

DIVORCE CHECKLIST FOR PRO SE LITIGANTS

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

If you are representing yourself, below is a checklist that you must complete before appearing in court for your divorce. **Remember, neither the Waller County District Clerk nor the Court Staff can give you legal advice.** If you have legal questions you should contact a competent attorney to assist you. Please review Judge Chaney's Policies and Procedures for questions you may have <https://www.co.waller.tx.us/page/County.CourtAtLaw>

____ **1.** You **must** have filed all necessary paperwork (including a proposed Final Decree of Divorce) with the Waller County District Clerk's office **before** your case is placed on the Uncontested Docket for your final hearing. You must have the following:

- ____ Petition for Divorce (filed when you started your divorce)
- ____ Waiver of Citation If you are using a Waiver of Citation, this document **must** have been signed by the Respondent in front of a notary public and notarized **24 hours after** the Original Petition for Divorce was filed.
- ____ Proof of Service of Citation for a default (if Respondent was served and did not file a Waiver). You will need **Certificate of Last Known Address and Non-Military Affidavit regarding the Respondent.**
- ____ Affidavit for Prove-Up with or without our children is required for ALL UNCONTESTED Divorces (this form can be obtained in the Waller County District Clerk's Office).
- ____ Texas Department of State Health Services – Vital Statistics Forms (BVS). Obtain these from the Waller County District Clerk's Office.
- ____ Proposed Final Decree of Divorce

IF CHILDREN ARE INCLUDED, YOUR DECREE MUST ALSO HAVE:

- ____ The forms or language for either a Standard Possession Order, or provisions for possession and access to the child(ren) by the other parent. If not Standard, be prepared to explain the difference.
- ____ The forms for child support, including the amount of money to be paid either weekly, bi-weekly, monthly, or otherwise, and include provisions for insurance to be carried on the children (Including the name of the private insurance company), and deductible payments.

The Final Decree of Divorce must include all of the elements necessary under Texas law.

You have several options available to you to get this done:

- Contact a private attorney;
- Contact Lone Star Legal Aid at www.lonestarlegal.org, to see if you qualify for representation by their attorneys;
- Find information and forms online at www.texaslawhelp.org (then click on Family Law and Domestic Violence, and then click on Divorce / Free Forms) or at www.freetexasforms.org (then click on either Divorce in Texas WITH Children or Divorce in Texas WITHOUT Children); or
- If you have been a victim of domestic abuse, contact the Texas Advocacy Project Assisted Pro Se Program at (866) 598-4277, to see if you qualify for assistance by their attorneys.

____ **2.** If you do not have an agreement with your spouse, and your spouse has filed an answer, your case will not be heard on the Uncontested Docket and you will need to request a court date from the Court Coordinator.

____ **3.** If there were children born during this marriage who are under the age of 18 years, it's recommended that you either: a) attend a parenting class; b) explain to the Court why you cannot attend such a class;

____ **4.** Pick up a form entitled *Information on Suit Affecting the Family Relationship (TX Dept. of State Health Services-Vital Statistics Form: Called BVS Form)* from the Waller County District Clerk's Office. Fill out the form according to the instruction and file it with the Waller County District Clerk's Office.

____ **5.** Except for unusual circumstances, you will not be able to get a divorce if 60 days have not elapsed from the date the lawsuit was filed. If you have a case with the Attorney General concerning the child (ren) in this divorce, you must give their office a file-stamped copy of the Petition for Divorce as soon as you file it.

INFORMATION REGARDING DIVORCE CASES

IN THIS PACKET:

- 1) WCDC RESOURCE INFORMATION SHEET
- 2) INFORMATION FOR FILING A DIVORCE – PRO SE – WCDC
- 3) DIVORCE / CUSTODY EDUCATION PROGRAMS
(**REQUIRED** ON CASES WHICH INVOLVE CHILDREN)
- 4) BASIC INFORMATION FOR SELF-REPRESENTED LITIGANTS
- 5) DIVORCE CHECKLIST FOR PRO SE LITIGANTS
- 6) WALLER COUNTY COURT AT LAW STANDING RESTRAINING ORDER & ONLINE PARENTING INFORMATION
- 7) ARE YOU READY FOR COURT? SAMPLES OF COURTROOM TESTIMONY
- 8) INFORMATION ON SUIT AFFECTING THE FAMILY RELATIONSHIP (BVS Form is **REQUIRED**)
- 9) STATE DISBURSEMENT UNIT REQUIRED INFORMATION –
(**REQUIRED** ON CASES CHILD SUPPORT IS ORDERED)

**AFFIDAVIT FOR PROVE-UP OF AGREED DIVORCE IS REQUIRED
(with or without children – for uncontested divorces only)*

ALL INFORMATION MUST BE RECEIVED BY THE CLERK AND PLACED IN THE COURT'S FILE FOR THE FAMILY LAW JUDGE TO LOOK AT AND APPROVE BEFORE A HEARING CAN BE SET ON YOUR CASE.

***PLEASE READ THE INFORMATION PROVIDED, THE DISTRICT CLERK'S OFFICE CAN NOT GIVE LEGAL ADVICE. IF YOU HAVE ANY LEGAL QUESTIONS, YOU WILL NEED TO SEEK LEGAL GUIDANCE FROM AN ATTORNEY.**

Waller County District Clerk's Resource Information Sheet

Online free and low cost Family and Civil legal assistance in Texas:

Texaslawhelp.org

Attorney General of Texas (Conroe, Texas) 936-539-3533

- Petitions Establishing the Parent-Child Relationship
- Petitions Affecting the Parent-Child Relationship
- Child Support Enforcement

Texas Child Support Disbursement Unit (San Antonio, TX)

1-800-252-8014

- Request a Direct Deposit Authorization Form
- 24-hour Payments
- Case Status Information

Access & Visitation Attorney Help Line: 1-866-292-4636

Lone Star Legal Aid Conroe, Texas: 936-539-2130

412 West Lewis, Conroe, TX 77301

Report Abuse of Children & Elderly: 1-800-252-5400

Waller County District Attorney: 979-826-7718

645 12TH St., Hempstead, TX 77445

Parenting Class: <https://TX.OnlineParentingPrograms.com>

- 4-hour class

You may contact a private attorney for all your legal needs.

Please Google for names and phone numbers of these attorneys.

INFORMATION FOR FILING A DIVORCE – PRO SE – WALLER COUNTY DISTRICT CLERK

THE DISTRICT CLERK'S OFFICE DOES NOT SUPPLY FORMS NECESSARY TO FILE FOR DIVORCE.

WE ARE NOT ATTORNEY'S AND ARE LEGALLY PROHIBITED FROM GIVING ANY LEGAL ADVICE.

If you intend to represent yourself "Pro Se" (without the assistance of an attorney) you must have knowledge to prepare and file the necessary pleadings and present your cause to the Court.

The only suggestion or advice that we can offer is to go to www.texaslawhelp.org or go to a Law Library to research the necessary information or see an attorney.

PROCEDURES FOR FILING YOUR OWN DIVORCE

1. Bring your original petition and 1 copy to the District Clerk's office to be filed.
2. The filing fee is \$350.00 and **DUE AT THE TIME OF FILING.**
3. Your petition will be filed and assigned a cause number and court. Please have this information available when contacting our office concerning your case. The District Clerk Phone number is 979-826-7735. Our hours are 8:00 AM to 4:30 PM and Open through lunch.
4. The petition must be on file for at least 60 days before the final hearing can be held.
5. After the 60 days have expired and your paperwork is in order, you may appear before the Court to have the final decree entered. To obtain a hearing contact the court coordinator.
 - County Court at Law Coordinator Yesenia Pinon at 979-826-7763.
6. If there are children of the marriage, your Final Decree must include provisions for custody, visitation and child support in accordance with guidelines established by the Texas Family Code.
7. For Pro Se filers (All paper work must be brought in to the Waller County District Clerk's Office for the Judge to look at and approve before a hearing date will be set) Also, you must leave your contact information so you can be contacted if there are errors.
8. Report to the assigned courtroom and wait for the Court to call your case. The Judge cannot assist you with your divorce. You must know how to present your case in the courtroom and what testimony to give.
9. If you or your spouse will be receiving child support, you must return to the District Clerk's Office and give required information to set up a child support account that will be collected and disbursed thru the State Disbursement Unit in San Antonio.
10. Pursuant to the Local Court Rules,
 - In **ALL** suits affecting parent-child relationship filed in Waller County, Texas, involving children under the age of 18, **all parties** shall successfully complete a Divorce/Custody education program that addresses the issues confronting children that are the subject of divorce, custody and child support litigation. Each party is responsible for payment of the appropriate fee. **PARTIES ARE TO ATTEND THE SAME PROGRAM.**
 - The program shall be attended within 60 days of service of the original petition upon the original respondent.
 - A party's failure to attend the program pursuant to this rule could result in postponement of the final hearing and entry of a final decree.
 - For good cause shown the judge may waive the attendance requirement in individual cases.
 - Information on this required program is available in this packet.

YOU CAN ALSO RECEIVE CERTIFIED COPIES OF YOUR DECREE AT THIS TIME. THE COST IS \$1 PER PAGE + \$5 TO CERTIFY THE DOCUMENT.

WE ARE SORRY THAT WE CANNOT LEGALLY HELP YOU WITH ANY ADDITIONAL INFORMATION, BUT PLEASE CALL OUR OFFICE AT 979-826-7735 FOR INFORMATION REGARDING THESE INSTRUCTIONS.

THANK YOU,
Liz Pirkle, WALLER COUNTY DISTRICT CLERK

**DIVORCE/CUSTODY
EDUCATION PROGRAM FOR
DIVORCING PARENTS**

***DIVORCE / CUSTODY
EDUCATION PROGRAM FOR
DIVORCING PARENTS***

THE JUDGE OF THE COUNTY COURT AT LAW

IN WALLER COUNTY REQUIRES THAT

ALL PARENTS OF CHILDREN UNDER THE

AGE OF 18 DIVORCING MUST

SUCCESSFULLY COMPLETE A

DIVORCE/CUSTODY EDUCATION PROGRAM.

**PLEASE REFER TO THE WALLER COUNTY COURT AT LAW STANDING
RESTRAINING ORDER PARAGRAPH 7 FOR DETAILS.**

**If the youngest child is over the age of 16, you can ask the court to waive this
requirement.*

*THANK YOU, LIZ PIRKLE
DISTRICT CLERK, WALLER COUNTY*

Basic Information for Self-Represented Litigants

1. If you have decided to represent yourself in a case, it is important for you to know that you are about to enter into a process that can be very complicated or confusing. If your case involves children, real estate (land, buildings, a home or anything attached to the land), a pension or retirement account, important heirlooms or keepsakes, property you own separately from your husband or wife, or large debts, you should seriously consider visiting with an attorney about your case. If there is a lawyer on the other side, he/she cannot give you legal advice and that lawyer is prohibited from representing both sides.
2. By representing yourself, you are acting as your own attorney. You will be expected to know and follow the law and court rules just as any attorney, including the Texas Rules of Evidence, Texas Rules of Civil Procedure, the Court's Local Rules, and the Lawyer's Creed. If you do not follow the rules, you may permanently lose important rights.
3. The Judge, court staff (including the court coordinator, court clerk, court reporter, bailiff) and opposing counsel cannot give you legal advice. That means they cannot tell you what you should do or say in your case or how the law applies to your case.
4. Do not attempt to communicate directly or through another person to the judge outside of the courtroom. That means you should not call the judge on the phone, leave messages, send a letter, fax or email message or talk to the judge face-to-face. The only time you may communicate with the judge is if everyone involved in the case is present. Also you may write something to the judge if you send a copy of it to everyone else in the case (see paragraph 5 and 7 below). Any communication that does not include everyone else in the case is called an *ex parte* communication and is not allowed. The Court will return any *ex parte* communication to you unread and will notify the other side of your attempt to communicate with the Judge.

Basic Information for Self-Represented Litigants

5. A formal pleading, answer, motion or other paper where you ask the Court to take some action is not a prohibited communication, but still should not be sent to the Court. You must file those papers with the Clerk's office with a true and correct copy of the papers sent to the opposing party's attorney, if he/she has one, or to the opposing party if he/she does not have a lawyer. You must also attach a separate page of paper to every document you file with a statement that tells the court you have mailed a true and correct copy of the paperwork to the lawyer on the other side, or to the other party if they do not have a lawyer. You must sign the statement.
6. Give the Clerk a current mailing address and telephone number where you can be reached and, unless your case involves a protective order, you must provide a copy of that information to the lawyer or party on the other side.. If you change your address or phone number while the case is pending, you must give the Clerk and the other side notice of the new address or phone. If you move and you do not get your mail, you may permanently lose important rights. Once you file your pleadings in the case, you should send a written request for a hearing with the court's clerk who will then notify you by mail of the hearing date.
7. Any requests to the court must be made in writing with the signed statement attached that you have sent a copy to the opposing party.
8. You must give notice to the opposing attorney or party of any court setting or order that you have obtained. You must file a copy with the court of such notice to opposing attorney or party.
9. If you get notice that a hearing has been scheduled, you must be prepared to present your evidence and witnesses.
10. **How To Get Ready For Court** -You should go to Court yourself and watch other cases before yours comes up. If you do this, you'll see how the Court works, where everybody sits and what they do and say. Plan to do this a few days or weeks before you have to go to Court.

Basic Information for Self-Represented Litigants

11. **The Hearing** - At the hearing, the judge will hear your case. Each party will have a chance to tell his or her side of the story. It's important to bring your paperwork and your evidence such as photos, witnesses, bills, receipts, contracts, or anything else that will prove your case.
12. **How to Dress** - Dress as though you were going to an important job interview. Be neat and clean. Do not wear shorts, bare feet, tank tops, halter tops, sandals, hats, or other casual clothing. The court will order you removed from the courtroom if you violate court dress code; if you are not in the courtroom you may lose your case.
13. **Timeliness** - Always get to court on time. Plan to be at the courtroom at least thirty minutes early. Remember that you will need to locate parking, clear the security check and find the proper courtroom.
14. **Courtroom Demeanor** - You and your witnesses should be quiet in court.
 - Court is not like you may have seen on T.V. You will be expected to be respectful of the opposing party, the opposing party's attorney, the Judge and the Court staff *at all times!*
 - Don't smoke or chew gum.
 - Turn your off cell phone, pagers or other audible devices when you are in the courtroom.
 - Do not go in and out of the courtroom while waiting for your case to be called.
 - Do not bring children to court unless the child has been subpoenaed.
 - During your case speak clearly and loudly enough to be heard, and stay calm.
 - Stand when speaking to the Judge.
 - Call the Judge "*Your Honor.*"
 - Do not interrupt the judge, the attorneys or any other party in the courtroom.
 - At all times you should control your emotions and pay attention, whether you are in the audience, appearing as a witness, appearing as a party.

Basic Information for Self-Represented Litigants

- You should never speak, even in a whisper, with friends or other audience members while court is in session.
- 15. If you break any of these rules, the judge may find that you are in contempt of court and punish you. Depending on what you did, the judge may put you in jail, order you to pay a fine, have you removed from the courtroom or enter an order in favor of the other side.

If you decide you need help with your case, the following list of local and state resources may be able to assist you:

WALLER COUNTY COURTS AT LAW STANDING RESTRAINING ORDER

STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES

No party to this lawsuit has requested this order. Rather, this order is a standing order of the Waller County Courts at Law that applies in every divorce suit and every suit affecting the parent-child relationship filed in Waller County. The County Courts at Law have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending before the court.

Therefore, it is ORDERED:

- 1. NO DISRUPTION OF CHILDREN.** Both parties are ORDERED to refrain from doing the following acts concerning any children who are subjects of this case:
 - 1.1 Removing the children from the State of Texas, acting directly or in concert with others, without the written agreement of both parties or an order of this Court.
 - 1.2 Disrupting or withdrawing the children from the school or day-care facility where the children are presently enrolled, without the written agreement of both parents or an order of this Court.
 - 1.3 Hiding or secreting the children from the other parent or changing the children's current place of abode, without the written agreement of both parents or an order of this Court.
- 2. CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are ORDERED to refrain from doing the following acts:
 - 2.1 Using vulgar, profane, obscene, or indecent language, or a coarse or offensive manner, to communicate with the other party, whether in person, by telephone or another electronic voice transmission, video chat, in writing, text, or any other electronic messaging.
 - 2.2 Threatening the other party in person or in any other manner, including by telephone or another electronic voice transmission, video chat, in writing, text, or any other electronic messaging, to take unlawful action against any person.
 - 2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner or without a legitimate purpose of communication, or anonymously.
 - 2.4 Opening or diverting mail or e-mail or any other electronic communication addressed to the other party.
 - 2.5 Intentionally, knowingly, or recklessly causing bodily injury to the other party.
 - 2.6 Threatening the other party with imminent bodily injury.
- 3. PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:
 - 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property of one or both of the parties.

- 3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any tangible or intellectual property of one or both of the parties including electronically stored or recorded information.
- 3.3 Damaging or destroying the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information or any document that represents or embodies anything of value.
- 3.4 Tampering with the tangible or intellectual property of one or both of the parties, including electronically stored or recorded information or any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering, or in any other manner alienating any of the property of either party, whether personal property, real estate property, or intellectual property and whether separate or community, except as specifically authorized by this order.
- 3.6 Incurring any debt, other than legal expenses in connection with this suit, except as specifically authorized by this order.
- 3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose, except as specifically authorized by this order.
- 3.8 Spending any sum of cash in either party's possession or subject to either party's control for any purpose, except as specifically authorized by this order.
- 3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account of either party, except as specifically authorized by this order.
- 3.10 Signing or endorsing the other party's name on any negotiable instrument, check or draft, including a tax refund, insurance payment and dividend, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- 3.11 Taking any action to terminate or limit credit or change cards in the name of the other party.
- 3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.13 Discontinuing or reducing the withholding for federal income taxes from either party's wages or salary while this suit is pending.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, internet, cable television, or other contractual services, including security, pest control, landscaping, or yard maintenance at the other party's residence or in any manner attempting to withdraw any deposits for service in connection with such services.
- 3.15 Excluding the other party from the use and enjoyment of a specifically identified residence of the other party.
- 3.16 Withdrawing, transferring, assigning, encumbering, selling, or in any other manner alienating any funds or assets held in any brokerage account, mutual fund account, or investment account by one or both parties, regardless of whether the funds or assets are community or separate property and whether the accounts are self-managed or managed by a third party, except as specifically authorized in this order.

4. PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.
- 4.2 Falsifying any writing or record, including an electronic record, relating to the property of either party.

- 4.3 "Records" include e-mail or other digital or electronic data, whether stored on a computer hard drive, diskette or other electronic storage device.
- 4.4 Entering any safe deposit box in the name of or subject to the control of the parties or either party, whether individually or jointly with another.
- 4.5 Destroying, disposing of, or altering any financial records of the parties, including a canceled check, deposit slip, and other records from a financial institution, a record of credit purchases or cash advances, a tax return, and a financial statement;
- 4.6 Destroying, disposing of, or altering any e-mail, text message, video message, or chat message or other electronic data or electronically stored information relevant to the subject matter of this suit, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.
- 4.7 Modifying, changing, or altering the native format or metadata of any electronic data or electronically stored information relevant to the subject matter of this suit, regardless of whether the information is stored on a hard drive, in a removable storage device, in cloud storage, or in another electronic storage medium.
- 4.8 Deleting any data or content from any social network profile used or created by either party.
- 4.9 Using any password or personal identification number to gain access to the other party's e-mail account, bank account, social media account, or any other electronic account.

5. INSURANCE IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:

- 5.1 Withdrawing or borrowing in any manner all or any part of the cash surrender value of life insurance policies on the life of either party, except as specifically authorized by this order.
- 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of either party or the parties' children.
- 5.3 Canceling, altering, failing to renew or pay premiums on, or in any manner affecting the level of coverage that existed at the time this suit was filed, of any life, casualty, automobile, or health insurance policies insuring the parties' property or persons including the parties' minor children.

6. SPECIFIC AUTHORIZATIONS IN DIVORCE CASE. If this is a divorce case, both parties to the marriage are specifically authorized to do the following:

- 6.1 To engage in acts reasonable and necessary to conduct each party's usual business and occupation.
- 6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
- 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
- 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.

For purposes of this order, "personal property" includes, but is not limited to, the following:

- a. Cash, checks, traveler's checks, and money orders;
- b. Funds on deposit in financial accounts with commercial banks, savings banks, and credit unions;
- c. Funds and assets held in brokerage, mutual fund, and other investment accounts;
- d. Publicly traded stocks, bonds, and other securities;
- e. Stock options and restricted stock units;
- f. Bonuses;

- g. Closely held business interests;
- h. Retirement benefits and accounts;
- i. Deferred compensation benefits;
- j. Insurance policies, annuities, and health savings accounts;
- k. Motor vehicles, boats, airplanes, cycles, mobile homes, trailers, and recreational vehicles;
- l. Money owed to one or both parties, including notes and expected income tax refunds;
- m. Household furniture, furnishings, and fixtures;
- n. Electronics and computers;
- o. Antiques, artwork, and collections;
- p. Sporting goods and firearms;
- q. Jewelry and other personal items;
- r. Pets and livestock;
- s. Club memberships;
- t. Travel award benefits and other award accounts;
- u. Crops, farm equipment, construction equipment, tools, leases, cemetery lots, gold or silver coins not part of a collection, tax overpayments, loss carry-forward deductions, lottery tickets/winnings, stadium bonds, stadium seat licenses, seat options, season tickets, ranch brands, and business names;
- v. Digital assets such as e-mail addresses, social network accounts, Web sites, domain names, digital media such as pictures, music, e-books, movies, and videos, blogs, reward points, digital storefronts, artwork, and data storage accounts;
- w. Virtual assets such as virtual pets, avatars, accessories for virtual characters, virtual prizes, virtual real estate, and virtual currency;
- x. Safe-deposit boxes and their contents;
- y. Storage facilities and their contents; and
- z. Contingent assets.

7. PARENT EDUCATION.

If the case is filed in Waller County Court at Law Number One, parties are additionally ORDERED to complete the KIDS FIRST program through FAMILY TIES (936-931-2299) prior to final orders. **THE PARTIES MUST ATTEND THE SAME PROGRAM.** If the youngest child is over the age of 16, you can ask the court to waive this requirement.

If the case is filed in Waller County Court at Law Number Two, parties are additionally ORDERED to complete a Parent Education and Family Stabilization Course that complies with *Texas Family Code* Section 105.009. **THE PARTIES ARE NOT REQUIRED TO ATTEND THE SAME PROGRAM.** If the youngest child is over the age of 16, you can ask the court to waive this requirement.

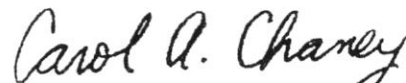
8. SERVICE AND APPLICATION OF THIS ORDER.

The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition. At the time the petition is filed, if the Petitioner has failed to attach a copy of this order to the original petition and any copy of the petition, the Clerk shall ensure that a copy of this order is attached to the petition and every copy of the petition presented.

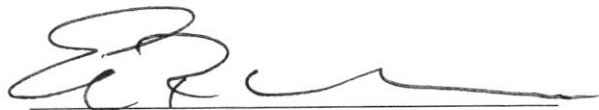
This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen (14) days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing on or before fourteen (14) days after the date of the filing of the original petition, this order shall continue in full force and effect as a temporary injunction until further order of the court. This entire order will terminate and will no longer be effective once the court signs a final order.

9. **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a protective order that has already been entered, or is later entered, the protective order provisions prevail. Any part of this order not changed by some later order remains in full force and effect until the court signs a final decree or order.
10. **PARTIES ENCOURAGED TO MEDIATE.** The parties are encouraged to settle their disputes amicably without court intervention. The parties are encouraged to use alternative dispute methods, such as mediation, to resolve the conflicts that may arise in this lawsuit.

THIS WALLER COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON THE DATE AND TIME A PARTY RECEIVES NOTICE HEREOF.



HONORABLE CAROL CHANEY
Judge, County Court at Law One



HONORABLE ELTON R. MATHIS
Judge, County Court at Law Two

Are you ready for court?

Be prepared:

- ✓ Get to the courthouse early to find parking and your courtroom.
- ✓ When the courtroom opens, go in and tell the clerk you are present. The clerk usually sits next to the judge's bench.
- ✓ Most courtrooms do not allow children.

When you are in court:

- ✓ Dress neatly. Do not wear shorts, tank tops, or hats. Do not chew gum, or bring food or drink into the courtroom.
- ✓ Turn off your cell phone.
- ✓ Stand up when the judge enters the courtroom.
- ✓ Be calm and polite to everyone. Avoid gestures and facial expressions.
- ✓ Do not talk to the judge or your spouse, unless it is your turn to speak.
- ✓ The judge may not call your case right away. Wait patiently. If you have to leave the courtroom, tell the clerk where you are going.
- ✓ If friends or relatives come to court with you, ask them to follow these rules, too.

About testimony →

In some counties, the judge will ask you questions.

In other counties, you will be expected to have testimony prepared.

The judge will call your case.

- ✓ You will raise your right hand and swear to tell the truth.
- ✓ The judge will ask you questions. Wait until the judge finishes speaking before you start to speak.
- ✓ If you do not understand a question, say, "I don't understand." If you do not know an answer, say, "I don't know."
- ✓ Tell the truth and don't exaggerate. Give complete answers.
- ✓ Speak slowly and loud enough so everyone in court can hear you.
- ✓ Call the judge "Your Honor."
- ✓ Say "Yes" or "No" out loud. It's not enough to nod or shake your head.
- ✓ The judge will listen to what you say and review your papers. If everything is in order, the judge will sign your *Final Decree of Divorce*.

SAMPLE TESTIMONY FOR DIVORCE WITHOUT CHILDREN

My name is _____. I filed this suit for divorce from my spouse _____. (State your spouse's name.)

At the time I filed this divorce, I had lived in Texas for at least the last six (6) months, and in _____ County for at least ninety (90) days.

My marriage to _____ (State your spouse's name) _____ has become unworkable because of differences and misunderstandings between us. There is no reasonable chance that we will get back together.

There are no children born to or adopted of this marriage, who are under 18 years old and we are not currently expecting any other children.

I am requesting that the community property and debts be divided as set forth in the Decree of Divorce. I believe this division is fair.

(OPTIONAL) I am (or My spouse is) requesting a name change to the name that was used before we were married: _____ (State the name used before marriage)

I would respectfully request the Court to grant my divorce.

SAMPLE TESTIMONY FOR DIVORCE WITH CHILDREN

My name is _____. I filed this suit for divorce from my spouse _____. (State your spouse's name.)

At the time I filed for divorce, I had lived in Texas for at least the last six (6) months, and in _____ County for at least ninety (90) days.

I am seeking a divorce because of differences and misunderstandings between us. There is no reasonable expectation that we will get back together.

I am requesting that the community property and our debts be divided as set forth in the Decree of Divorce. I believe this division is fair to both of us, and to our children.

We have ____ child(ren) of this marriage, who are under 18 years old. (State the number of children you have with your spouse who are under 18 years old) We are not expecting any other children of the marriage.

I am requesting that conservatorship and child support be ordered as set forth in the Decree of Divorce. I believe that these orders would be in the best interest of our child(ren).

(OPTIONAL)

I am (or My spouse is) requesting a name change to the name used before we were married: _____ (State the name used before marriage)

I would respectfully request the court to grant my divorce.

**INFORMATION ON SUIT AFFECTING THE FAMILY RELATIONSHIP
(EXCLUDING ADOPTIONS)**

SECTION I GENERAL INFORMATION (REQUIRED)**STATE FILE NUMBER**

1a. COUNTY _____ 1b. COURT NO. _____

1c. CAUSE NO. _____ 1d. DATE OF ORDER (mm/dd/yyyy) _____

2. TYPE OF ORDER (CHECK ALL THAT APPLY):

☐ DIVORCE/ANNULMENT WITH CHILDREN (Sec. 1,2 AND 3)☐ DIVORCE/ANNULMENT WITHOUT CHILDREN (Sec 1 AND 2)☐ ESTABLISHMENT OF COURT OF CONTINUING JURISDICTION (SEC 1 AND 3)*(Court Order Establishing Paternity, Conservatorship, Child Support or Termination of Parental Rights)*☐ CHANGE IN THE NAME OF THE CHILD (SEC 1 AND 3)*(PROVIDE PRIOR AND NEW NAME OF CHILD IN SECTION 3)*☐ TRANSFER OF COURT OR CONTINUING JURISDICTION (SEC1,3 AND INFORMATION BELOW)

TRANSFER TO: COUNTY _____ COURT NO. _____ STATE COURT ID# _____

3a. NAME OF ATTORNEY FOR PETITIONER	3b. TELEPHONE NUMBER (including area code)
3c. CURRENT MAILING ADDRESS (STREET AND NUMBER OR P.O BOX, CITY, STATE, ZIP)	

SECTION 2 (IF APPLICABLE) REPORT OF DIVORCE OR ANNULMENT OF MARRIAGE

PETITIONER	4. NAME (FIRST MIDDLE LAST SUFFIX)		5. MAIDEN LAST NAME (NAME BEFORE 1 ST MARRIAGE)	
	6. PLACE OF BIRTH (CITY AND STATE OR FOREIGN COUNTRY)		7. RACE	8. DATE OF BIRTH (mm/dd/yyyy)
	9. USUAL RESIDENCE		10. USUAL RESIDENCE (STREET AND NUMBER CITY, STATE, ZIP)	
RESPONDENT	10. NAME (FIRST MIDDLE LAST SUFFIX)		11. MAIDEN LAST NAME (NAME BEFORE 1 ST MARRIAGE)	
	12. PLACE OF BIRTH (CITY AND STATE OR FOREIGN COUNTRY)		13. RACE	14. DATE OF BIRTH (mm/dd/yyyy)
	15. USUAL RESIDENCE (STREET AND NUMBER CITY, STATE, ZIP)		16. USUAL RESIDENCE (STREET AND NUMBER CITY, STATE, ZIP)	
16. NUMBER OF MINOR CHILDREN		17. DATE OF MARRIAGE (mm/dd/yyyy)		18. PLACE OF MARRIAGE (CITY AND STATE OR FOREIGN COUNTRY)

SECTION 3 (IF APPLICABLE) CHILDREN AFFECTED BY THIS SUIT

CHILD 1	19a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	19b. DATE OF BIRTH (mm/dd/yyyy)	19c. SEX	19d. BIRTHPLACE (CITY, COUNTY AND STATE)
	19e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		
CHILD 2	20a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	20b. DATE OF BIRTH (mm/dd/yyyy)	20c. SEX	20d. BIRTHPLACE (CITY, COUNTY AND STATE)
	20e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		
CHILD 3	21a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	21b. DATE OF BIRTH (mm/dd/yyyy)	21c. SEX	21d. BIRTHPLACE (CITY, COUNTY AND STATE)
	21e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		

ADDITIONAL CHILDREN LISTED ON BACK OF THE FORM.

I CERTIFY THAT THE ABOVE ORDER WAS GRANTED ON THE DATE AND PLACE AS STATED.

SIGNATURE OF THE CLERK OF THE COURT

WARNING: This is a governmental document. Texas Penal Code, Section 37.10, specifies penalties for making false entries or providing false information in this document. VS-165 REV 07/2017

ADDITIONAL CHILDREN AFFECTED BY THIS SUIT FROM SECTION 3 (IF APPLICABLE)

CHILD 4	23a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	23b. DATE OF BIRTH (mm/dd/yyyy)	23c. SEX	23d. BIRTHPLACE (CITY, COUNTY AND STATE)
	23e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		
CHILD 5	24a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	24b. DATE OF BIRTH (mm/dd/yyyy)	24c. SEX	24d. BIRTHPLACE (CITY, COUNTY AND STATE)
	24e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		
CHILD 6	25a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	25b. DATE OF BIRTH (mm/dd/yyyy)	25c. SEX	25d. BIRTHPLACE (CITY, COUNTY AND STATE)
	25e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		

Instructions for Completing the Suit Affecting Parent Child Relationship Form**GENERAL REQUIREMENT:**

All divorces/annulments (with or without children) and all suits affecting the parent-child relationship must be reported through the clerk of the court to the State Vital Statistics Unit (VSU).

Consolidated reporting by petitioners, attorneys, and the courts is designed to make mandatory reporting more efficient, timely, and improve the quality of reporting. However, this reporting system is only as good or timely as you make it; therefore, your attention in completing and filing this report is critical.

Legal basis for this reporting is contained in Health and Safety Code §194.002 and Texas Family Code §§108.001-.002 and 108.004.

For information concerning reporting or questions about this form, contact field services at fieldservices@dshs.texas.gov or by phone at 512-776-3010.

The VSU-165 form must be printed double-sided (one sheet not two).

For information on the court of continuing jurisdiction of a child, contact VSU at (888) 963-7111 ext. 2529. Inquiries should be addressed to VSU, 1100 West 49th Street, Austin, Texas, 78756-3191; inquiries may also be faxed to (512) 776-7164.

SECTION 1 GENERAL INFORMATION (REQUIRED)

This section must be completed for each report filed.

- 1a – d. Enter the required information to identify the court proceeding.
- 2. Check the type of suit being reported. This determines also which sections of the form must be completed. If more than one type of order applies, check all that apply. Transfers from one jurisdiction to another must be reported in this section (if court number is unknown, specify "unknown").
- 3a – c. Complete the attorney information to assist in questions or follow up. If case was pro se, please enter the information of the person completing this form.

SECTION 2 (IF APPLICABLE) REPORT OF DIVORCE OR ANNULMENT OF MARRIAGE

All divorces/annulments must be reported, even if there were no minor children. All information is required.

- 4-9. Report the Petitioner's information including maiden name (if applicable).
- 10-15. Report the Respondent's information, including maiden name (if applicable).
- 16. Report the number of minor children affected by this divorce, if none, record "0." This number must correspond to the listing of children in Section 3.
- 17-18. Enter the date and place of the marriage being dissolved.

SECTION 3 (IF APPLICABLE) CHILDREN AFFECTED BY THIS SUIT

Every child affected by the suit being reported must be listed, and all items concerning that child must be completed. If more than three children are affected, check the "additional children listed on back of form" box, and continue to list the additional children. If more than 6 children complete section 3 on another form, label it "continuation" and attached the continuation form to the original form.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number: _____

Print court information exactly as it appears on the Original Petition for Divorce.

In the Matter of the Marriage of _____

In the _____

(Court Number)

Print first, middle and last name of the spouse filing for divorce.

and

Respondent: _____

Print first, middle and last name of other spouse.

County

Texas

Affidavit for Prove-Up of Agreed Divorce Without Children

My name is _____. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I am presently married to _____.

Before the filing of this suit, I was a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

We were married on [date] _____, and we ceased to live together as spouses on or about [date] _____.

Our marriage has become insupportable because of a discord or conflict of personalities that destroys the legitimate ends of the marriage relationship.

There is no reasonable expectation of reconciliation.

There are no children born or adopted during this marriage.

No other child is expected at this time.

There has been no family violence or abuse within two years before or during this suit.

There is no bankruptcy proceeding affecting this suit.

My spouse and I have entered into an agreement concerning the division of our property and debts.

The terms of the agreement are just and right. The agreement is fair and equitable to both my spouse and me.

The Petitioner/Respondent (circle one) is requesting a name change to

_____.

I have submitted an agreed decree of divorce, which has been signed by my spouse and me.

I am asking the court to grant a divorce and approve all the agreements we have entered into.

Verification (Party must sign in front of a notary below.)

I am the [Petitioner/Respondent] (circle one). I swear under oath that the facts stated in this Affidavit are true and correct.

Signature of Affiant

ONLY sign in front of a notary!

Notary fills out below.

State of _____
(Print name of state where this petition is notarized)

County of _____
(Print the name of the county where this Petition is notarized)

Sworn to and subscribed before me, the undersigned notary, on this date: ____/____/____

by _____
(Print name of person who is signing this Petition. NOT the notary's name.)

[Notary Stamps Here]

Notary's Signature