hearing. If a final hearing is necessary, you should request the court clerk to schedule a final trial date for your case. Some courts require that a request for final hearing be in writing. The law requires the opposing party be given at least forty-five days’ notice prior to a final trial. However, an earlier date may be scheduled if the Court is available and if all parties agree.

CONCLUDING DIVORCE PROCEEDINGS

Timing Issues: You may set your case for a final hearing any time after the sixty day waiting period ends. A final hearing may consist of a jury trial, if requested, or a bench trial (where the judge acts as the jury). Or, if you and the Respondent are in complete agreement and have reduced your agreement to writing, the final hearing can be as simple as answering a few questions and having the judge enter the agreement into the Court’s records.

Final Decree of Divorce. The Final Decree of Divorce, whether reached by agreement, or decided by the judge, or a jury, should dispose of all issues outstanding in the divorce. Generally, this means that the decree should provide for the division of all community property and all community debt, set forth all matters of child custody and provide for the amount and frequency of child support payments. A Final Decree of Divorce may also provide for the name change of either party to a name previously used. This generally means that the wife may use the Final Decree of Divorce to change her last name back to her maiden name or any other name, so long as it was previously used. You may not use a Final Decree of Divorce to change your name to a brand new name. This requires a separate proceeding. Some courts require that a Pro Se litigant submit his or her draft of the Final Decree of Divorce and receive approval of the decree before appearing in court for the final hearing. The court administrator may be able to tell you whether this is required. A sample form of Final Decree of Divorce is attached to this manual as Appendix “D.”

The Day of the Divorce. A simple, uncontested divorce may be concluded when you appear before the judge and give evidence and testimony as to the terms of your divorce. This proceeding is sometimes called the “prove-up.” Sample prove up scripts are attached to this manual Appendices “E” and “F.” However, if your divorce involves contested issues, such as division of property or child custody issues, this simple transcript will not work, and you should consider hiring a lawyer.

You should call the court to find out when the judge hears uncontested divorces, and whether an appointment is required. Also find out whether the judge requires you to retrieve the official court file from the clerk’s office on the day of the hearing and to bring it to the courtroom with you. On the day of final hearing, you should bring the original Final Decree of Divorce, the Employer’s Withholding Order if child support is an issue, and proof of service on the Respondent, or a file-stamped copy of a Waiver of Service, showing that the Waiver of Service has been on file for at least 10 days before the final hearing, as well as three copies of each document. When the judge calls your case (remember your proper courtroom etiquette), approach the judge, hand him or her the original Final Decree of Divorce and any other documents you have brought with you. Then read the prove-up script as it applies to your situation. The judge may then ask you some questions. If the judge approves the divorce, he or she will tell you that the divorce is granted and will sign the Final Decree of Divorce and any other appropriate orders. The judge will return the court’s file to you. You will then take the court file and the extra copies of the Final Decree of Divorce and any other documents, to the judge’s court administrator. The administrator will “conform” the copies (stamp the judge’s signature on the copies) and return the copies to you. You must leave the court file with the administrator. It is your duty to send one set of copies of the final documents to the Respondent.

Your divorce is considered final as soon as the judge signs and dates the Final Decree of Divorce. Because you and the Respondent have thirty days to appeal the judge’s decision, neither you, nor the Respondent may re-marry again until that thirty day period has passed.

REVIEWING THE UNCONTESTED DIVORCE PROCESS:

The following is a simplified summary of the uncontested divorce process. Figures 1-5 present a flow chart depicting the process graphically.

1. Starting the Divorce
 - a. Prepare your Original Petition for Divorce
 - b. File your Petition with the District Clerk's Office.
 - c. Give your spouse legal notice of the divorce, by using either:
 - (1) Service of Citation; or
 - (2) Waiver of Citation; or
 - (3) Service by Publication or Posting
2. Responding to the Divorce
 - a. Your spouse may file an Answer
 - b. Your spouse may file other court documents or request court hearings
3. Waiting Period
 - a. Wait the mandatory 60 days after your Petition is filed
 - b. A Temporary Hearing and/or Temporary orders may occur during this time
 - c. Negotiation and/or Mediation may occur during this time
 - d. The court may require parenting classes if children are involved in the divorce
4. Finalizing Your Divorce
 - a. Prepare your Final Decree of Divorce
 - b. Schedule your divorce for a final hearing, either
 - (1) on the uncontested court docket
 - (a) if you and your spouse have reached an agreement, or
 - (b) if your spouse has not filed an Answer or otherwise made a court appearance in the divorce
 - (2) on the contested court docket
 - (a) if you do not have an agreement and your spouse has filed an Answer or made a court appearance.
 - (b) give your spouse written notice of the date, time and location of the trial (contested court hearing) date.
 - c. Finalize your divorce in the presence of the Judge at the court hearing.
 - d. If your divorce includes child support, set up the child support account and issue the child support withholding order pursuant to the directions of your local district clerk's office.
 - e. Make sure either you or the court provides a copy of the Court Orders to your ex-spouse.

FIGURE 1
Overview of Uncontested Divorce Process

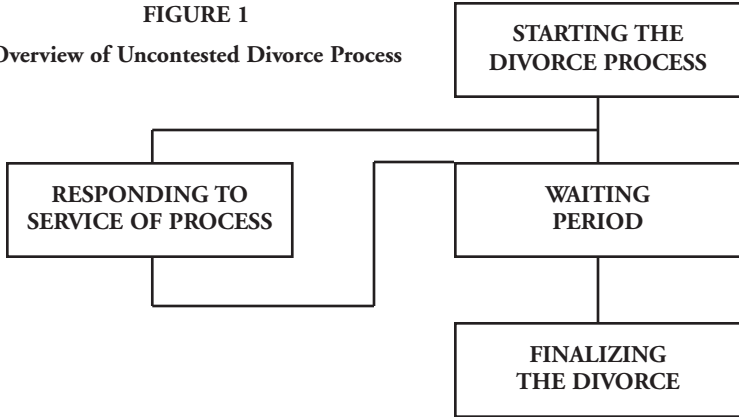


FIGURE 2

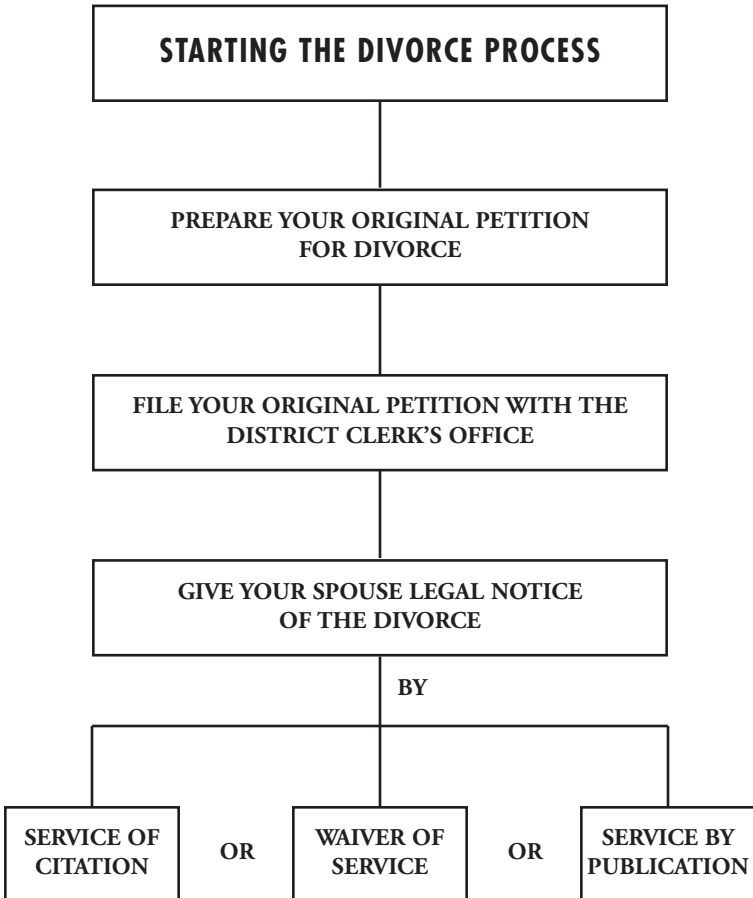


FIGURE 3

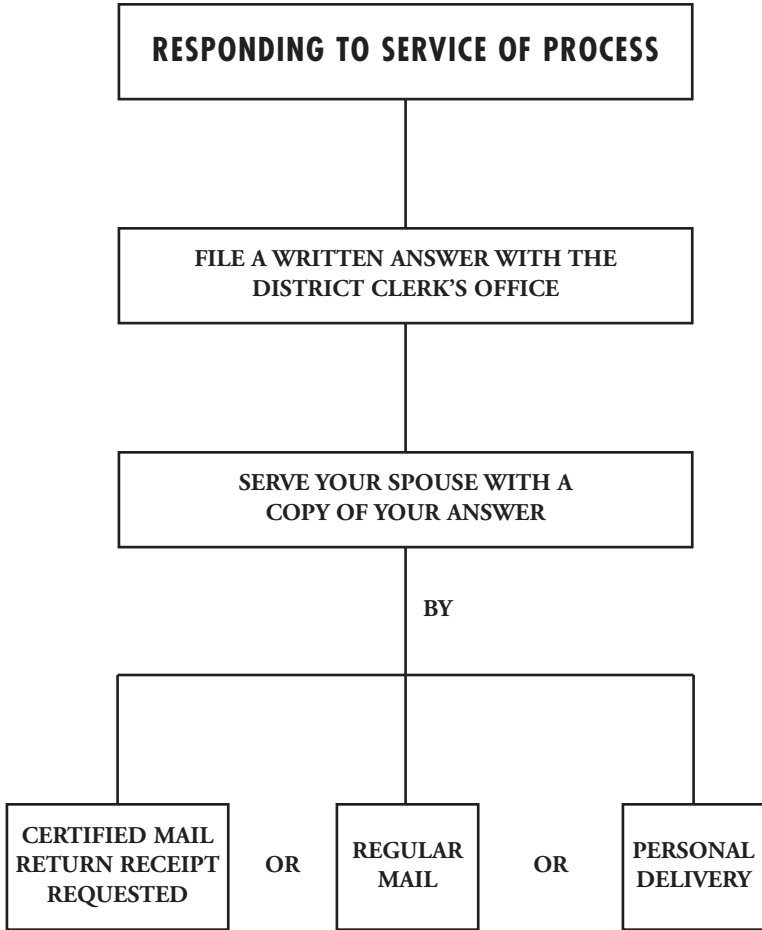
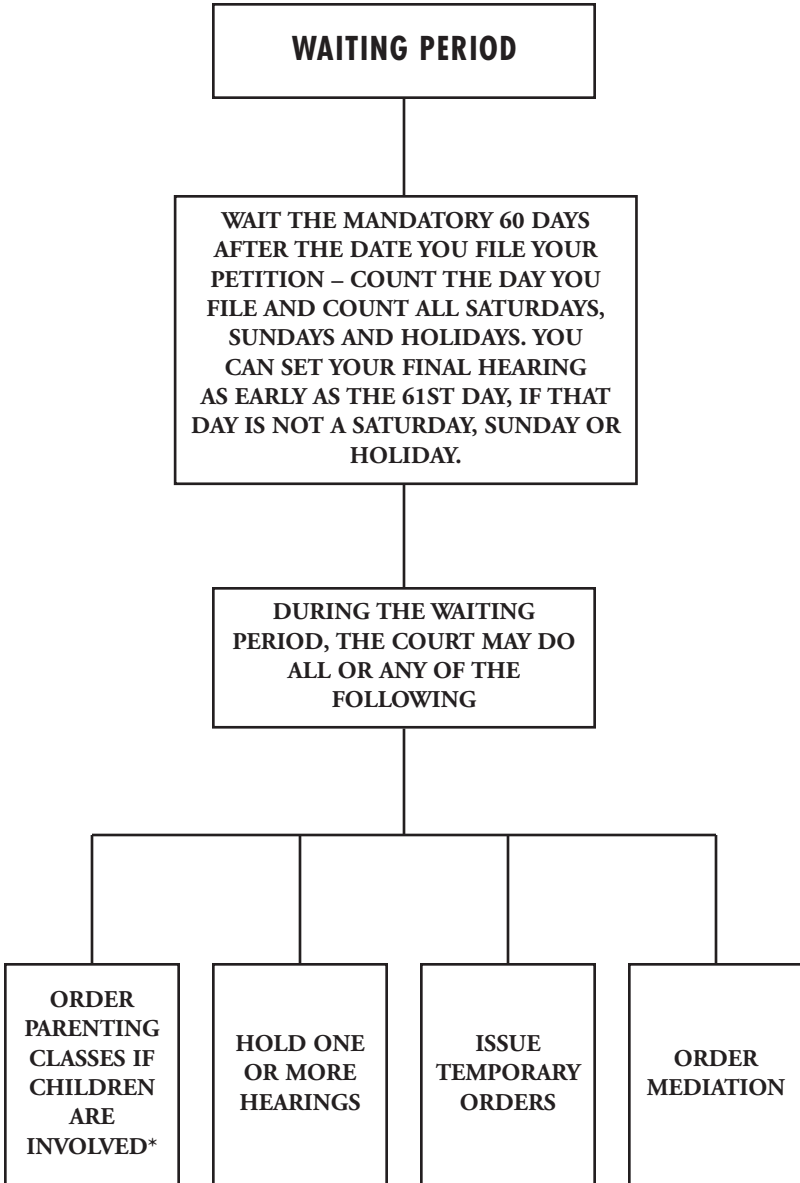
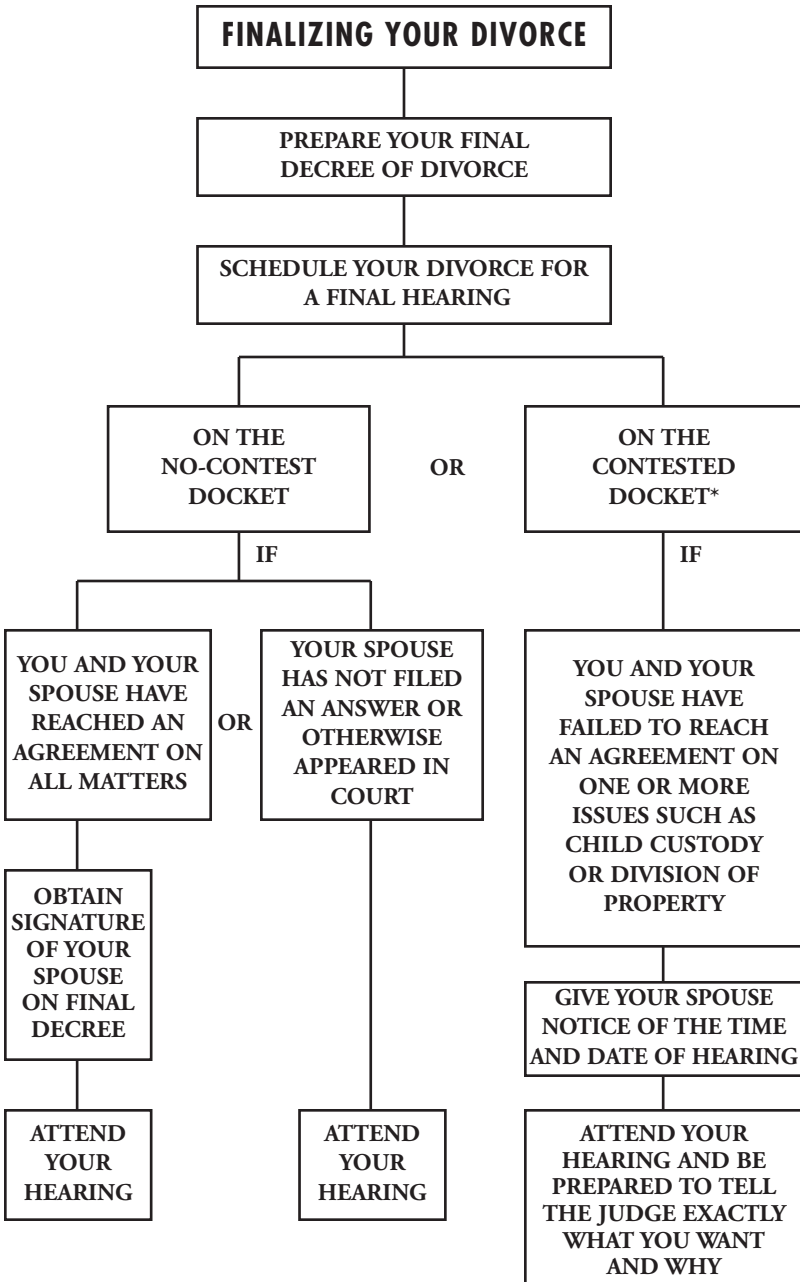


FIGURE 4



****WE RECOMMEND THAT YOU SEEK THE ADVICE OF A LAWYER IF DISPUTES REGARDING CHILD CUSTODY ARE INVOLVED.***

FIGURE 5



WE RECOMMEND THAT YOU SEEK THE ADVICE OF A LAWYER FOR CONTESTED ISSUES.

HELPFUL TIPS:

1. Always write down the date and name of the person you talk with at the courthouse and the information given to you.
2. Mail important documents by certified mail and ask for a return receipt so you will have proof that you mailed the document and it was received.
3. Keep all documents related to the divorce in one place such as an envelope, folder, or binder.
4. When filing documents with the court, always include the full court docket number, court number and case name on the document.
5. Always keep a copy of every document for yourself. Do not give away your only copy.

COMMON WORDS IN A TEXAS DIVORCE

ADR Statement – Alternative Dispute Resolution Statement. A written statement to the court that you will try to resolve the issues in the divorce between you and your spouse before asking the Judge to make a decision. This document was previously required to be attached to the divorce petition.

Affidavit of Inability to Pay Court Costs – A sworn statement of your income, assets and expenses.

Alternate payee – A spouse, former spouse, child, or other dependent of a member or retiree who is recognized by a domestic relations order as having a right to receive all or a portion of the benefits payable by a retirement system with respect to such member or retiree.

Amicus Attorney – An Attorney appointed by the court to represent the best interest of the child.

Arrearage – Money that was court ordered to be paid and is overdue and unpaid.

Attorney Ad Litem – An Attorney appointed by the court to represent the wishes of the child as he would for an adult client. The rules of confidentiality and undivided loyalty apply.

Arrearage – Money that was court ordered to be paid and is overdue and unpaid.

Binding Agreement – An agreement between the parties that is signed by both of them, and is often also filed with the court. It is enforceable as a contract and the Judge may decide to make the agreement enforceable as a court order.

Child Support – Money paid by a parent to help the other parent support the child.

Community Property – Property owned by either party during the marriage.

Community Debt – Debts that occurred during the marriage.

Collaborative Law – A method of alternative dispute resolution where all parties agree to resolve their disagreements without going to court. Each person hires his or her own attorney and everyone works together in a series of meetings to reach an agreement.

Conservatorship – A court order deciding where a child will live and the rights each parent will have to make decisions regarding the child. Also known as “custody.”

Court Clerk – The person who works for the Judge assigned to your case. He/she receives court papers and assigns hearing dates.

Court Reporter – Types and/or records a record of everything said during a court hearing. The court reporter will prepare a written record if requested for a fee.

Custodial Parent (Sole or Joint Managing Conservator) – The parent who has the legal right to determine the primary residence of the child.

Decree – Also known as Final Decree of Divorce. The legal document signed by the Judge that grants the divorce and describes the specific terms of the divorce.

District Clerk – Maintains the official court records for the county. The district clerk’s office receives all court papers and keeps the divorce files.

Divorce – The legal end of the marriage relationship.

Docket Number – The number given to your case by the district clerk’s office that specifically identifies your case.

Domestic Relations Order – Any judgment, decree, or order, including approval of a property settlement agreement, which relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a member or retiree, and is made pursuant to a domestic relations law, including a community property law of the State of Texas or of another state.

Dual Role Attorney – An Attorney appointed in a suit by a governmental entity to represent both the child’s wishes and the child’s best interest.

Employer’s Order to Withhold – A court order to deduct child support payments from someone’s employment wages. All child support court orders must include an Employer’s Order to Withhold.

Evidence – Proof given to the court.

Filing – Giving the district clerk your legal papers.

Guardian Ad Litem – A person appointed by the court to represent the best interests of a child.

High-conflict case – a suit affecting the parent-child relationship in which the parents demonstrate a pattern of going back to court, anger and distrust between each other, difficulty in communicating about and cooperating in the care of their children or other behavior that concerns the Judge. A high-conflict case may be a reason for the Judge to appoint a parent coordinator.

Insupportability – The most common reason given for a no-fault divorce.

Joint Managing Conservatorship – Also known as Joint Custody. A court order stating both parents have equal rights and duties to make decisions regarding the child.

Judge – The person who hears and makes the final legal decision in your divorce.

Law Librarian – The person who maintains legal reference and research materials for public use.

Managing Conservator – The parent who has the legal right to determine the primary residence of the child. Also known as Custodial Parent, Primary Conservator or Primary Joint Managing Conservator.

Mediation – A process to help the parties reach an agreement.

Mediator – A neutral person who helps the parties reach an agreement.

Negotiations – An attempt to reach an agreement.

No Fault Divorce – The most common type of divorce, where no one needs to prove that the husband or wife caused the marriage to end.

Non-binding – A process where no specific result is forced on the parties. There is no penalty if the parties are unable to come to an agreement.

Non-custodial Parent – Also known as the Possessory Conservator. The parent that does not have the legal right to determine the primary residence of the child.

Obligor – The parent who is court ordered to pay child support.

Obligee – The parent who receives child support on behalf of the child.

Parenting coordinator – A neutral person, who does not have an interest in the case, appointed by the court to assist parents in resolving issues relating to parenting and other family issues arising from a court order in a suit affecting the parent-child relationship.

Parenting Plan – A temporary or final court order that sets out the rights and duties of parents in a suit affecting the parent-child relationship and includes provisions relating to conservatorship, possession of and access to a child, child support, and a dispute resolution process to minimize future disputes.

Parties – The husband and wife, and anyone else who has filed a court appearance in the divorce.

Paternity – A court finding that a certain person is legally the father of the child.

Petition – A legal paper that starts your divorce case and tells the court and your spouse what you want.

Petitioner – The person who files for the divorce.

Possession Order – Also known as “visitation” or “access.” A court order stating the specific days and times a noncustodial parent may spend time with the child.

Possessory Conservator – Also known as the non-custodial parent. The parent who does not have the legal right to determine the primary residence of the child.

Primary Conservator – The parent who has the legal right to determine the primary residence of the child. Also known as Custodial Parent, Managing Conservator or Primary Joint Managing Conservator.

Process Server – A person approved by the court who gives official legal notice to another person by giving him/her an official copy of a court document.

Pro Se – Representing yourself without an attorney.

Prove Up – The process of finishing your divorce in front of the Judge at an uncontested court hearing. At the prove up, one or both of the parties recite the required information to the court. The Judge then has the discretion to approve the terms, grant the divorce and/or make any other orders the Judge believes are appropriate.

Psychological Evaluation – A court ordered evaluation of a person involved in the lawsuit. The evaluation is conducted by a licensed psychologist who will provide a written report to the court.

Psychiatric Evaluation – A court ordered evaluation of a person involved in the lawsuit. The evaluation is conducted by a psychiatrist who will provide a written report to the court.

QDRO – Qualified Domestic Relations Order – A domestic relations order which creates or recognizes the existence of an alternate payee's right or assigns to an alternate payee the right to receive all or a portion of the benefits payable with respect to a member or retiree under a public retirement system, which directs the public retirement system to disburse benefits to the alternate payee.

Respondent – The spouse of the person who filed for divorce.

Retroactive Child Support – Child support that was not previously ordered, but should have been paid at a time after the child was born and the parties were separated.

Return – Also called a Sheriff’s Return. An affidavit signed by a sheriff or official process server stating the date and time he provided legal notice to the other party, or the reason as to why he was unable to provide legal notice to the other party. The return is filed with the Court.

Separate Property – Property that a spouse owned prior to the marriage, or property that was given to the spouse as a gift or inheritance.

Service – The legal method for giving your spouse a copy of the divorce petition.

Settlement – An agreement reached between the parties.

Social Study – A court ordered investigation of the circumstances and home life of the parents and the child. The social study is usually conducted by a social worker.

Sole Managing Conservatorship – Also known as sole custody. A court order stating one parent has more rights and duties regarding the child than the other parent.

Spousal Maintenance – Also called “spousal support” or “alimony.” Money a court requires one spouse to pay to the other spouse for support during and/or after the divorce is granted.

Standard Possession Order – A specific possession schedule designed by the Texas Legislature and found to be in the best interest of the child in most circumstances.

Temporary Orders – Court orders during the pendency of a divorce. Temporary orders may address any issues that need to be dealt with while a divorce is pending, such as custody, visitation, child support, use of property and responsibility to pay debt.

Temporary Mutual Injunction – Also known as a Mutual Injunction. A common order contained in Temporary Orders in a divorce that prohibits the parties from destroying or transferring any community property, incurring further debts, and from any type of harassment to the other party or the child.

Temporary Restraining Order – Also known as a TRO. A common order at the beginning of a divorce that prohibits the other spouse from doing anything to transfer or destroy the property of the marriage or to cause harassment to the other spouse or the child.

Waiver of Service – A legal document, signed by the Respondent in the presence of a notary, that states he/she accepts legal notice of the Petition without an official process server or sheriff or constable giving it to him/her. The waiver of service may also have other legal consequences depending on what is stated in the waiver.

HELPFUL PHONE NUMBERS AND OTHER RESOURCES

DIRECTORY OF STATE DISTRICT COURTS

(* Family District Courts)

(**Bexar County has free pro se assistance from the Court's staff attorney)

(**El Paso County has free paralegal help through the Domestic Relations Office)

(**Travis County has free pro se assistance from the reference attorneys)

<u>DISTRICT</u>	<u>COUNTIES REPRESENTED</u>	<u>PHONE</u>
1	Jasper, Newton, Sabine, San Augustine	409-384-3792
1A	Jasper, Newton, Tyler	409-384-5474
2	Cherokee	903-683-2236
3	Anderson, Henderson, Houston	903-723-7415
4	Rusk	903-657-0358
5	Bowie, Cass	903-798-3004
6	Fannin, Lamar, Red River	903-427-2274
7	Smith	903-535-0625
8	Delta, Franklin, Hopkins, Rains	903-438-4022
9	Montgomery, Waller	936-539-7866
10	Galveston	409-766-2230
11	Harris	713-755-6250
12	Grimes, Leon, Madison, Walker	936-436-4915
13	Navarro	903-654-3020
14	Dallas	214-653-7337
15	Grayson	903-813-4303
16	Denton	940-320-4806
17	Tarrant	817-884-1460
18	Johnson, Somervell	817-556-6820
19	McLennan	254-757-5081
20	Milam	254-697-2651
21	Bastrop, Burleson, Lee, Washington	979-542-3641
22	Caldwell, Comal, Hays	512-393-7700
23	Brazoria, Matagorda, Wharton	979-849-5711
24	Calhoun, De Witt, Goliad, Jackson, Refugio, Victoria	361-575-3172
25	Colorado, Gonzales, Guadalupe, Lavaca	830-303-4188
25A	Colorado, Gonzales, Guadalupe, Lavaca	361-798-2607
26	Williamson	512-943-1226
27	Bell, Lampasas	254-933-5261
28	Nueces	361-888-0506
29	Palo Pinto	940-659-1225
30	Wichita	940-766-8180
31	Gray, Hemphill, Lipscomb, Roberts, Wheeler	806-826-5501
32	Fisher, Mitchell, Nolan	915-235-3133
33	Blanco, Burnet, Llano, Mason, San Saba	512-756-5436
34	**El Paso	915-546-2101
35	Brown, Mills	915-646-1987

36	Aransas, Bee, Live Oak, McMullen San Patricio	361-364-6200
37	**Bexar	210-335-2515
38	Medina, Real, Uvalde	830-278-3913
39	Haskell, Kent, Stonewall, Throckmorton	940-864-2661
40	Ellis	972-923-5060
41	**El Paso	915-546-2149
42	Callahan, Coleman, Taylor	915-674-1314
43	Parker	817-594-7343
44	Dallas	214-653-7427
45	**Bexar	210-335-2507
46	Foard, Hardeman, Wilbarger	940-552-7051
47	Armstrong, Potter, Randall	806-379-2350
48	Tarrant	817-884-2690
49	Webb, Zapata	956-721-2660
50	Baylor, Cottle, King, Knox	940-888-2852
51	Coke, Irion, Schleicher, Sterling, Tom Green	915-659-6571
52	Coryell	254-865-5911
53	**Travis	512-473-9308
54	McLennan	254-757-5051
55	Harris	713-755-6255
56	Galveston	409-766-2226
57	**Bexar	210-335-2531
58	Jefferson	409-835-8434
59	Grayson	903-813-4305
60	Jefferson	409-835-8472
61	Harris	713-755-6258
62	Delta, Franklin, Hopkins, Lamar	903-438-4004
63	Edwards, Kinney, Terrell, Val Verde	830-774-7523
64	Castro, Hale, Swisher	806-291-5234
65*	**El Paso	915-546-2102
66	Hill	254-582-4045
67	Tarrant	817-884-1452
68	Dallas	214-653-6510
69	Dallam, Hartley, Moore, Sherman	806-935-2700
70	Ector	915-498-4270
71	Harrison	903-935-4896
72	Crosby, Lubbock	806-775-1023
73	**Bexar	210-335-2523
74	McLennan	254-757-5075
75	Liberty	409-336-4678
76	Camp, Morris, Titus	903-577-6736
77	Freestone, Limestone	254-729-3206
78	Wichita	940-766-8182
79	Brooks, Jim Wells	361-325-5604
80	Harris	713-755-6774
81	Atascosa, Frio, Karnes, La Salle, Wilson	830-769-3572
82	Falls, Robertson	254-883-1421

83	Pecos, Reagan, Terrell, Upton Val Verde	830-774-7654
84	Hansford, Hutchinson, Ochiltree	806-659-4160
85	Brazos	979-361-4270
86	Kaufman	972-932-4331
87	Anderson, Freestone, Leon, Limestone	903-389-4836
88	Hardin, Tyler	409-246-5151
89	Wichita	940-766-8184
90	Stephens, Young	940-549-0091
91	Eastland	254-629-1797
92	Hidalgo	956-318-2250
93	Hidalgo	956-318-2255
94	Nueces	361-888-0320
95	Dallas	214-653-6606
96	Tarrant	817-884-1561
97	Archer, Clay, Montague	940-538-4314
98	**Travis	512-473-9307
99	Lubbock	806-775-1124
100	Carson, Childress, Collingsworth, Donley Hall	940-937-3541
101	Dallas	214-653-6937
102	Bowie, Red River	903-798-3004
103	Cameron, Willacy	956-544-0844
104	Taylor	915-674-1313
105	Kenedy, Kleberg, Nueces	361-595-8533
106	Dawson, Gaines, Garza, Lynn	806-872-3740
107	Cameron, Willacy	956-544-0845
108	Potter	806-379-2355
109	Andrews, Crane, Winkler	915-524-1419
110	Briscoe, Dickens, Floyd, Motley	806-983-3384
111	Webb	956-721-2671
112	Crockett, Pecos, Reagan, Sutton, Upton	915-392-5225
113	Harris	713-755-6294
114	Smith, Wood	903-535-0613
115	Marion, Upshur	903-843-2836
116	Dallas	214-653-7446
117	Nueces	361-888-0436
118	Glasscock, Howard, Martin	915-264-2225
119	Concho, Runnels, Tom Green	915-659-6570
120	**El Paso	915-546-2103
121	Terry, Yoakum	806-637-7742
122	Galveston	409-766-2275
123	Panola, Shelby	903-693-0315
124	Gregg	903-236-0265
125	Harris	713-755-5577
126	**Travis	512-473-9300
127	Harris	713-755-6274
128	Orange	409-882-7085
129	Harris	713-755-6278

130	Matagorda	409-244-7635
131	**Bexar	210-335-2521
132	Borden, Scurry	915-573-5371
133	Harris	713-755-6266
134	Dallas	214-653-6995
135	Calhoun, De Witt, Goliad, Jackson Refugio, Victoria	361-575-2412
136	Jefferson	409-835-8481
137	Lubbock	806-775-1022
138	Cameron, Willacy	956-544-0877
139	Hidalgo	956-318-2260
140	Lubbock	806-775-1128
141	Tarrant	817-884-1992
142	Midland	915-688-1134
143	Loving, Reeves, Ward	915-943-2749
144	**Bexar	210-335-2511
145	Nacogdoches	936-560-7799
146	Bell	254-933-5261
147	**Travis	512-473-9311
148	Nueces	361-888-0333
149	Brazoria	979-388-1264
150	**Bexar	210-335-2533
151	Harris	713-755-6830
152	Harris	713-755-6282
153	Tarrant	817-884-2691
154	Lamb	806-385-4222
155	Austin, Fayette, Waller	979-968-8500
156	Aransas, Bee, Live Oak, McMullen San Patricio	361-362-3239
157	Harris	713-755-6270
158	Denton	940-565-8544
159	Angelina	936-639-3913
160	Dallas	214-653-7273
161	Ector	915-498-4260
162	Dallas	214-653-7156
163	Orange	409-882-7090
164	Harris	713-755-6316
165	Harris	713-755-6320
166	**Bexar	210-335-2501
167	**Travis	512-473-9310
168	**El Paso	915-546-2141
169	Bell	254-933-5265
170	McLennan	254-757-5045
171	**El Paso	915-546-2100
172	Jefferson	409-835-8485
173	Henderson	903-675-6107
174	Harris	713-755-6324
175	**Bexar	210-335-2527

176	Harris	713-755-6328
177	Harris	713-755-6332
178	Harris	713-755-6336
179	Harris	713-755-6340
180	Harris	713-755-6344
181	Potter, Randall	806-379-2360
182	Harris	713-755-6350
183	Harris	713-755-6354
184	Harris	713-755-6358
185	Harris	713-755-6362
186	**Bexar	210-335-2505
187	**Bexar	210-335-2517
188	Gregg	903-237-2588
189	Harris	713-755-6366
190	Harris	713-755-6370
191	Dallas	214-653-7117
192	Dallas	214-653-7709
193	Dallas	214-653-6998
194	Dallas	214-653-5800
195	Dallas	214-653-5812
196	Hunt	903-408-4190
197	Cameron, Willacy	956-574-8150
198	Concho, Kerr, Kimble, McCulloch, Menard	830-792-2290
199	Collin	972-548-4415
200	**Travis	512-473-9306
201	**Travis	512-473-9305
202	Bowie	903-798-3004
203	Dallas	214-653-5820
204	Dallas	214-653-5830
205	Culberson, **El Paso, Hudspeth	915-546-2107
206	Hidalgo	956-318-2265
207	Caldwell, Comal, Hays	830-620-5562
208	Harris	713-755-6374
209	Harris	713-755-6378
210	**El Paso	915-546-2130
211	Denton	940-565-8536
212	Galveston	409-766-2266
213	Tarrant	817-884-1529
214	Nueces	361-888-0463
215	Harris	713-755-6382
216	Bandera, Gillespie, Kendall, Kerr	830-792-2290
217	Angelina	936-639-3914
218	Atascosa, Frio, Karnes, La Salle, Wilson	830-769-3750
219	Collin	972-548-4402
220	Bosque, Comanche, Hamilton	915-356-5202
221	Montgomery	936-539-7808
222	Deaf Smith, Oldham	806-364-7222
223	Gray	806-669-8014

224	**Bexar	210-335-2132
225	**Bexar	210-335-2233
226	**Bexar	210-335-2446
227	**Bexar	210-335-2304
228	Harris	713-755-6650
229	Duval, Jim Hogg, Star	956-487-2636
230	Harris	713-755-6782
231	Tarrant	817-884-3796
232	Harris	713-755-6778
233	Tarrant	817-884-1794
234	Harris	713-755-6262
235	Cooke	940-668-5401
236	Tarrant	817-884-1709
237	Lubbock	806-775-1027
238	Midland	915-688-1142
239	Brazoria	409-864-1571
240	Fort Bend	281-341-8600
241	Smith	903-535-0600
242	Castro, Hale, Swisher	806-291-5254
243	**El Paso	915-546-2168
244	Ector	915-498-4240
245	Harris	713-755-6935
246	Harris	713-755-6938
247	Harris	713-755-6246
248	Harris	713-755-7094
249	Johnson, Somervell	817-556-6825
250	**Travis	512-473-9312
251	Potter, Randall	806-379-2365
252	Jefferson	409-835-8597
253	Chambers, Liberty	409-336-4668
254	Dallas	214-653-6136
255	Dallas	214-653-6159
256	Dallas	214-653-6449
257	Harris	713-755-6950
258	Polk, San Jacinto, Trinity	936-642-2512
259	Jones, Shackelford	915-823-2721
260	Orange	409-882-7095
261	**Travis	512-473-9309
262	Harris	713-755-6961
263	Harris	713-755-6944
264	Bell	254-933-5262
265	Dallas	214-653-5840
266	Erath	254-965-1485
267	Calhoun, DeWitt, Goliad, Jackson, Refugio, Victoria	361-578-1998
268	Fort Bend	281-341-8610
269	Harris	713-755-5513
270	Harris	713-755-5509

271	Jack, Wise	940-627-3200
272	Brazos	979-361-4220
273	Sabine, San Augustine, Shelby	936-275-9634
274	Caldwell, Comal, Guadalupe, Hays	830-303-4188
275	Hidalgo	956-318-2270
276	Camp, Marion, Morris, Titus	903-645-2506
277	Williamson	512-943-1277
278	Grimes, Leon, Madison, Walker	936-436-4916
279	Jefferson	409-835-8655
280	Harris	713-755-5518
281	Harris	713-755-5506
282	Dallas	214-653-5852
283	Dallas	214-653-5860
284	Montgomery	936-539-7861
285	**Bexar	210-335-2086
286	Cochran, Hockley	806-894-8240
287	Bailey, Parmer	806-272-5460
288	**Bexar	210-335-2663
289	**Bexar	210-531-1180
290	**Bexar	210-335-2696
291	Dallas	214-653-5870
292	Dallas	214-653-5880
293	Dimmit, Maverick, Zavala	830-758-1730
294	Van Zandt, Wood	903-567-4422
295	Harris	713-755-5541
296	Collin	972-548-4409
297	Tarrant	817-884-1906
298	Dallas	214-653-6781
299	**Travis	512-473-9442
300*	Brazoria	281-756-1227
301*	Dallas	214-653-7385
302*	Dallas	214-653-7375
303*	Dallas	214-653-7611
304*	Dallas	214-698-4936
305*	Dallas	214-698-4924
306*	Galveston	409-766-2255
307*	Gregg	903-237-2534
308*	Harris	713-755-6230
309*	Harris	713-755-6234
310*	Harris	713-755-6238
311*	Harris	713-755-6242
312*	Harris	713-755-6941
313*	Harris	713-755-6470
314*	Harris	713-755-6475
315*	Harris	713-755-6480
316*	Hutchinson	806-878-4019
317*	Jefferson	409-835-8588
318*	Midland	915-688-1145

319*	Nueces	361-888-0533
320*	Potter	806-379-2370
321*	Smith	903-535-0590
322*	Tarrant	817-884-1427
323*	Tarrant	817-838-4600
324*	Tarrant	817-884-1431
325*	Tarrant	817-884-1587
326*	Taylor	915-674-1325
327*	**El Paso	915-546-2032
328*	Fort Bend	281-341-4406
329*	Wharton	979-532-1514
330*	Dallas	214-653-7207
331	**Travis	512-473-9443
332	Hidalgo	956-318-2275
333	Harris	713-755-7760
334	Harris	713-755-7793
335	Bastrop, Burleson, Lee, Washington	979-567-2335
336	Fannin, Grayson	903-813-4309
337	Harris	713-755-7746
338	Harris	713-755-7774
339	Harris	713-755-7784
340	Tom Green	915-658-1915
341	Webb	956-721-2625
342	Tarrant	817-884-2710
343	Aransas, Bee, Live Oak, McMullen, San Patricio	361-364-6202
344	Chambers	409-267-8264
345	**Travis	512-473-9374
346	**El Paso	915-546-2119
347	Nueces	361-888-0593
348	Tarrant	817-884-2715
349	Anderson, Houston	903-723-7415
350	Taylor	915-674-1242
351	Harris	713-755-5620
352	Tarrant	817-884-2730
353	**Travis	512-473-9380
354	Hunt, Raines	903-408-4194
355	Hood	817-579-3233
356	Hardin	409-246-5155
357	Cameron, Willacy	956-544-0837
358	Ector	915-498-4250
359	Montgomery	936-539-7900
360*	Tarrant	817-884-2721
361	Brazos	817-884-2721
362	Denton	940-565-8516
363*	Dallas	214-653-5890
364	Lubbock	806-775-1019
365	Dimmit, Maverick, Zavala	830-773-1151

366	Collin	972-548-4570
367	Denton	940-565-8546
368	Williamson	512-943-1368
369	Anderson, Cherokee	903-723-7415
370	Hidalgo	956-318-2280
371	Tarrant	817-884-2985
372	Tarrant	817-884-2990
377	Victoria	361-578-8756
378	Ellis	972-923-5014
379	**Bexar	210-335-2911
380	Collin	972-548-4726
381	Starr	956-716-8020
382	Rockwall	972-882-0270
383	**El Paso	915-546-2132
384	**El Paso	915-546-2134
385	Midland	915-688-1835
386	**Bexar	210-531-1053
387	Fort Bend	281-238-3290
388	**El Paso	915-543-3850
389	Hidalgo	956-318-2080
390	**Travis	512-708-4885
391	Tom Green	915-659-6571
392	Henderson	903-675-6110
393	Denton	940-565-5528
394	Brewster, Culberson, Hudspeth, Jeff Davis, Presidio	915-837-5831
395	Williamson	512-943-1395
396	Tarrant	817-884-2495
398	Hidalgo	956-318-2470
399	**Bexar	210-335-3667
400	Fort Bend	281-341-4422
401	Collin	972-548-4241
402	Wood	906-763-2332
403	**Travis	512-443-0658
404	Cameron	956-544-0838
405	Galveston	409-765-2688
406	Webb	956-718-2797
407	**Bexar	210-335-2693
408	**Bexar	210-335-2831
409	**El Paso	915-834-8209
410	Montgomery	936-539-7860
411	Polk, San Jacinto, Trinity	936-653-5470
412	Brazoria	979-864-1318
413	Johnson	817-556-6040
414	McLennan	254-757-5053
415	Parker	817-598-6162
416	Collin	972-548-4520
417	Collin	972-548-4287

CHILD SUPPORT

Office of the Attorney General, 1-800-252-8011

www.oag.state.tx.us/child/maincil.shtml

Call your local district clerk's office for information on child support paid through the local county.

TEXAS COUNTY WEBSITES

To see if additional counties have gone online, please see
www.county.org/counties/txcounties.asp#list

Anderson County, www.co.anderson.tx.us
Andrews County, www.co.andrews.tx.us
Angelina County, www.angelinacounty.net
Aransas County, www.aransascounty.org
Archer County, www.co.archer.tx.us
Armstrong County, www.co.armstrong.tx.us
Atascosa County, www.co.atascosa.tx.us
Austin County, www.austincounty.com
Bailey County, www.co.bailey.tx.us
Bandera County, www.banderacounty.org
Bastrop County, www.co.bastrop.tx.us
Bell County, www.co.bee.tx.us
Bexar County, www.co.bexar.tx.us
Blanco County, www.moment.net/~blancoco
Borden County, www.co.borden.tx.us
Bosque County, www.users.htcomp.net/bosque
Bowie County, www.usroots.com/~jmautrey
Brazoria County, www.brazoria-county.com
Brazos County, www.co.brazos.tx.us
Brewster County, www.co.brewster.tx.us
Briscoe County, www.co.briscoe.tx.us
Brownsville City, www.ci.brownsville.tx.us
Burleson County, www.co.burleson.tx.us
Burnet County, www.burnetcountytexas.org
Caldwell County, www.co.caldwell.tx.us
Calhoun County, www.tisd.net/~calhoun
Callahan County, www.co.callahan.tx.us
Cameron County, www.cameroncad.org
Camp County, www.co.camp.tx.us
Carson County, www.co.carson.tx.us
Cass County, www.co.cass.tx.us
Castro County, www.co.castro.tx.us
Chambers County, www.co.chambers.tx.us
Cherokee County, www.co.cherokee.tx.us
Childress County, www.co.childress.tx.us
Clay County, www.co.clay.tx.us

Cochran County, www.co.cochran.tx.us
Coke County, www.co.coke.tx.us
Coleman County, www.co.coleman.tx.us
Collin County, www.co.collin.tx.us
Collinsworth County, www.co.collingsworth.tx.us
Colorado County, www.rtis.com/reg/colorado-cty/gov.htm
Comal County, www.co.comal.tx.us
Concho County, www.co.concho.tx.us
Cooke County, www.co.cooke.tx.us
Coryell County, www.co.coryell.tx.us
Cottle County, www.co.cottle.tx.us
Crane County, www.co.crane.tx.us
Crockett County, www.co.crockett.tx.us
Crosby County, www.co.crosby.tx.us
Culberson County, www.co.culberson.tx.us
Dallam County, www.dallam.org/county
Dallas County, www.dallascounty.org
Dawson County, www.co.dawson.tx.us
Deaf Smith County, www.co.deaf-smith.tx.us
Denton County, www.co.denton.tx.us
Eastland County, www.eastlandcountytexas.com
Ector County, www.co.ector.tx.us
Ellis County, www.elliscad.org
El Paso County, www.co.el-paso.tx.us
Erath County, www.erathcad.org
Fannin County, www.co.fannin.tx.us
Fayette County, www.co.fayette.tx.us
Fisher County, www.co.fisher.tx.us
Floyd County, www.floydcountytexas.com
Foard County, www.foardcounty.org
Fort Bend County, www.co.fort-bend.tx.us
Franklin County, www.co.franklin.tx.us
Freestone County, www.co.freestone.tx.us
Frio County, www.co.frio.tx.us
Gaines County, www.gainescounty.org
Galveston County, www.co.galveston.tx.us
Garza County, www.angelfire.com/tx/gcounty/index.html
Gillespie County, www.gillespiecounty.org
Glasscock County, www.co.glasscock.tx.us
Goliad County, www.goliad.org
Gonzalez County, www.co.gonzales.tx.us
Gray County, www.co.gray.tx.us
Grayson County, www.co.grayson.tx.us
Gregg County, www.co.gregg.tx.us
Grimes County, www.co.grimes.tx.us
Guadalupe County, www.co.guadalupe.tx.us
Hale County, www.texasonline.net/halecounty
Hall County, www.co.hall.tx.us

Hamilton County, www.co.hamilton.tx.us
Hansford County, www.co.hansford.tx.us
Hardin County, www.co.hardin.tx.us
Harris County, www.co.harris.tx.us
Harrison County, www.co.harrison.tx.us
Hartley County, www.co.hartley.tx.us
Haskell County, www.co.haskell.tx.us
Hays County, www.co.hays.tx.us
Henderson County, www.co.henderson.tx.us
Hidalgo County, www.co.hidalgo.tx.us
Hill County, www.co.hill.tx.us
Hockley County, www.co.hockley.tx.us
Hood County, www.co.hood.tx.us
Hopkins County, www.hopkinscountytexas.org
Houston County, www.co.houston.tx.us
Howard County, www.co.howard.tx.us
Hunt County, www.co.hunt.tx.us
Irion County, www.co.irion.tx.us
Jack County, www.jackcounty.com
Jackson County, www.co.jackson.tx.us
Jasper County, www.co.jasper.tx.us
Jeff Davis County, www.co.jeff-davis.tx.us
Jefferson County, www.co.jefferson.tx.us
Jim Hogg County, www.co.jim-hogg.tx.us
Jim Wells County, www.co.jim-wells.tx.us
Johnson County, www.johnsoncountytexas.org
Jones County, www.co.jones.tx.us
Karnes County, www.co.karnes.tx.us
Kaufman County, www.kaufmancounty.net
Kendall County, www.co.kendall.tx.us
Kent County, www.co.kent.tx.us
Kerr County, www.kerrcounty.org
Kimble County, www.co.kimble.tx.us
Kinney County, www.co.kinney.tx.us
Kleburg County, www.co.kleberg.tx.us
Knox County, www.knoxcountytexas.com
Lamar County, www.co.lamar.tx.us
Lampasas County, www.co.lampasas.tx.us
La Salle County, www.co.la-salle.tx.us
Lavaca County, www.co.lavaca.tx.us
Lee County, www.co.lee.tx.us
Leon County, www.co.leon.tx.us
Liberty County, www.co.liberty.tx.us
Limestone County, www.co.limestone.tx.us
Lipscomb County, www.co.lipscomb.tx.us
Live Oak County, www.co.live-oak.tx.us
Llano County, www.co.llano.tx.us
Loving County, www.co.loving.tx.us

Lubbock County, www.co.lubbock.tx.us
Lynn County, www.co.lynn.tx.us
McCulloch County, www.co.mcculloch.tx.us
McLennan County, www.co.mclennan.tx.us
Madison County, www.co.madison.tx.us
Marion County, www.co.marion.tx.us
Mason County, www.co.mason.tx.us
Matagorda County, www.co.matagorda.tx.us
Maverick County, www.maverickcounty.org
Menard County, www.menardtexas.com
Midland County, www.co.midland.tx.us
Milam County, www.milamcounty.org
Mills County, www.co.mills.tx.us
Montague County, www.co.montague.tx.us
Montgomery County, www.co.montgomery.tx.us
Moore County, www.co.moore.tx.us
Morris County, www.co.morris.tx.us
Motley County, www.co.motley.tx.us
Nacogdoches County, www.co.nacogdoches.tx.us
Navarro County, www.co.navarro.tx.us
Newton County, www.co.newton.tx.us
Nolan County, www.co.nolan.tx.us
Nueces County, www.co.nueces.tx.us
Ochiltree County, www.co.ochiltree.tx.us
Oldham County, www.co.oldham.tx.us
Orange County, www.co.orange.tx.us
Palo Pinto County, www.co.palo-pinto.tx.us
Panola County, www.carthagetexas.com
Parker County, www.co.parker.tx.us
Parmer County, www.co.parmer.tx.us
Pecos County, www.co.pecos.tx.us
Polk County, www.co.polk.tx.us
Potter County, www.co.potter.tx.us
Presidio County, www.co.presidio.tx.us
Rains County, www.co.rains.tx.us
Randall County, www.randallcounty.org
Reagan County, www.biglaketx.com
Real County, www.co.real.tx.us
Red River County, www.co.red-river.tx.us
Refugio County, www.refugiocountytx.com
Roberts County, www.co.roberts.tx.us
Robertson County, www.co.robertson.tx.us
Rockwall County, www.rockwallcountytx.com
Runnels County, www.co.runnels.tx.us
Rusk County, www.co.rusk.tx.us
San Augustine County, www.co.san-augustine.tx.us
San Jacinto County, www.co.san-jacinto.tx.us
San Patricio County, www.co.san-patricio.tx.us

San Saba County, www.sansabacounty.org
Schleicher County, www.co.schleicher.tx.us
Scurry County, www.co.scurry.tx.us
Shackelford County, www.co.shackelford.tx.us
Shelby County, www.co.shelby.tx.us
Sherman, www.co.sherman.tx.us
Smith County, www.co.smith.tx.us
Somervell County, www.glenrose.org
Stephens County, www.co.stephens.tx.us
Sterling County, www.co.sterling.tx.us
Sutton County, www.co.sutton.tx.us
Swisher County, www.co.swisher.tx.us
Tarrant County, www.tarrantcounty.com
Taylor County, www.co.taylor.tx.us
Terry County, www.co.terry.tx.us
Throckmorton County, www.co.throckmorton.tx.us
Titus County, www.mpcity.net/country
Tom Green County, www.co.tom-green.tx.us
Travis County, www.co.travis.tx.us
Trinity County, www.co.trinity.tx.us
Tyler County, www.co.tyler.tx.us
Upshur County, www.upshurcounty.com
Upton County, www.co.upton.tx.us
Uvalde County, www.ualdecounty.com
Van Zandt County, www.co.van-zandt.tx.us
Victoria County, www.victoriacountytx.org
Walker County, www.co.walker.tx.us
Waller County, www.co.waller.tx.us
Ward County, www.co.ward.tx.us
Washington County, www.washingtoncotx.com
Webb County, www.webbcounty.com
Wharton County, www.co.wharton.tx.us
Wheeler County, www.co.wheeler.tx.us
Wichita County, www.co.wichita.tx.us
Wilbarger County, www.co.wilbarger.tx.us
Williamson County, www.williamson-county.org
Winkler County, www.co.winkler.tx.us
Wise County, www.wisecounty.com
Wood County, www.co.wood.tx.us
Yoakum County, www.co.yoakum.tx.us
Zavala County, www.co.zavala.tx.us

LEGAL AID OFFICES – www.texaslawhelp.org or www.texasatj.org (“find legal assistance”)

LAWYER REFERRAL SERVICES

State Bar of Texas Lawyer Referral Information Service (statewide), 800-252-9690

www.texasbar.com/public/findlawyer/lawyerref.asp

Certified Regional lawyer referral services:

Arlington Bar Assoc. LRS, 817-277-3113
Corpus Christi Bar Assoc. LRS, 361-883-3971
Dallas Bar Association LRS, 214-220-7444
El Paso Bar Assoc. LRS, 915-532-7052
Harris County Bar Assoc. LRS, 713-236-8000
Houston Lawyer Referral Service, Inc., 800-289-4577
Jefferson County Bar Assoc. LRS, 409-835-8438
Lawyer Referral Service of Central Texas, 512-472-8303
North Dallas Bar Association LRS, 972-980-0472
Plano Bar Association LRS, 972-424-6113
San Antonio Bar Assoc. LRS, 210-227-1853
Tarrant County Bar Assoc. LRS, 817-336-4101
Texas Legal Services Center, 800-622-2520

Legal Hotline for Older Texans, Austin

1-800-622-2520 Toll Free

FindLaw, www.findlaw.com

Martindale-Hubbell Lawyers.com, www.lawyers.com

MISCELLANEOUS RESOURCES

American Psychological Association, www.apa.org, 1-800-964-2000 Psychologist Referral Line

Freedom of Information, Open Records & Open Meetings, 1-800-580-6651 Toll Free, 214-977-6651

Harris County Court Info, Court House Concierge (713) 228-4700

Innovative Mediation, Dallas (972) 930-0261

Internal Revenue Service, 1- 800-829-1040

Single Parent Association, (800) 704-2102 (602) 788-5511

Social Security Administration, 1- 800-772-1213

Texas Department of Aging, 1-800-252-9240

Texas Workforce Commission

Unemployment Benefits, 1-800-939-6631

Employees Hotline, 1-800-832-2829

www.twc.state.tx.us

U.S. Department of Labor

Pension & Welfare Benefits Administration, 214-767-6831

Equal Employment Opportunity Commission, 1-800-669-4000

U.S. Immigration & Naturalization Service, 1- 800-375-5283

INTERNET RESOURCES

American Bar Association, www.abanet.org

American Bar Association, Family Law Section, www.abanet.org/family/

American Academy of Matrimonial Lawyers, www.aaml.org

American Psychological Association, www.apa.org
Child Support Guideline Links, www.supportguidelines.com
DivorceNet, www.divorcenet.com
Divorce Online, www.divorceonline.com
Fathers for Kids, www.fathers4kids.org (a membership organization of nonlawyers.
\$100 fee)
Texas Academy of Family Law Specialists, www.tafls.org
Texas Bar Foundation, www.txbf.org
Texas Young Lawyer's Association, www.tyla.org
State Bar of Texas, www.texasbar.com
State Bar of Texas, Family Law Section, www.sbotfam.org
State Bar of Texas, Visitation Centers, www.sbotfam.org/visitationcenters.pdf
State of Texas (TexasOnline), www.state.tx.us
Texas Legislature Online, www.capitol.state.tx.us
Texas Commission on Human Rights, www.tchr.state.tx.us
Texas Department of Health, www.tdh.state.tx.us
Texas Department of Public Safety, www.txdps.state.tx.us
Texas Pro Se Law Help, www.texaslawhelp.org
Texas Secretary of State, www.sos.state.tx.us
U.S. EEOC (Equal Employment Opportunity Commission),
www.eeoc.gov/index.html
Women's Advocacy Project, www.women-law.org (family law and domestic violence
assistance)
Women's Shelters in Texas, www.dhs.state.tx.us/programs/familyviolence/shelters.html

APPENDIX A
SAMPLE ORIGINAL PETITION FOR DIVORCE

CAUSE NO. _____
(to be completed by the District Clerk)

IN THE MATTER OF THE MARRIAGE § **IN THE DISTRICT COURT**
§
§ **OF _____ COUNTY, TEXAS**
§
§
§ _____ **JUDICIAL DISTRICT**
§ (to be completed by the District Clerk)
§
§
AND IN THE INTEREST OF §
(Your children's names, if any), **Child(ren)**

ORIGINAL PETITION FOR DIVORCE

1. PARTIES: [Your and Your Spouse]

This suit is brought by (your name), the Petitioner in this case. Respondent is (your spouse's name).

Petitioner: [Your information]

Petitioner's full name (the name on your birth certificate):

_____.

Petitioner's address is: (your address, including street, city, county, state and zip code) _____.

_____.

Date of birth (your date of birth): _____ .
(month, day, year)

Social security number (your social security number):

_____.

Driver's license number (your driver's license state and number):

_____.

Respondent: [Your Spouse]

Respondent's full name (the name on your spouse's birth certificate):

_____.

Respondent's address is: (your spouse's address, including street, city, county, state and zip code) _____.

Date of birth (*your spouse's date of birth*): _____.
(month, day, year)

Social security number (*your spouse's social security number*):
_____.

Driver's license number (*your spouse's driver's license state and number*):
_____.

2. **DISCOVERY:**

Discovery is a procedure used by parties in a lawsuit to find out information about the other party.

[CHECK ONLY ONE]:

I would like discovery to be under Level 1 of Rule 190 of the Texas Rules of Civil Procedure because:

A. My spouse and I do not have any children who are younger than 18 years or any disabled children who are 18 years or older. The wife is not pregnant.

AND

B. Everything my spouse and I bought while we were married and that we still own does **not total more than \$50,000.**

OR

I would like discovery to be under Level 2 of Rule 190 of the Texas Rules of Civil Procedure because:

A. Everything my spouse and I bought while we were married and that we still own **does total more than \$50,000.**

AND / OR

B. My spouse and I have children who are younger than 18 years or we have disabled children who are 18 years or older.

3. **DOMICILE:** *[CHECK ONLY ONE]:*

_____ I have lived in Texas for the past six months, and in _____
County (*the county where you have filed for divorce*), Texas for the past 90 days.

AND / OR

_____ My spouse has lived in Texas for the past six months, and in
_____ County (*the county where you have filed for divorce*), Texas for the past 90
days.

4. **SERVICE OF PROCESS:** *[CHECK ONLY ONE]:*

No Service of Process Needed At This Time:

Please do not have a sheriff or constable give a copy of this Original Petition for Divorce to my spouse right now because my spouse may sign a Waiver of Service. (*Your spouse may sign a paper, in front of a notary, agreeing that you have given him or her a copy of this Original Petition for Divorce, and s/he does not want to have a sheriff, constable, or private process server give him or her another copy of this Original Petition for Divorce.*)

If my spouse does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition for Divorce to my spouse at this address:
(List your spouse's home or work address):
Street Address:

City, County, State:

(If this is a work address, list the business name)

OR

[] Service of Process Requested:

Please have a sheriff or constable give a copy of this Original Petition for Divorce to my spouse at this address *(List your spouse's home or work address):*

Street Address:

City, County, State:

(If this is a work address, list the business name)

5. DATES OF MARRIAGE AND SEPARATION

My spouse and I were married on or about _____
(List month, day, & year)

We stopped living together as husband and wife on or about _____
(List month, day & year separated)

6. GROUNDS FOR DIVORCE

The marriage has become insupportable because of discord or conflict of personalities that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation. *(You and your spouse do not get along with each other as husband and wife. You do not believe that you will ever live together as husband and wife again).*

7. **CHILDREN OF THE MARRIAGE**

(Complete this section **Only** if you and your spouse had children together, while you were married to each other.)

[]

NAME:	SEX (M or F):	BIRTHDATE:
PLACE OF BIRTH _____	HOME STATE _____	

NAME:	SEX (M or F):	BIRTHDATE:
PLACE OF BIRTH _____	HOME STATE _____	

NAME:	SEX (M or F):	BIRTHDATE:
PLACE OF BIRTH _____	HOME STATE _____	

NAME:	SEX (M or F):	BIRTHDATE:
PLACE OF BIRTH _____	HOME STATE _____	

OR

(Complete this section **Only** if you and your spouse had children together prior to the marriage, and the children have not previously been in court to set up custody or child support orders.)

Petitioner asserts that the following child(ren) were born to the parties prior to their marriage and at a time when Petitioner was not married to any other person. The child is the biological child of my spouse and (*if it applies*) the child has the last name of my spouse.

There are no court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships affecting the children the subject of this suit. *OR list any court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships that affect the children of the marriage.*

AND

No property of consequence is owned or possessed by the child the subject of this suit. *OR list the property that is owned by child.*

AND

The appointment of Petitioner and Respondent as joint managing conservators would be in the best interest of the child. Petitioner, on final hearing, should be appointed joint managing conservator, with all the rights and duties of a parent joint managing conservator, and (*select who, Petitioner or Respondent, you are requesting to be responsible for paying child support*) should be ordered to make payments for the support of the child in the manner specified by the Court. Petitioner requests that the payments for the support of the child survive the death of Respondent and become the obligation of Respondent's estate.

OR

(COMPLETE this section ONLY if you and your spouse do NOT have children together that are in need of financial or medical support)

- My spouse and I do not have any biological or adopted children who are younger than 18 years old.
- My spouse and I do not have any disabled children who are 18 years or older.
- My spouse and I do not have any children who are 18 years or older that we have been court-ordered to support.

Pregnancy: *(CHECK ONLY ONE)*

- The wife is not pregnant.
- The wife is pregnant, but the husband is not the biological father of this child.

NOTE: If the wife is pregnant and the husband is the biological parent of the unborn child, do not file for divorce using this form.

(Complete this section Only if the wife had children with some one else, while you were married to each other.)

- The husband is not the biological father of these children who were born while we were married: (Check this if you had children with someone other than your husband, while you were married to your husband.)

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

Biological Father _____

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

Biological Father _____

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

Biological Father _____

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

Biological Father _____

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

Biological Father _____

8. DIVISION OF COMMUNITY PROPERTY

My spouse and I will try to reach an agreement on how our community property and debts are divided. But if we cannot agree, I would like the Court to decide who gets the items that my spouse and I bought while we were married. I would also like for the Court to decide who pays the debts that my spouse and I owe. I would like the Court to make these decisions in a way that the Court believes is fair and according to the laws of Texas.

9. PROTECTIVE ORDER STATEMENT: [CHECK ONLY ONE]:

I do not currently have a Protective Order in effect against my spouse and my spouse does not currently have a Protective Order in effect against me. I have not filed an application for a Protective Order against my spouse in any Court and my spouse has not filed an application for a Protective Order against me in any Court.

OR

There is a current Protective Order in effect. The Protective Order was issued by the _____ Court, in _____ County, Texas, in Cause No. _____ and was signed on _____ [date]. I have attached a copy of the Protective Order to this Original Petition for Divorce. [Attach a copy of the protective order].

10. ADDITIONAL PROVISIONS

I would also like the Court to: [CHECK ONLY THOSE WHICH APPLY TO YOU]:

Change of Name: (Give first, middle, & last name of the name used before your marriage. Please note, you cannot ask the judge to change your spouse's name, if your spouse doesn't want to have his or her name changed).

I would like my name changed back to this:

(first, middle, last)

My spouse would like to have his/her name changed back to this:

(first, middle, last)

*(Complete this Section **Only** if you are asking the judge to acknowledge items that you own as your separate property)*

Separate Property:

I want the Court to confirm the following as my separate property:

- Before I married my spouse, I owned: *[Check What You Owned.]*
 a house *(State address and/or the legal description of the property.)*

- land *(State address and/or the legal description of the property.)*

- personal property *(Car, jewelry, stocks, etc.)*

- other *(Describe)*

- While I was married to my spouse, I received *(Check What You Received.)*
 an inheritance.
 a gift that was given to me only.
 money from a lawsuit for something other than lost wages.

11. NAME CHANGE

Check ONLY One of the following:

I am requesting my name be returned to the name I used before I was married:

(Print the first, middle, and last name as you used it before your marriage.)

Or

I am not requesting a name change

12. PRAYER

Petitioner requests that Respondent be given a copy of this Original Petition for Divorce in a way that is according to the law. Petitioner also asks that the Court give grant the divorce and everything else that Petitioner requested in this Original Petition for Divorce.

Respectfully submitted,

Petitioner, Pro Se *[Sign your name on the line.]*
[PRINT Your Name and Information.]:

Name: _____

Address: _____

Telephone: _____

APPENDIX B
SAMPLE AFFIDAVIT OF INABILITY TO PAY COSTS

NO. (use the exact number provided by the district clerk on the top of the Petition for Divorce)

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
<i>(Name of Petitioner)</i>	§	
AND	§	_____ JUDICIAL DISTRICT
<i>(Name of Respondent)</i>	§	<i>(use the number provided by the district clerk)</i>
	§	
AND IN THE INTEREST OF	§	
<i>(list name of children, if any),</i>	§	_____ COUNTY, TEXAS
CHILDREN	§	

AFFIDAVIT OF INABILITY TO PAY COSTS

STATE OF TEXAS §
 COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared *(your name here)* _____ who, by me being duly sworn, on oath stated:

"I am unable to pay court costs. I understand that I can be held criminally responsible if I lie in this statement. This statement is true. My income, resources and expenses are set out in the schedule below:

MONTHLY INCOME:

	<u>Amount</u>	<u>Source or Description</u>
a) Public Assistance:	_____	_____
b) Public Benefit:	_____	_____
c) Net Employment:	_____	_____
d) Other Income:	_____	_____
e) Spouse's Income:	_____	_____

(List your spouse's income only if your spouse contributes to your household income)

NUMBER OF DEPENDENTS: _____
(Include yourself and children who are dependent on you)

PROPERTY:

a) Cars or Trucks (Year/Make):

1. _____

2. _____

b) Checking and/or Savings Account:

Bank: _____ Amount: \$ _____

Bank: _____ Amount: \$ _____

c) Cash: _____ Amount: \$ _____

d) Other Property (excluding homestead):

MONTHLY EXPENSES:

Rent/Mortgage: _____

Car Payment: _____

Transportation: _____

Insurance: _____

Clothing/Laundry: _____

Food: _____

Child Care _____

Medical/Dental: _____

Utilities: _____

Other: _____

TOTAL MONTHLY EXPENSES: _____

DEBTS AND CHILD SUPPORT OBLIGATIONS (exclude house and automobile):

Creditors

Monthly Payment

1. _____

2. _____

3. _____

4. _____

5. _____

"I am unable to pay the court costs in this cause. I verify that the statements made in this affidavit are true and correct."

Affiant

(Sign your full name. Do not sign until you are in front of a notary public.)

SUBSCRIBED AND SWORN TO this _____ day of _____, 20__ by _____ *(print the first and last name of the person who is signing this affidavit).*

Notary Public, State of Texas

(Notary's Signature)

APPENDIX C
SAMPLE WAIVER OF SERVICE

This form **MUST BE SIGNED AND COMPLETED** by the Respondent **AFTER** the Original Petition for Divorce has been stamped by the District Clerk's Office with the date and time that it was filed. **Copy the information from the top of the Original Petition for Divorce to the top part of this Waiver of Citation. Make sure that the Cause Number and the Judicial District number are the same as listed on the Original Petition for Divorce. Make sure that your name and your spouse's name are listed in the same order as on the Original Petition for Divorce.**

CAUSE NO. *(use the exact number provided by the district clerk on the top of the Petition for Divorce)*

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
<i>(Name of Petitioner)</i>	§	
AND	§	_____ JUDICIAL DISTRICT
<i>(Name of Respondent)</i>	§	<i>(use the number provided by the</i>
	§	<i>District Clerk)</i>
AND IN THE INTEREST OF	§	
<i>(list names of children, if any), CHILDREN</i>	§	_____ COUNTY, TEXAS

WAIVER OF CITATION

THE STATE OF TEXAS §
COUNTY OF _____ §
(Write in the name of the county where this Waiver of Citation is notarized.)

On this day, _____ appeared before me, the undersigned
(Print the name of the Respondent.)
authority, and after being sworn on oath by me said:
"I, _____, am the Respondent in this divorce case.
(Print the name of the Respondent.)

My mailing address is:

(Write in the Respondent's mailing address.)

"I have been given a copy of the Original Petition for Divorce that was filed by my spouse under this Cause Number. I have read the Original Petition for Divorce and understand what it says. I do not want a constable, sheriff, or private process server to give me another copy of the Original Petition for Divorce.

“I am entering an appearance by signing this Waiver of Citation, which I understand is a substitute for coming to court and telling the Judge my side of the facts. I also understand that by signing this Waiver of Citation, I agree that the Judge in the county and state where my spouse filed this divorce can make decisions about my divorce even if the divorce should have been filed in another county or state.

“I do not want a record to be made of any testimony given in this divorce case.

“I agree that this divorce case may be heard by the Presiding Judge of the Court or by an Associate Judge or Referee of the Court who has been appointed by the Presiding Judge of the Court.

Check ONLY One of the following:

“I am requesting my name be returned to the name I used before I was married:

(Print the first, middle, and last name as you used it before your marriage.)

Or

“I am not requesting a name change.

Check ONLY One of the following:

“I agree that the Judge can finalize my divorce without asking me about my side of the facts, without my signature on the Final Decree of Divorce, and without further notice to me.”

(Sign your name, here, if you agree with this statement.)

Or

“If I have signed the Final Decree of Divorce showing that I agree with everything in it, the Judge can finalize my divorce without asking me about my side of the facts, or giving further notice to me. If I have not signed the Final Decree of Divorce, I do not agree that the Judge can finalize my divorce without notifying me of a hearing.”

(Sign your name, here, if you agree with this statement.)

Respondent *(Sign Your Name In Front of Notary Public.)*

SWORN TO, and SUBSCRIBED before me on _____.

Notary Public State of Texas

I, the Notary Public whose signature appears above, certify that I am not an attorney in this case.

APPENDIX D
SAMPLE FINAL DECREE OF DIVORCE

NO. (use the exact number provided by the district clerk on the top of the Petition for Divorce)

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
<i>(Name of Petitioner)</i>	§	
AND	§	_____ JUDICIAL DISTRICT
<i>(Name of Respondent)</i>	§	<i>(use the number provided by the</i>
	§	<i>District Clerk)</i>
AND IN THE INTEREST OF	§	
<i>(list names of children, if any), CHILDREN</i>	§	_____ COUNTY, TEXAS

FINAL DECREE OF DIVORCE

On _____ *(insert the date of the final hearing)*, the Court heard this case.

1. *Appearances*

Petitioner, *(your name)*, appeared in person and announced ready for trial.

Respondent, *(your spouse's name)*

appeared in person and announced ready for trial *(check only if your spouse appears at the final hearing)* OR

made a general appearance and has agreed to the terms of this judgment to the extent permitted by law, as evidenced by the signatures of Respondent below. *(check if your spouse signed a waiver of citation and did not appear at the final hearing)* OR

although duly and properly cited, did not appear and wholly made default. *(check if your spouse did not file any papers with the court, did not otherwise appear in court, or did not sign the final decree)*

2. *Record*

The making of a record of testimony was waived by the parties with the consent of the Court. OR

The record of testimony was taken by the court reporter for the _____ Judicial District Court.

3. *Jurisdiction and Domicile*

The Court finds that the pleadings of Petitioner are in due form and contain all the allegations, information, and prerequisites required by law. The Court, after receiving evidence, finds that it has jurisdiction of this case and of all the parties and that at least sixty days have elapsed since the date the suit was filed. The Court finds that, at

the time this suit was filed, Petitioner had been a domiciliary of Texas for the preceding six-month period and a resident of the county in which this suit was filed for the preceding ninety-day period. All persons entitled to citation were properly cited.

4. *Jury*

A jury was waived, and all questions of fact and of law were submitted to the Court.

5. *Agreement of the Parties*

The Court finds that the parties have entered into a written agreement as contained in this decree by virtue of having approved this decree as to both form and substance. To the extent permitted by law, the parties stipulate the agreement is enforceable as a contract. The Court approves the agreement of the parties as contained in this Final Decree of Divorce.

6. *Divorce*

IT IS ORDERED AND DECREED that (*your name*), Petitioner, and (*your spouse's name*), Respondent, are divorced and that the marriage between them is dissolved on the ground of insupportability.

7. *Children of the Marriage*

[] There is no child born or adopted of this marriage, and none is expected.

OR

[] The Court finds that Petitioner and Respondent are the parents of the following children (*complete information for each child*):

Name:

Sex:

Birthplace:

Birth date:

Home state:

The Court finds no other children of the marriage are expected.

8. *Conservatorship and Support (include this section ONLY if there were children born or adopted during the marriage)*

Please consult www.tyla.org for the most updated divorce decree form in order to incorporate the "Parenting Plan" as required by the 2005 Texas Legislature.

The Court, having considered the circumstances of the parents and of the children, finds that the following orders are in the best interest of the children.

IT IS ORDERED that Petitioner and Respondent are appointed parent joint managing conservators of the following children: (insert names of children).

IT IS ORDERED that, at all times, Petitioner, as a parent joint managing conservator, shall have the following rights:

1. the right to receive information from the other parent concerning the health, education, and welfare of the children;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
3. the right of access to medical, dental, psychological, and educational records of the children;
4. the right to consult with a physician, dentist, or psychologist of the children;
5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the children's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and
9. the right to manage the estates of the children to the extent the estates have been created by the parent or the parent's family.

IT IS ORDERED that, at all times, Petitioner, as a parent joint managing conservator, shall have the following duties:

1. the duty to inform the other parent in a timely manner of significant information concerning the health, education, and welfare of the children; and
2. the duty to inform the other parent if the parent resides with for at least thirty days, marries, or intends to marry a person who the parent knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure (as added by chapter 668, Acts of the 75th Legislature, Regular Session, 1997) or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the parent begins to reside with the person or on the tenth day after the date the mar-

riage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A PERSON COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PERSON FAILS TO PROVIDE THIS NOTICE.

IT IS ORDERED that, at all times, Respondent, as a parent joint managing conservator, shall have the following rights:

1. the right to receive information from the other parent concerning the health, education, and welfare of the children;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
3. the right of access to medical, dental, psychological, and educational records of the children;
4. the right to consult with a physician, dentist, or psychologist of the children;
5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the children's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and
9. the right to manage the estates of the children to the extent the estates have been created by the parent or the parent's family.

IT IS ORDERED that, at all times, Respondent, as a parent joint managing conservator, shall have the following duties:

1. the duty to inform the other parent in a timely manner of significant information concerning the health, education, and welfare of the children; and
2. the duty to inform the other parent if the parent resides with for at least thirty days, marries, or intends to marry a person who the parent knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure (as added by chapter 668, Acts of the 75th Legislature, Regular Session, 1997) or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the parent begins to reside with the person or on the tenth day after the date the mar-

riage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. WARNING: A PERSON COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PERSON FAILS TO PROVIDE THIS NOTICE.

IT IS ORDERED that, during her respective periods of possession, Petitioner, as a parent joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;
2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the children to medical and dental care not involving an invasive procedure;
4. the right to consent for the children to medical, dental, and surgical treatment during an emergency involving immediate danger to the health and safety of the children; and
5. the right to direct the moral and religious training of the children.

IT IS ORDERED that, during his respective periods of possession, Respondent, as a parent joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;
2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the children to medical and dental care not involving an invasive procedure;
4. the right to consent for the children to medical, dental, and surgical treatment during an emergency involving immediate danger to the health and safety of the children; and
5. the right to direct the moral and religious training of the children.

IT IS ORDERED that Petitioner, as a parent joint managing conservator, shall have the following rights and duty:

1. the exclusive right to establish the primary residence of the children; and

2. the exclusive right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children.

Geographical Area for Primary Residence

IT IS ORDERED that Petitioner shall have the exclusive right to establish the children's primary residence in (insert County where divorce is pending), or any county contiguous to (insert County where divorce is pending). IT IS ORDERED that this geographical restriction on the residence of the children shall be lifted if, at the time Petitioner wishes to remove the children from (*insert County where divorce is pending*) or a county contiguous to (*insert County where divorce is pending*) for the purpose of changing the primary residence of the children, Respondent does not reside in (*insert County where divorce is pending*), or a county contiguous to (*insert County where divorce is pending*).

OR

IT IS ORDERED that Petitioner shall have the exclusive right to designate the primary residence of the children without regard to geographic location.

Minimizing Disruption

IT IS ORDERED that the parties shall strive to ensure the peace of the children.

Standard Possession Order

The Court finds that the following provisions of this Standard Possession Order are intended to and do comply with the requirements of Texas Family Code sections 153.311 through 153.317. IT IS ORDERED that the conservators shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the signing of this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the primary or secondary school in which the child is enrolled or, if the child is not enrolled in a primary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of mutual

agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) Parents Who Reside 100 Miles or Less Apart

Except as otherwise explicitly provided in this Standard Possession Order, when Respondent resides 100 miles or less from the primary residence of the child, Respondent shall have the right to possession of the child as follows:

1. Weekends - On weekends, beginning at 6:00 p.m., on the first, third, and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday.

2. Weekend Possession Extended by a Holiday - Except as otherwise explicitly provided in this Standard Possession Order, if a weekend period of possession by Respondent begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday, as applicable.

3. Thursdays - On Thursday of each week during the regular school term, beginning at 6:00 p.m. and ending at 8:00 p.m.

4. Christmas Holidays in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.

5. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on the day before the child's school resumes after that Christmas school vacation.

6. Thanksgiving in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.

7. Spring Break in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

8. Extended Summer Possession by Respondent

With Written Notice by April 1 - If Respondent gives Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of

at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m.

Without Written Notice by April 1 - If Respondent does not give Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child for thirty consecutive days in that year beginning at 6:00 p.m. on July 1 and ending at 6:00 p.m. on July 31.

9. Child's Birthday - If Respondent is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, Respondent shall have possession of the child and the child's siblings beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that Respondent picks up the child from Petitioner's residence and returns the child to that same place.

10. Father's Day Weekend - Each year, beginning at 6:00 p.m. on the Friday preceding Father's Day and ending at 6:00 p.m. on Father's Day, provided that if he is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from Petitioner's residence and return the child to that same place.

Notwithstanding the weekend and Thursday periods of possession ORDERED for Respondent, it is explicitly ORDERED that Petitioner shall have a superior right of possession of the child as follows:

1. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.

2. Christmas Holidays in Even-Numbered Years - In even-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the following Sunday.

4. Spring Break in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

5. Summer Weekend Possession by Petitioner - If Petitioner gives Respondent written notice by April 15 of a year, Petitioner shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of the extended summer possession by Respondent in that year, provided that Petitioner picks up the child from Respondent and returns the child to that same place.

6. Extended Summer Possession by Petitioner - If Petitioner gives Respondent written notice by April 15 of a year or gives Respondent fourteen days' written notice on or after April 16 of a year, Petitioner may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by Respondent shall not take place in that year, provided that the weekend so designated does not interfere with Respondent's period or periods of extended summer possession or with Father's Day Weekend.

7. Child's Birthday - If Petitioner is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, Petitioner shall have possession of the child and the child's siblings beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that Petitioner picks up the child from Respondent's residence and returns the child to that same place.

8. Mother's Day Weekend - Each year, beginning at 6:00 p.m. on the Friday preceding Mother's Day and ending at 6:00 p.m. on Mother's Day, provided that if Petitioner is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from Respondent's residence and return the child to that same place.

Petitioner shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for Respondent.

(d) Parents Who Reside More Than 100 Miles Apart

Except as otherwise explicitly provided in this Standard Possession Order, when Respondent resides more than 100 miles from the residence of the child, Respondent shall have the right to possession of the child as follows:

1. Weekends - Unless Respondent elects the alternative period of weekend possession described in the next paragraph, Respondent shall have the right to possession of the child on weekends, beginning at 6:00 p.m. on the first, third, and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday. Except as otherwise explicitly provided in this Standard Possession Order, if such a weekend period of possession by Respondent begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday, as applicable.

Alternate weekend possession - In lieu of the weekend possession described in the foregoing paragraph, Respondent shall have the right to possession of the child not more than one weekend per month of Respondent's choice beginning at 6:00 p.m. on the day school recesses for the weekend and ending at 6:00 p.m. on the day before school resumes after the weekend. Except as otherwise explicitly provided in this

Standard Possession Order, if such a weekend period of possession by Respondent begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday, as applicable. Respondent may elect an option for this alternative period of weekend possession by giving written notice to Petitioner within ninety days after the parties begin to reside more than 100 miles apart. If Respondent makes this election, Respondent shall give Petitioner fourteen days' written or telephonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's Day Weekend below.

2. Christmas Holidays in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.

3. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on the day before the child's school resumes after that Christmas school vacation.

4. Thanksgiving in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.

5. Spring Break in All Years - Every year, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

6. Extended Summer Possession by Respondent -

With Written Notice by April 1 - If Respondent gives Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m.

Without Written Notice by April 1 - If Respondent does not give Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child for forty-two consecutive days beginning at 6:00 p.m. on June 15 and ending at 6:00 p.m. on July 27 of that year.

7. Child's Birthday - If Respondent is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, Respondent shall have possession of the child and the child's siblings beginning at 6:00

p.m. and ending at 8:00 p.m. on that day, provided that Respondent picks up the child from Petitioner's residence and returns the child to that same place.

8. Father's Day Weekend - Each year, beginning at 6:00 p.m. on the Friday preceding Father's Day and ending at 6:00 p.m. on Father's Day, provided that if Respondent is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from Petitioner's residence and return the child to that same place.

Notwithstanding the weekend periods of possession ORDERED for Respondent, it is explicitly ORDERED that Petitioner shall have a superior right of possession of the child as follows:

1. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.

2. Christmas Holidays in Even-Numbered Years - In even-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the following Sunday.

4. Summer Weekend Possession by Petitioner - If Petitioner gives Respondent written notice by April 15 of a year, Petitioner shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of possession by Respondent during Respondent's extended summer possession in that year, provided that if a period of possession by Respondent in that year exceeds thirty days, Petitioner may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that Petitioner picks up the child from Respondent and returns the child to that same place.

5. Extended Summer Possession by Petitioner - If Petitioner gives Respondent written notice by April 15 of a year, Petitioner may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which Respondent shall not have possession of the child, provided that the period or periods so designated do not interfere with Respondent's period or periods of extended summer possession or with Father's Day Weekend.

6. Child's Birthday - If Petitioner is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, Petitioner shall have possession of the child and the child's siblings beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that Petitioner picks up the child from Respondent's residence and returns the child to that same place.

7. Mother's Day Weekend - Each year, beginning at 6:00 p.m. on the Friday preceding Mother's Day and ending at 6:00 p.m. on Mother's Day, provided that if Petitioner is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from Respondent's residence and return the child to that same place.

Petitioner shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for Respondent.

(e) General Terms and Conditions

Except as otherwise explicitly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by Petitioner — Petitioner is ORDERED to surrender the child to Respondent at the beginning of each period of Respondent's possession at the residence of Petitioner.

2. Return of Child by Respondent — Respondent is ORDERED to return the child to the residence of Petitioner at the end of each period of possession. However, it is ORDERED that, if Petitioner and Respondent live in the same county at the time of rendition of this order, Respondent's county of residence remains the same after rendition of this order, and if Petitioner's county of residence changes, effective on the date of the change of residence by Petitioner, Respondent shall surrender the child to Petitioner at the residence of Respondent at the end of each period of possession.

3. Surrender of Child by Respondent - Respondent is ORDERED to surrender the child to Petitioner, if the child is in Respondent's possession or subject to Respondent's control, at the beginning of each period of Petitioner's exclusive periods of possession, at the place designated in this Standard Possession Order.

4. Return of Child by Petitioner - Petitioner is ORDERED to return the child to Respondent, if Respondent is entitled to possession of the child, at the end of each of Petitioner's exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due.

This concludes the Standard Possession Order.

Duration

The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

Termination of Orders on Remarriage

The provisions of this decree relating to conservatorship, possession, or access terminate on the remarriage of Petitioner to Respondent unless a nonparent or agency has been appointed conservator of the children under chapter 153 of the Texas Family Code.

Notice to Peace Officers

NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS: YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT COMMITS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS \$10,000.

Child Support

IT IS ORDERED that Respondent is obligated to pay and shall pay to Petitioner child support of \$_____ per month, with the first payment being due and payable on _____ and a like payment being due and payable on the first day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

1. any child reaches the age of eighteen years, provided that the periodic child support payments shall continue to be due and paid until the end of the month in which the child graduates from high school if the child is:

- a. enrolled:
 - (1) under Chapter 25, Education Code, in an accredited secondary school in a program leading toward a high school diploma, the periodic child support payments shall continue to be due and paid until the end of the month in which the child graduates from high school;
 - (2) under Section 130.008, Education Code, in courses for joint high school and junior college credit; or
 - (3) on a full-time basis in a private secondary school in a program leading toward a high school diploma; and
 - b. complying with:
 - (1) the minimum attendance requirements of Subchapter C, Chapter 25, Education Code; or
 - (2) the minimum attendance requirements imposed by the school in which the child is enrolled, if the child is enrolled in a private secondary school;
- 2. any child marries;
 - 3. any child dies; or
 - 4. any child's disabilities are otherwise removed for general purposes.

Thereafter, Respondent is ORDERED to pay to Petitioner child support of \$_____ per month, due and payable on the first day of the first month immediately following the date of the earliest occurrence of one of the events specified above for the other child and a like sum of \$_____ due and payable on the first day of each month thereafter until the next occurrence of one of the events specified above for the other child.

A child support obligation does not terminate on the death of the obligee but continues as an obligation to the child named in the support order.

Withholding from Earnings

IT IS ORDERED that any employer of Respondent shall be ordered to withhold from earnings for child support from the disposable earnings of Respondent for the support of the child(ren) subject of this order.

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of Respondent by the employer and paid in accordance with the order to that employer shall constitute a credit against the child support obligation. Payment of the full amount of child support ordered paid by this decree through the means of withholding from earnings shall discharge the child support obligation. If the amount withheld from earnings and credited against the child support obligation is less than 100 percent of the amount ordered to be paid by this decree, the balance due remains an obligation of Respondent, and it is hereby ORDERED that Respondent pay the balance due directly to the state disbursement unit specified below.

On this date the Court signed an Order/Notice to Withhold Income for Child Support.

Payment

IT IS ORDERED that all payments shall be made through the **Texas Child Support Disbursement Unit at P.O. Box 659791**, San Antonio, Texas 78265-9791, and thereafter promptly remitted to Petitioner for the support of the children. IT IS ORDERED that each party shall pay, when due, all fees charged to that party by the agency through which child support is paid.

Order to Employer

On this date the Court signed an "Order/Notice to Withhold Income for Child Support."

IT IS ORDERED that all payments shall be made through the state disbursement unit at the Office of the Attorney General, P.O. Box 13499, Austin, Texas 78711-3499 and thereafter promptly remitted to Petitioner for the support of the children.

IT IS FURTHER ORDERED that Respondent shall notify this Court and Petitioner by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of Respondent and the name and address of obligor's current employer, whenever that information becomes available.

IT IS ORDERED that, on the request of a prosecuting attorney, the attorney general, the friend of the Court, Petitioner, or Respondent, the clerk of this Court shall cause a certified copy of the "Order/Notice to Withhold Income for Child Support" to be delivered to any employer. IT IS FURTHER ORDERED that the clerk of this Court shall attach a copy of subchapter C of chapter 158 of the Texas Family Code for the information of any employer.

Health Care

IT IS ORDERED that medical support shall be provided for the children as follows:

1. Respondent's Responsibility - It is the intent and purpose of this decree that Respondent shall, at all times, provide medical support for the children. IT IS THEREFORE ORDERED that, as additional child support, Respondent shall provide medical support for the parties' children for as long as child support is payable under the terms of this decree, as set out herein.

2. Payment of Uninsured Expenses - IT IS ORDERED that the party who pays for a health-care expense on behalf of the children shall submit to the other party,

within ten days of receiving them, all forms, receipts, bills, and explanations of benefits paid reflecting the uninsured portion of the health-care expenses the paying party incurs on behalf of the children. IT IS FURTHER ORDERED that, within ten days after the nonpaying party receives the explanation of benefits stating benefits paid, that party shall pay one-half of the uninsured portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the paying party for any advance payment exceeding the paying party's share of the expenses.

3. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILDREN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE HAD BEEN PROVIDED; AND THE COST OF HEALTH INSURANCE PREMIUMS OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILDREN.

No Credit for Informal Payments

IT IS ORDERED that the child support as prescribed in this decree shall be exclusively discharged in the manner ordered and that any direct payments made by Respondent to Petitioner or any expenditures incurred by Respondent during Respondent's periods of possession of or access to the children, as prescribed in this decree, for food, clothing, gifts, travel, shelter, or entertainment are deemed in addition to and not in lieu of the support ordered in this decree.

Support as Obligation of Estate

IT IS ORDERED that the provisions for child support in this decree shall be an obligation of the estate of Respondent and shall not terminate on the death of Respondent. Payments received for the benefit of the children from the Social Security Administration, Department of Veterans Affairs, other government agency, or life insurance shall be a credit against this obligation.

Medical Notification

Each party is ORDERED to inform the other party within twenty-four hours of any medical condition of the parties' children requiring surgical intervention, hospitalization, or both.

Information Regarding Parties and Children

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Name: Petitioner (*list your information*)

Social Security number:

Driver's license number:

Issuing state:

Current residence address:

Mailing address:

Home telephone number:

Name of employer:

Address of employment:

Work telephone number:

Name: Respondent (*list your spouse's information*)

Social Security number:

Driver's license number _____ Issuing state: Texas

Current residence address:

Mailing address:

Home telephone number:

Name of employer:

Address of employment:

Work telephone number:

Name: (List the following information for each child of the marriage)

Social Security number:

Driver's license number: _____ Issuing state:

Current residence address:

Mailing address:

Home telephone number:

Name of employer:

Address of employment:

Work telephone number:

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested. Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk. Notice shall be given to the state case registry by mailing a copy of the notice to State Case Registry, Central File Maintenance, P.O. Box 12017, Austin, Texas 78711-2017.

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

9. *Division of Marital Estate*

IT IS ORDERED AND DECREED that the personal effects of the parties are awarded to the party having possession.

Division of Property

Property to Husband (*list all property to be awarded to the Husband*):

Property to Wife (*list all property to be awarded to the Wife*):

Division of Debt

Debts to Husband IT IS ORDERED AND DECREED that the husband shall pay, as a part of the division of the estate of the parties, and shall indemnify and hold the wife and her property harmless from any failure to so discharge, these items (*list all debts to be awarded to the Husband*):

Debts to Wife. IT IS ORDERED AND DECREED that the wife shall pay, as a part of the division of the estate of the parties, and shall indemnify and hold the husband and his property harmless from any failure to so discharge, these items (*list all debts to be awarded to the Wife*):

Notice

IT IS ORDERED AND DECREED that each party shall send to the other party, within three days of its receipt, a copy of any correspondence from a creditor or taxing authority concerning any potential liability of the other party.

Treatment/Allocation of Community Income for Year of Divorce.

IT IS ORDERED AND DECREED that, for the calendar year (*insert current year*), each party shall file an individual income tax return in accordance with the Internal Revenue Code.

10. Change of Petitioner's Name (include this section ONLY if Petitioner or Respondent wish to change his or her name)

IT IS ORDERED AND DECREED that _____ (Respondent's OR Petitioner's) name is changed to _____.

11. Court Costs

IT IS ORDERED AND DECREED that costs of court are to be borne by the party who incurred them.

12. Clarifying Orders

Without affecting the finality of this Final Decree of Divorce, this Court expressly reserves the right to make orders necessary to clarify and enforce this decree.

13. *Relief Not Granted*

IT IS ORDERED AND DECREED that all relief requested in this case and not expressly granted is denied. This is a final judgment, for which let execution and all writs and processes necessary to enforce this judgment issue. This judgment finally disposes of all claims and all parties and is appealable.

14. *Date of Judgment*

SIGNED on _____ .

JUDGE PRESIDING

APPROVED AND CONSENTED TO
AS TO BOTH FORM AND SUBSTANCE:

Petitioner

Respondent

APPENDIX E

SAMPLE PROVE UP QUESTIONS FOR UNCONTESTED DIVORCE WITHOUT CHILDREN

1. Your Honor, my name is _____. I am the Petitioner in this suit for divorce.
2. I am presently married to _____.
3. At the time I filed for divorce, I was a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding 90 day period.
4. My spouse and I stopped living together as husband and wife on or about _____.
5. My marriage to my spouse has become insupportable because of a discord or conflict of personalities that destroys the legitimate ends of the marriage relationship.
6. There is no reasonable expectation of reconciliation.
7. There were no children born or adopted during this marriage.
8. We are not expecting any children at this time.
9. I am requesting the following division of property and debts: (briefly tell the Judge how the property and debts will be divided)
10. I believe this is a fair and equitable division of the community property and debts.
11. I am requesting my name be changed from _____ to my maiden name: _____.
12. I am not requesting a name change to avoid creditors or to avoid criminal prosecution.
13. This is a copy of the Final Decree of Divorce, which bears my signature (and my spouse's signature).
14. I respectfully ask the Court to grant me a divorce and approve all provisions in the proposed Final Decree of Divorce.

APPENDIX F

SAMPLE PROVE UP QUESTIONS FOR UNCONTESTED DIVORCE WITH CHILDREN

1. Your Honor, my name is _____. I am the Petitioner in this suit for divorce.
2. I am presently married to _____.
3. At the time I filed for divorce, I was a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding 90 day period.
4. My spouse and I stopped living together as husband and wife on or about _____.
5. My marriage to my spouse has become insupportable because of a discord or conflict of personalities that destroys the legitimate ends of the marriage relationship.
6. There is no reasonable expectation of reconciliation.
7. There were _____ (number) of children born to my husband and I.
8. We are not expecting any children at this time.
9. I am requesting the following rulings regarding the children: (briefly tell the judge the terms regarding custody, visitation and child support).
10. I believe these rulings would be in the best interest of my children.
11. I am further requesting the following division of property and debts: (briefly tell the Judge how the property and debts will be divided).
12. I believe this is a fair and equitable division of the community property and debts.
13. I am requesting my name be changed from _____ to my maiden name: _____.
14. I am not requesting a name change to avoid creditors or to avoid criminal prosecution.
15. This is a copy of the Final Decree of Divorce, which bears my signature (and my spouse's signature).
16. I respectfully ask the Court to grant me a divorce and approve all provisions in the proposed Final Decree of Divorce.

IMPORTANT DATES IN YOUR CASE:



P.O. Box 12487
Austin, Texas 78711-2487
(800) 204-2222 - Ext. 6429
www.tyla.org