

INFORMATION FOR FILING A DIVORCE -PRO SE- WHARTON COUNTY, TEXAS

If you want to represent yourself “Pro Se” (without the help of an attorney) you must have the knowledge of the law to prepare and file the necessary pleadings and present your case to the Court.

You alone are solely responsible for protecting your legal rights, and you will have no one to complain to if you make mistakes.

**ONLY A LICENSED ATTORNEY IS ALLOWED TO GIVE YOU LEGAL ADVICE.
Neither the judge, nor any of the courthouse staff, can give you legal advice.
YOU ARE ENCOURAGED TO HIRE A LAWYER TO PROTECT YOUR RIGHTS.**

Please visit the Court’s website at www.329th.com for a link to free forms. Once you click on Free legal forms-Family Law, this will take you to another website entitled “Texas Law Help”. You will need to choose the appropriate paperwork fitting to your case. For example, if there are children involved, choose the form “with children” and all of the exhibits as well. Also located on our website is link to a Video for Pro Se parties. You will find this link after you click on “Court Calendar-Local Rules-Standing Orders”. This is a helpful tool that will help explain the process of divorce.

Please note that in a divorce, the case cannot be finalized if the wife is pregnant at the time of the final hearing.

Further, in a divorce, if a child has been the subject of a prior Court Order either here or in another county, the prior court ruling must be attached to your Petition. (This means the entire order, not various pages from it.) The most common are AG cases.

**The adult parties to all divorce suits and suits involving minor children shall attend the Families and Divorce Seminar, or a similar course, prior to the final divorce hearing.
Information about the courses available is as follows:**

1. www.eKidsFirst.org
2. www.ParentClassOnline.com
3. www.onlineparentingprograms.com
4. www.childsharing.com

Certificates of completion must be on file with the district clerk prior to the final hearing.

The divorce petition must be on file for at least 60 days before the final hearing can be held.

See below for instructions on getting your case set on the Court’s Docket.

First, you must determine which Court your case has been filed in, the 23rd District Court or the 329th District Court.

DO NOT CALL TO SET YOUR CASE FOR FINAL HEARING UNTIL:

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| Waiver | 1. | A signed and notarized Waiver of Service has been filed with the District Clerk; |
| <i>or</i> | | |
| Default | 2. | The respondent has been served with citation, the citation return has been on file at least 10 days <u>and</u> respondent's answer date has passed; |
| <i>or</i> | 3. | anytime after respondent has filed an answer; |
| <i>and</i> | | |
| Contested Hearing | 4. | You have sent proper notice of the hearing date; |
| <i>or</i> | | |
| Uncontested Hearing
(Waiver, default
Or Agreed Decree) | 5. | A Final Decree of Divorce or an Order in Suit Affecting the Parent-child relationship is prepared and in hand; |
| <i>and</i> | | |
| Seminar Certificate | 6. | In cases involving minor children, the Families and Divorce Seminar has been attended and a certificate of completion is on file with the District Clerk; |
| <i>and</i> | | |
| Statistical Form | 7. | Form VS-165 Information on Suit Affecting The Family Relationship is completed. (Obtain from District Clerk) |

For scheduling a court date in the **329th District Court**, please call: (979) 532-1514, or e-mail the Court Administrator at: cassie@329th.com

For scheduling a court date in the **23rd District Court**, please call: (979) 864-1205.

For filing information and fees, the District Clerk's telephone number is: (979) 532-5542.

If you are representing yourself (Pro Se) in a divorce or in a Suit Affecting the Parent-Child Relationship, please understand the following:

You must present a complete Decree or Order that settles all issues. The Court will not review the Decree or Order for completion and will not give you advice about whether the Decree or Order is properly drafted. You cannot rely on the Court signing the Decree or Order as a representation that the Decree or Order is accurate and settles all of the issues as you wish or that it adequately covers all of the issues you have a right to have covered. In other words, if you prepare a defective decree, you will only have yourself to blame.