

DIVORCE CHECKLIST FOR PRO SE 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 154th District Court, 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 Lamb County District Clerk at 100 6th Drive, Room 212 (Second Floor).

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 Lamb 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 Lamb 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 of 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. The form may be obtained from the Lamb County District Clerk’s Office

_____ **Final Decree of Divorce.** The Final decree is the final order that the judge will sign if your divorce is granted. It must contain all the requirements under the 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: You must file a certificate of completion certifying that you have completed a parenting education and family stabilization course. The District Clerk's office maintains a registry of course providers within lamb county. The court will **not** accept online classes without prior written approval from the judge.

_____ **If you have a case with the Attorney General of Texas concerning the child or children in this case you must properly serve a file stamped copy of the original petition for divorce to the Attorney General's Office by email to CSD-Legal-161@oga.texas.gov** If you have any questions you can call the local AG office at 806-763-3981.

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/children 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 within the divorce case)

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

INSTRUCTIONS FOR PLACING YOUR CASE ON THE COURTS CALENDAR FOR FINALIZATION.

Your case will not be placed on the courts calendar for finalization until all the required documents on page one of 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 the court to be placed on the courts calendar. You may call the 154th District Court Coordinator at 806-485-9151.

You will be asked whether your case is:

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*,

EXPECTED DEFAULT Meaning that a *Return of Citation* has been timely filed with the Lamb County District Clerk's office and your spouse has not filed any response to the lawsuit OR

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 and or EXPECTED DEFAULT, you will be giving a date for your case to be heard on the Court's "uncontested docket." All files placed in 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 cost or pauper's oath, a hearing will 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, you will be given a mediation date, pre-trial conference date and a final trial date if those dates have not previously been given to you. A DOCKET CONTROL ORDER will also be issued by the Court.

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

DO YOU NEED HELP?

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

- A Private Attorney
- Uncontested.com (does require payment but has attorneys available to help)
- Texas lawhelp.org (forms and instructions available, user friendly)
- Texas Legal Aid of Northwest Texas: Lubbock 806-762-2325 Levelland: 806-894-1112 Plainview 806-293-8491
- State Bar of Texas – Under "For the Public Tab"
- Texas State Law Library