

## **Self-Represented Litigants**

### General Instructions-

The Court Administrator is not an attorney so it is against the law for her to provide you with legal advice. Additionally, even though the Judge is a licensed attorney, she is the trier of fact and is therefore unable to provide you with legal advice.

A self-represented litigant is HIGHLY encouraged to contact and hire an attorney to represent them in their case. You may visit the Denton County Bar website to search for local attorneys that practice in the area of law that you need or conduct a google search for an attorney. If you are unable to afford an attorney, you may visit North Texas Legal Aid, Friends of the Family or if your type of case qualifies, apply for a Court appointed attorney (CPS cases or Enforcement actions requesting that you be placed in jail).

As a self-represented litigant, you are held to the same standard as an attorney and required to know and understand the laws as an attorney would. If you will be proceeding by representing yourself then it is up to you to conduct your own research on how to proceed and what to file including knowing what documents to file and how to prepare them. You may visit [www.texaslawhelp.org](http://www.texaslawhelp.org), conduct a google search or visit the Law Library located at 121 N Woodrow Lane, Suite 160, Denton, TX 76209.

You may also visit the [District Clerk's website](#) for helpful and required filing forms, to learn how to e-file, to request issuance for citation and service, and to make requests for copies of documents filed into the case. NOTE-the District Clerk cannot provide you with legal advice.

You may also visit the [District Court Administration website](#) to review Rules for the Court and forms. Please note that District Court Administration handles a separate area of Court Administration and cannot assist you with matters in the 442nd District Court other than advising you to contact the 442nd Court Administrator.

### Instructions for finalizing a divorce-

The 442nd is conducting prove ups of agreed (uncontested) divorces by prove up affidavit. On the 61st day after filing the original petition for divorce or any time thereafter, please file the waiver or answer for the Respondent, the prove up affidavit, and the completed agreed final decree of divorce. If you e-file the documents, please make sure they are e-filed as their own separate lead documents. You are also welcome to file them in person with the District Clerk. Please conduct your own legal research on how to prepare a prove up affidavit and final decree of divorce.

Only if you are unable to determine how to e-file or where to find or how to prepare a prove up affidavit may you appear with your completed agreed final decree of divorce on Tuesdays at 8:30 a.m. in the courtroom to prove up the divorce in person in front of the Judge. Only one party needs to appear with the completed agreed final decree of divorce signed by both parties; however, both parties are welcome to appear together. (Note-sometimes instructions for both parties to appear together will be provided on a declined e-filed decree or will be advised per instruction of the

Court Administrator at the direction of the Judge. In those instances, those instructions will supersede.) NOTE that proper Courtroom attire is REQUIRED.

In agreed divorces, there must be an Answer or Waiver of Service on file for the Respondent if you will not be legally serving them with citation and the petition.

Once all documents are appropriately filed, it can take a few days for the District Clerk to process and the Court to receive, review and sign the decree. You may monitor the progress through e-file and the link to the case records below my signature.

If the divorce is contested (the parties do not agree or a party has filed an Answer/Waiver of Service but will not sign the decree/communicate, etc), then the case must be set for a Final Hearing also known as a Final Trial. Please email the 442<sup>nd</sup> Court Administrator to request a final trial date. Please advise how much total court time in front of the Judge is needed for the Final Trial. She will provide dates that are at least 75 days out in accordance with Denton County's Local Rules. Please be sure to include both sides on the email to the Court Administrator. Both parties will be required to confer with each other to find an agreeable date within reason. However, if one side refuses to respond or provide availability then the other side may request the trial be set. Please be advised the Court requires both sides be allowed two business day to review their calendars and confer. If no response is received, the other side may email with both sides included to request the trial be set. Please refer to the Court's conference requirement located on the 442nd website under Practice Tips.

In default divorces or contested divorces without an Answer/Waiver, the other party must be legally served according to the Texas Rules of Civil Procedure. Please note that a Final Trial CANNOT be set until the Respondent has been legally served (or has filed an Answer/Waiver of Service) AND that return of service or Answer/Waiver has appeared in the case file. As a reminder, please contact the District Clerk for issuance of citation and service of process.

In default divorces, appearance for a prove up is required. You may appear on the designated Tuesday at 8:30 a.m. in the courtroom or you may email the Court Administrator to receive a scheduled setting for a default prove up.

#### Instructions for finalizing a name change-

Adult: File the completed verified Petition with attached fingerprint card with the District Clerk and file a separate completed Order/Decree. Please make sure the Petition and Order are fully completed and filed as their own separate lead documents. Please be advised that if Section 4 Criminal History is marked 'Yes' on the Petition or sections I, J, K or L are marked in the affirmative on the Order, appearance before the Judge in person is required.

Children: File the completed verified Petition signed by BOTH parents. File the signed Consent of the Child if the child is over the age of 10 years old. File a separate completed Order/Decree signed by BOTH parents. Please make sure the Petition, Consent (if applicable) and Order are fully completed and filed as their own separate lead documents. Please be advised that if both parents do not agree to the name change, service of citation and a scheduled hearing may be required.