

## **DIVORCE CHECKLIST FOR PRO SE (SELF-REPRESENTED) LITIGANTS**

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

If you and your spouse do not have a lawyer, and your case has been filed in the 410<sup>th</sup> District Court, the 418<sup>th</sup> District Court or in County Court at Law #3, you must complete the checklist items below. **You will not be given a court date to finalize your divorce until the checklist items have been properly completed and filed with the Montgomery County District Clerk at 301 N. Main, First Floor, Conroe, Texas 77301 or P.O. Box 2985, Conroe, Texas 77305.**

### **REQUIRED DOCUMENTATION BEFORE CASE WILL BE PLACED ON COURT'S CALENDAR FOR FINALIZATION:**

\_\_\_\_\_ **Original Petition for Divorce.** The *Original Petition for Divorce* must be on file with the Montgomery County District Clerk's office for at least 60 days before your divorce case may be finalized, except in limited situations involving family violence.

\_\_\_\_\_ **Return of Citation/Waiver/Answer.** A *Return of Citation* or *Waiver of Service* or *Answer* must be filed.

\_\_\_\_\_ The Respondent spouse must be properly served with notice of the filing of the *Original Petition for Divorce* and a *Return of Citation*, signed by the authorized process server verifying that fact, must be filed with the Montgomery County District Clerk's office; **OR**

\_\_\_\_\_ The Respondent spouse may waive service by signing a *Waiver of Service* before a notary. The *Waiver of Service* must be signed by the Respondent **on a date after** the date the *Original Petition for Divorce* was filed; **OR**

\_\_\_\_\_ The Respondent spouse may file an *Answer* to the *Original Petition for Divorce*.

\_\_\_\_\_ **Vital Statistics Form VS-165.** You must fill out a Texas Department of State Health Services form entitled *Information on Suit Affecting the Family Relationship*. This form may be obtained from the Montgomery County District Clerk's office. *When completed, mail to District Clerk at PO Box 2985, Conroe, TX 77305 or deliver in person to 301 N. Main Street Suite 103, Conroe, TX 77301. **\*\*Do not E-file; e-filed forms will be rejected without notice.\*\****

\_\_\_\_\_ **Final Decree of Divorce.** The *Final Decree of Divorce* is the final order that the judge will sign if your divorce is granted. It must contain all the requirements under Texas law concerning property and children. If you have children under the age of 18 or who are still in high school, the Final Decree of Divorce must include a properly completed *Parenting Plan*.

### **IN DIVORCE CASES WITH A CHILD OR CHILDREN UNDER THE AGE OF 18, the following will be required:**

\_\_\_\_\_ **Parenting Class Certification.** **Only if your case is filed in the 418<sup>th</sup> District Court,** you must file a certificate of completion certifying that you have completed a Parent Education and Family Stabilization course. The District Clerk's office maintains a registry of course providers within Montgomery County.

\_\_\_\_\_ **If you have a case with the Attorney General of Texas concerning the child(ren) in this divorce, you MUST properly serve a file-stamped copy of the *Original Petition for Divorce* to the Attorney General's office at 5452 Hwy 105 West, Suite 202, Conroe, Texas 77304, between 8:00 a.m. and 5:00 p.m. as soon as you file the petition.**

You may not be able to finalize your divorce if (a) the wife is pregnant, (b) the wife parented a child with someone other than the husband during the marriage (unless that third-party is made a party to the divorce suit and is addressed in the decree along with the applicable child(ren)), or (c) a child has been the subject of a prior court order (unless the prior court case has been transferred to the divorce court or consolidated with the divorce case). In divorce cases with a child or children under the age of 18, you are strongly encouraged to meet with the reference attorney with the Montgomery County Law Library Pro Se Service. You may call them at (936) 539-7976 to schedule an appointment. There is **no cost** to you for this meeting.

**SEE REVERSE SIDE FOR ADDITIONAL INSTRUCTIONS!**

**IN DIVORCE CASES IN WHICH YOUR SPOUSE HAS BEEN SERVED** but has not (1) filed an *Answer*, (2) filed a *Waiver of Appearance*, or (3) approved the terms of and *signed* the *Final Decree of Divorce*, you must also file a:

- \_\_\_\_\_ **Military Status Affidavit**,
- \_\_\_\_\_ **Certificate of Last Known Address**; and
- \_\_\_\_\_ a **Sworn Inventory and Appraisalment**.

**INSTRUCTIONS FOR PLACING YOUR CASE ON THE COURT’S CALENDAR FOR FINALIZATION:**

Your case will not be placed on the Court’s calendar for finalization until all of the required documents listed on this checklist have been filed with the District Clerk’s office and the *Original Petition for Divorce* has been on file for more than 60 days (except in limited situations involving family violence). After the required documents have been filed with the District Clerk’s office, you may call your applicable Court to be placed on the Court’s calendar. You may call the 410<sup>th</sup> District Court at (936) 539-7860. You may call the 418<sup>th</sup> District Court at (936) 538-3618. You may call County Court at Law #3 at (936) 539-7973. You will be asked whether or not your case is (1) **AGREED** (meaning that your spouse has either signed and filed a *Waiver of Service*, or filed an *Answer* and signed the *Final Decree of Divorce*), (2) an **EXPECTED DEFAULT** (meaning that a *Return of Citation* has been timely filed with the Montgomery County District Clerk’s office and your spouse has not filed any response to the lawsuit), or (3) **CONTESTED** (meaning your spouse has filed an *Answer* or other appearance, but you and your spouse have not both signed the *Final Decree of Divorce* because you have not reached an agreement on all issues). If your case is **AGREED** or an **EXPECTED DEFAULT**, you will be given a date for your case to be heard on the Court’s “uncontested docket.” All files placed on the Court’s “uncontested docket” are reviewed for compliance with all applicable rules and laws prior to the Court date. As such, any and all amended and/or supplemental documents or motions must be filed at least 7 days prior to your Court date. If any amended and/or supplemental documents are filed within 7 days of your Court date, your Court date may be rescheduled.

At your first Court appearance, if you have filed an *Affidavit of Inability to Pay Costs* or a *Pauper’s Oath*, a hearing may first be conducted regarding your financial circumstances. At the conclusion of the hearing you may be required to pay your filing fees before the Court will consider your request for divorce.

If your case is **CONTESTED** or is not finalized within a certain amount of time, you will be given a pre-trial conference date and a final trial date if those dates have not previously been given to you in a **DOCKET CONTROL ORDER** or a **SCHEDULING ORDER**.

**If you have been given a DOCKET CONTROL ORDER or a SCHEDULING ORDER, you do not have to wait until the date given in such order to finalize your case if your case is **AGREED** or an **EXPECTED DEFAULT**!**

**DO YOU NEED HELP?**

If you need assistance with obtaining and/or completing the necessary paperwork, you may contact one of the following resources:

- A private attorney
- Montgomery County Law Library Pro Se Services at (936) 539-7976
- Lone Star Legal Aid at (800)733-8394 or [www.lonestarlegal.org](http://www.lonestarlegal.org)
- Montgomery County Women’s Center at (936) 441-4044
- Some forms may be available at [www.texaslawhelp.org](http://www.texaslawhelp.org)