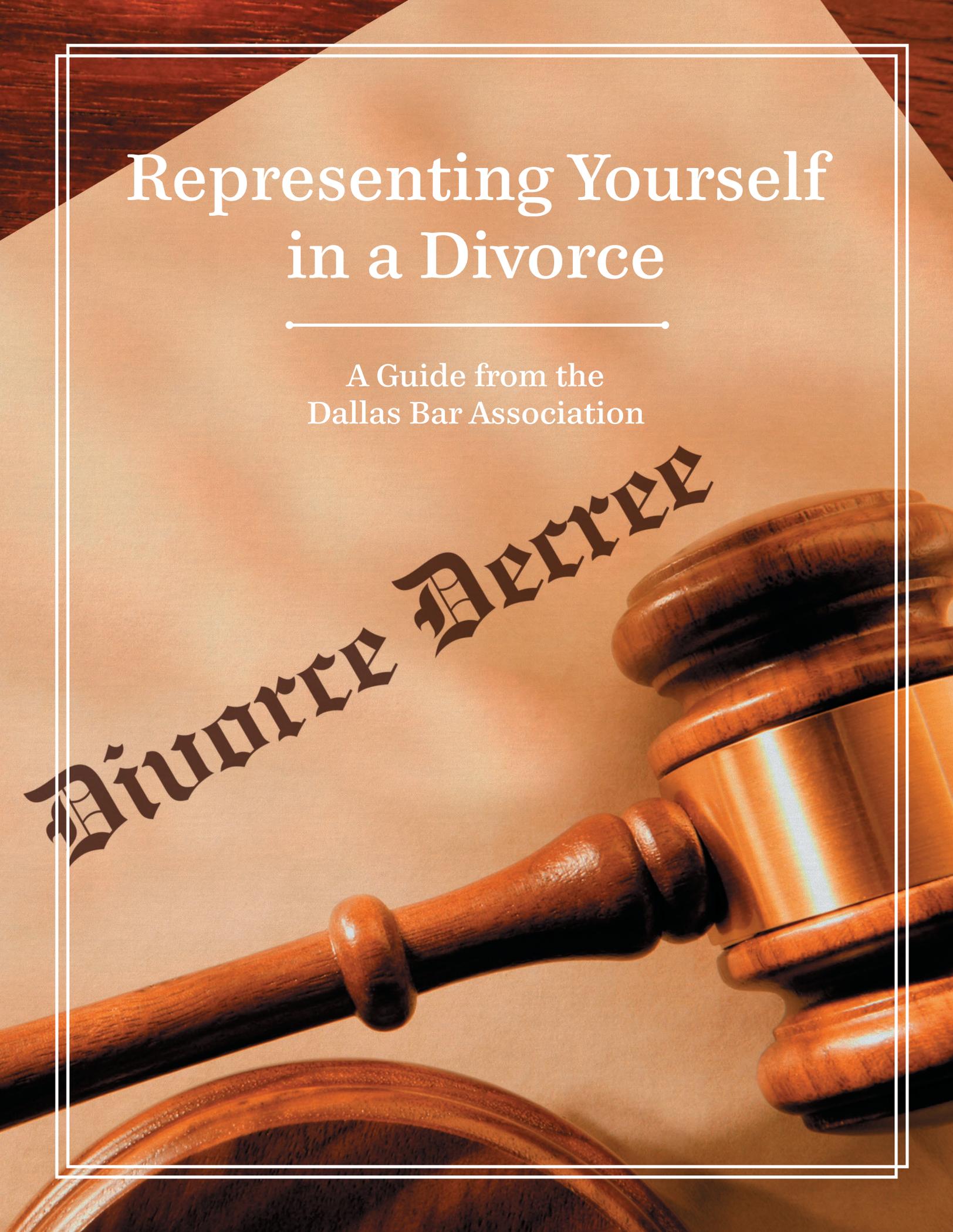


# Representing Yourself in a Divorce

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A Guide from the  
Dallas Bar Association

*Divorce Decree*

A wooden gavel is positioned diagonally across the lower right portion of the image. The gavel's head is on the right, and its handle extends towards the bottom left. The background is a light-colored, textured surface, possibly a document or parchment, with the words "Divorce Decree" written in a large, black, gothic-style font. The entire scene is framed by a white double-line border.



# Representing Yourself in a Divorce

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A guide from the  
Dallas Bar Association

**T**his brochure is an introduction to representing yourself (known as pro se representation) in a family lawsuit in Dallas County. This brochure provides a brief overview of divorce, community versus separate property, and family violence.

This brochure does not offer legal advice and is not a substitute for legal representation by an attorney. The authors highly recommend that you consider hiring a lawyer. Pro se litigants are required to follow the same rules as litigants that are represented by attorneys. A consequence of not having an attorney could mean that you are not divorced, though you may think that you are. Failing to protect your rights during a divorce can have serious, long-term consequences.

The purpose of this brochure is to provide to someone representing him or herself with some basic information about the family court system, answer common questions, provide general deadlines and suggest resources for further assistance. Do not rely on this brochure as legal authority. Rather, you should consult all relevant law, including the Texas Family Code, the Texas Rules of Civil Procedure, the Texas Rules of Evidence, the Texas Civil Practice and Remedies Code, and the Dallas County Local Court Rules. These Rules and Codes may be found online or in the Dallas County Law Library.

## Understanding the Risks of Representing Yourself

Litigating a family case can be complex and time consuming. If you represent yourself in court without a lawyer, you will be held to the same standards as attorneys with respect to the rules of evidence, court procedures, legal research, pleading requirements, and the law. One missed deadline or slight error in your pleadings can weaken or destroy your case or even result in monetary penalties being imposed against you. Your opponent may hire a licensed attorney with training and experience. Because judges and court staff must maintain their impartiality, they are not permitted to give you legal advice. You have the right to represent yourself in court. However, you should recognize that you place yourself at a significant disadvantage by choosing to represent yourself without a lawyer.

Even if you cannot afford an attorney, you should be aware of some alternatives to pro se representation. Some attorneys, for example, represent clients with limited resources at no charge (known as pro bono representation). Some attorneys may be willing to accept an hourly fee to help guide pro se litigants through their cases without undertaking full representation, such as without signing court papers or appearing in court. Finally, out-of-court arbitration and mediation may be faster and less expensive, and may produce more satisfying results than litigation. For further information on these alternatives,

including services offering Spanish speaking attorneys, please consult the list of “Resources and References” at the back of this brochure.

This brochure deals only with some of the general rules and procedures. Other rules and exceptions, however, may be applicable to your case. Again, this brochure does not offer legal advice and is not a substitute for hiring a lawyer.

## Getting a Divorce

### General Information

Your decision to file a divorce is one of the most serious decisions you will ever make. It can be an emotional and confusing time of your life. Nothing contained in this material should be construed as a substitute for sound legal advice from an experienced family law attorney.

This material is being provided to you as a service of the Dallas Bar Association, WHICH ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THIS MATERIAL, INCLUDING RELIANCE ON THE INSTRUCTIONS AND FORMS. Do not rely on this information as legal authority. You are responsible for representing yourself in court and should follow all of the relevant laws and procedures.

This material covers divorces in Dallas County, Texas only. This information is not recommended for use in other Texas counties. Laws and procedures change. These instructions and forms are constantly being revised and are current only on the date of publication.

READ THE FOLLOWING CAREFULLY BEFORE PROCEEDING FURTHER! THE INSTRUCTIONS COVER ONLY A FEW OPTIONS AND ARE DESIGNED FOR USE BY INDIVIDUALS WHO HAVE ACCUMULATED LIMITED OR NO PROPERTY DURING THEIR MARRIAGE.

If you have complex personal property, own a home or business, have bank accounts, pensions, retirement accounts or retirement benefits or you own real property (a house, land or any interest in real estate) with your spouse, you are strongly encouraged to seek legal help from an attorney of your choice.

### Beginning the Divorce Process

After careful contemplation, if you decide to divorce your spouse and you wish to represent yourself, you will need to prepare a Petition, Citation or Waiver of Citation, and Decree of Divorce. To file for divorce in

Dallas County, you must have lived in Dallas County for 90 days and in Texas for six months.

### STEP 1 – PREPARING THE DOCUMENTS

One source for free forms online is [www.texaslawhelp.org](http://www.texaslawhelp.org). TexasLawHelp.org is a project of Texas Legal Services Center supported by the Texas Access to Justice Foundation, the Travis County Law Library, and legal aid organizations throughout the state, including those funded by the Legal Services Corporation. Additionally you can find forms and form books at the Dallas County Law Library.

#### *Petition*

The petition is filed with the court to begin your divorce. The petition tells the court in general who you are and what you want the court to do. Generally, for the petition you need the names and addresses of the parties, the date of marriage, and the date you separated from each other.

The petition contains the statement that you or your spouse has lived in Texas for the past six months and that one of you has lived in Dallas County for the past 90 days prior to filing the petition. Do not file your petition in Dallas County if this is not true.

You should sign the last page of the petition and insert your address, phone number, fax number and email address (if you have one). This allows the court to contact you if needed. In Dallas County you must attach a copy of the Dallas County Standing Order to your petition when you file your petition. A copy of the Dallas County Standing Order can be found online at [www.dallascounty.org/departments/districtclerk/downloadableforms.html](http://www.dallascounty.org/departments/districtclerk/downloadableforms.html).

#### *Citation*

Your spouse should be given formal notice that you are seeking a divorce in one of the following ways:

**Waiver of Citation:** Depending on the wording of the form, in general, this form is signed by your spouse before a notary stating he or she has no objection to the entry of a decree of divorce. Make sure you give your spouse a copy of the filed petition with the waiver of citation before they sign the waiver. Depending on the wording of the waiver, if your spouse signs the waiver, you may not need to have further contact with him or her regarding the divorce. The waiver should include the correct mailing address, phone number and email address for your spouse. The waiver may NOT be signed by your spouse until after you have filed the original peti-

tion with the District Clerk. It is advisable to wait at least one day AFTER you file the divorce petition before your spouse signs the waiver before a notary so that there is no question of the dates.

**Service of Citation:** If you know the physical location of your spouse, either home or work, but your spouse will not cooperate, then you may proceed with the divorce by having them physically served with a citation which includes a copy of the petition. This may ONLY be done after the formal citation has been prepared by the district clerk. Service may only be done by a Dallas County Constable's officer or a certified civil process server. You or a friend may not serve the citation upon your spouse. If your spouse is difficult to serve because of his or her schedule, you may ask the district clerk to serve your spouse by certified mail. Only the district clerk may send the certified mail, and your spouse should sign for it personally – no one may sign for them.

**Other Methods:** There are other methods for service of citation that are not recommended because pro se litigants often make mistakes, and if you make a mistake on service, you may not be divorced though you think you are.

### *Decree of Divorce*

If you are using a form, select the decree of divorce that fits your situation. There are different forms for a decree of divorce based on whether or not you have children and whether or not you have significant property such as real estate, a business or retirement benefits. The language granting the divorce and dividing the property can vary significantly and without the aid of a lawyer it will likely be difficult to determine which form you need to use for your situation. Before using a form, read the entire document, even the statements that do not require you to fill in a blank, to make sure each statement and the form you are looking at applies to your unique situation. If you use the wrong form or fill the form out incorrectly you may make mistakes that significantly jeopardize your rights to any children involved and to your property.

**Property:** One of the important functions of a decree of divorce is to divide the property that you and your spouse accumulated during marriage and/or confirm that certain property is your separate property. The decree of divorce should address and divide ALL property interests in your or your spouse's name, or possession or subject to you or your spouse's control. Property that should be divided can include but not be limited to cars, personal property such as furniture, furnishings and clothes, bank, savings, and retirement accounts, homes,

businesses, and any real estate. Again – if you have any substantial property you should get the help of a lawyer. If you fail to divide all of your property interests in the decree of divorce, you may have to petition the court at a later time to settle your and your ex-spouse's interests in property. All of the important items you will be asking the court to give solely to you or your spouse should be listed in the decree with a description of each item so that it is easy to identify. If you are listing an automobile, you should describe the make, model and vehicle identification number. If the decree of divorce states that the property you have in your name or possession on the date of the divorce is awarded to each of you, you may not have to list all your personal property. If your spouse has an item that will be awarded to you, it is best to get it from them before the decree is signed by the judge. If this is not possible, make sure you list that property specifically in the decree, and include a date and the means by which the property will be obtained.

**Debts:** The decree should provide which spouse is going to pay which debts. All unpaid debts currently due and owing should be divided in the decree and the decree should provide which spouse is going to pay which unpaid debts. You should include the name of the creditor and a partial account number. Please be aware that the decree of divorce is not binding on the creditor. If the debt is in your name, and your spouse does not pay it, the creditor can still pursue you for payment.

**Income Taxes:** Which spouse is going to pay what income taxes is another issue that should be dealt with in a decree of divorce. If you have significant tax problems and owe past due taxes, do not use a form and seek legal advice. Please be aware that the decree of divorce is not binding on the Internal Revenue Service. If you have liability under federal law, and your spouse does not pay, the IRS can still pursue you for payment.

**Approval by Associate Judge:** All decrees of divorce should be approved by the Associate Judge before one can be presented to the Court for prove-up and finalization of the divorce. Contact the clerk of the Court to which your case is assigned for specific instructions.

### **STEP 1 – FILING THE PETITION WITH THE COURT**

After you have completed all of the forms, the petition should be filed with the Dallas County District Clerk on the 1st floor of the George Allen Civil Courts Building, 600 Commerce St., Dallas, Texas 75202. The clerk will require: (1) the original signed petition, plus three copies

and (2) the required filing and service fees, which you will need to pay by cash, check, or by credit card. In Dallas County you must attach a copy of the Dallas County Standing Order to your petition when you file your petition. A copy of the Dallas County Standing Order can be found online at [www.dallascounty.org/department/districtclerk/downloadableforms.html](http://www.dallascounty.org/department/districtclerk/downloadableforms.html). Please read the Standing Order carefully. These are Court orders from the Courts that establish ground rules that you should follow relating to children, property, money, harassing behavior, and other matters.

Information about the filing fees is available on the District Clerk's website – [www.dallascounty.org](http://www.dallascounty.org). On the copy of the Petition that is returned to you will be your case number, and the clerk will insert your court number. It is important that you always include the case number and the court number in any documents you file or correspondence you send to the court. From this point forward, all communication will be with the deputy clerk of your assigned court and you will need your court number and case number when you communicate with them.

If you are requesting service of citation on your spouse (instead of having your spouse sign a Waiver of Citation), you will be asked if you want the constable or a certified private process server to serve the papers on your spouse. If you select the constable, the clerk will send the citation to the constable. If you choose a certified private process server, the clerk will prepare the citation, but it is your responsibility to find the certified private process server and pay them for services. You will also need to make sure that the process server properly completes the "Officer's Return" and that it is filed with the court clerk at least 10 days prior to the date you plan to finalize your divorce. Some private process servers will file it; some will return it to you for filing.

The clerk will also give you what is called the Department of Vital Statistics "Austin" Reporting Form. This is an important document that **MUST** be completed and given to the clerk when you finalize your divorce. It informs the Bureau of Vital Statistics in Austin that you have been divorced. You should fill it out completely and correctly. You cannot finalize your divorce without giving it to the clerk prior to your prove-up. If you have a child, you must also complete a child's support "Blue" Form.

## Presumption of Community Property

Texas is a community property state, which means that no matter whose name is on property or debts, or which spouse has physical possession of the property,

courts presume that the property and debts are shared by husband and wife. Even if your spouse has credit card debt in his or her own name, you can still be responsible for it. Both assets and debt should be divided in a divorce.

The court can only divide community property, not separate property. In general, separate property is property that you owned before the marriage, property that you received during the marriage by gift or inheritance, recovery for personal injuries and under certain circumstances property that the spouses have agreed in writing is separate property.

However, since all property is presumed to be community property, unless your spouse agrees, you will need to prove by clear and convincing evidence what is your separate property and why the property is your separate property. This often requires that ownership be traced to the time the property was acquired by you and further what has happened to the property during the marriage. Proof of separate property can be very complicated even with the help of an attorney. Proof of separate property often requires documents such as deeds, titles and/or bank statements in addition to testimony.

## Middle of the Case

Generally, a court cannot grant a divorce until the Petition has been on file for 60 days. From the date of filing to finalizing the divorce, the following may occur:

**Temporary Orders:** These are ground rules that will stay in place until the final divorce decree is entered. In temporary orders, among other things, a court can order who can live in the house, who pays which bills, and how property needs to be preserved. If you need temporary orders, you need to file a motion with the Court asking for temporary orders. Without the help of an attorney, the process of requesting and obtaining temporary orders can be a difficult process to go through.

**Discovery:** The parties exchange information through a formal process called discovery. The parties prepare and exchange an "Inventory and Appraisal," which informs both sides what property and debts exist. If discovery is conducted in your divorce case, you will want to seek legal advice as conducting and responding to discovery in accordance with the rules can be very complicated, even with the help of an attorney.

## Finalizing Your Divorce

Generally, the Texas Family Code requires that your petition be on file 60 days before your divorce can be finalized. It may take you longer to comply with the procedures, including the service of process or obtaining a waiver of citation or gaining your spouse's signature on documents.

### STEP 1 – ASSEMBLING THE PROPER DOCUMENTS

About two weeks before you intend to appear in court to finalize your divorce, you should go over all of the documents that should be filed with the court, including your final decree of divorce. You should make sure all of the blanks have been filled in and the documents that you may later ask the court to sign are properly executed by you and/or your spouse where necessary.

At the time of the prove-up, you need to submit proof of payment of the filing fees. Your filing fees must be paid before the Court will permit you to finalize your case.

If you asked a constable or private process server to serve your spouse with the citation, you should confirm with the constable or process server that your spouse has been actually served. Proof showing that your spouse was personally served should be on file with the court a minimum of ten (10) days before finalization of the divorce. Sometimes, this proof is misplaced or not promptly sent to the court after service, so you may need to confirm that this proof has been filed by asking the clerk of your court.

Once your spouse has been served, he or she has until the Monday after 20 days from the date of personal service to file a written answer with the court. If he or she fails to do so, you can finalize your divorce by default, which means that your spouse did not respond. Again, you may want to ask the clerk of your court if your spouse has filed a written answer.

**NOTE:** The court clerks will respond only to what is on the computer which provides a description of all documents on file (example: petition, return of service, waiver of citation, etc.) and the date of the filing.

### Step 2 – APPROVAL BY ASSOCIATE JUDGE

All decrees of divorce should be approved by the Court's Associate Judge before a decree can be presented to the Court for prove-up and finalization of the divorce. The Associate Judges are located at the George Allen Courts building.

### STEP 3 – APPEARING IN COURT

Once your paper work is in order and all procedural requirements have been met (obtaining waiver of citation or service, sixty days has expired, an Associate Judge has approved of the decree, etc.), you can finalize your divorce by appearing in court, reading your testimony into the record and obtaining the judge's signature on the decree of divorce.

The Dallas County Family Courts have different schedules for hearing divorces. As a pro se litigant, under current rules, you can only finalize your divorce in the court in which it is assigned. Some courts require you to deliver your paperwork several days before you appear in court. This is to save time when you are before the judge as there are many litigants wanting to finalize their cases at the same time as you. Check with the clerk of your assigned court to see if you need to leave your documents for review.

You can call the court clerk of your court to find out the court's procedure. The clerks cannot answer specific questions or give you legal advice. Please do not ask them. By law, only licensed attorneys can give legal advice. The clerk CAN inform you of the individual court's procedures for finalizing your divorce, and the Judge's schedule.

### STEP 4 – TESTIFYING IN COURT

When you have been notified that your paperwork is acceptable, if your divorce is uncontested, you are ready for the hearing before the judge to obtain your divorce.

- Ask the clerk of your court if the judge is available to hear the prove up your divorce.
- Bring the original and three copies of your decree of divorce, the completed Austin Report, and any other required completed form.
- Plan on being at your assigned court between 8:00-8:30 A.M. Many courts will not hear your matter if you appear after 8:30 A.M.
- Check in with the bailiff of that court. He is the uniformed officer in the courtroom. He will make sure your file is presented to the judge for consideration.
- Have a seat in the courtroom and wait for your name to be called by the judge. When called, come up to where the judge is in order to give your testimony.

- The judge will swear you in as a witness. It is then your responsibility to “prove up” your divorce.
- Speak loudly so the court reporter can take down everything you say. Speak into the microphone and do not mumble or whisper. You may take this sheet with you, and state the following testimony **if it is true and correct:**

*“Your Honor, my name is \_\_\_\_\_. I am the Petitioner in this case. I am representing myself in court today.*

*“I have lived and resided in Dallas County for the last six (6) months before I filed this divorce case.*

*The Respondent and I were married on or about \_\_\_\_\_ and we separated and stopped living together as husband and wife on or about \_\_\_\_\_.*

*“Our marriage has become insupportable because of discord and conflict of personalities. There is no reasonable chance we can live together again as husband and wife.*

*“There are no children born during our marriage who are now under the age of 18 years, none were adopted during the marriage and none are expected at this time.”*

*“There is no community property of significant value acquired during the marriage other than our personal effects. I am asking that each party be awarded the items of personal property in their name or in their possession that each of us has at this time.”*

*“Giving each party their personal items is a fair and equitable division of the community property.*

*“I am asking the court to grant this divorce. Thank you, nothing further.”*

## STEP 5 – GETTING COPIES AND FINALIZING YOUR PAPERWORK

When you are finished testifying before the judge and if all the paperwork is correct, your divorce will be granted and the original decree will be signed by the judge. If there is a problem, the judge will explain it to you and you will need to correct it or seek legal help from an attorney.

After the judge grants your divorce in open court, the

judge will hand you your paperwork to take back to the clerk.

If there are any changes made by the judge to the original signed decree, you will need to make those same changes on all your copies. The clerks will not make changes in your copies or date the copies. That is your responsibility.

The court clerk will rubber stamp the judge’s signature on the copies and keep the original and a maximum of two copies. All remaining copies will be returned to you.

If your spouse signed the decree as an agreement, then it is your responsibility to send a copy of the agreed final decree to your spouse.

If you ask the clerk, a copy of the decree will be certified by the clerk. This may be useful in the future.

It is advisable to keep several copies of your decree in a safe place as you may need it as proof of your divorce in the future.

**YOU ARE NOW DIVORCED.** This completes the process. Please remember that under Texas law, you may not get married to another person for thirty days after the decree is entered, without a written waiver signed by a judge.

## Divorce with Children

Representing yourself in a divorce case where children are involved is much more complicated than a situation where the parties have no children and no property. If children are involved, it is highly recommended that you seek the help of a lawyer in handling a divorce with children.

In a divorce with children the petition and decree of divorce are much more complicated. The petition must clearly identify the children of the marriage and truthfully state that there are no other Courts or court orders regarding the children. The decree in a divorce involving children must establish orders regarding the legal rights and duties of each parent concerning the children, which parent will have primary physical custody of the children, a parenting or visitation plan for the children and each of the parents, and child support for the children. For free forms for a petition for divorce and decree of divorce where children are involved, go to [www.texaslawhelp.org](http://www.texaslawhelp.org). TexasLawHelp.org is a project of Texas Legal Services Center supported by the Texas Access to Justice Foundation, the Travis County Law Library, and legal aid organizations throughout the

state, including those funded by the Legal Services Corporation. Additionally you can find forms and form books at the Dallas County Law Library.

## Dealing with Paternity

A “paternity” case is a suit to legally prove who a child’s father is. When two people are not married to one another and have a child together, the father should legally prove he is the father in order to have parental rights under Texas law. The father’s legal rights may also be established by the mother filing a suit to establish parentage and requesting child support. The mother and the man whose paternity of the child is to be decided should be parties to the lawsuit.

A determination of paternity is governed by the ordinary rules of evidence and civil procedure. That means that a party to a paternity suit (a suit to establish parentage) has the right to full discovery, to compel witnesses to testify, and to have a trial on the merits. The burden of proof to establish paternity is by a “preponderance of the evidence.” One source for forms for situations involving establishing paternity is [www.texaslawhelp.org](http://www.texaslawhelp.org).

An individual may not be determined to be a parent unless the court has personal jurisdiction over that person. Generally, this means that the person resides in Texas or was served with the lawsuit in Texas. Also, personal jurisdiction occurs if a person registers with the paternity registry maintained by the Bureau of Vital Statistics in Texas or has signed an acknowledgment of paternity of a child born in Texas.

One way to establish parental rights is for the father and mother to sign an acknowledgement of paternity and file it with the paternity registry in the Bureau of Vital Statistics in Austin, Texas. The Acknowledgment of Paternity form may only be obtained from the Attorney General’s Office. Please see the Texas Department of State Health Services website for information on how to obtain the form and for other helpful information regarding paternity - [www.dshs.state.tx.us](http://www.dshs.state.tx.us).

The father (or mother) may also file a separate lawsuit to establish that he is the father to the child. The lawsuit should be filed in the proper “venue” or location. The place to file a suit to establish parentage is in the county in Texas in which: (1) the child resides or is found; (2) the respondent (opposing party) resides or is found if the child does not reside in Texas; or (3) a proceeding for probate of the presumed or alleged father’s estate is currently taking place. The court may require the father to have genetic testing (DNA test) done to prove he is the biological father. However, the court has the authority to

deny a party’s request for genetic testing if certain equitable facts about the case cause the court to determine that it is not in the child’s best interest to have the testing done.

Instead of genetic testing, the court may accept an acknowledgment of paternity signed by the father and the mother agreeing that the man is the father of the child. In either case, the father can then be legally found to be the father of the child and a parent under Texas law. This gives the father certain legal rights and duties to the child, including the right to ask for custody and possession time with the child.

## Family Violence

### What do you do if there is family violence?

All Petitions for Divorce should include a statement as to whether a protective order is in effect, or has been sought by application. If a protective order has been issued affecting either spouse or a child, a copy of the protective order should be attached to the Petition for Divorce. The Office of the District Attorney can assist an eligible person with obtaining a Protective Order if such application is made prior to the filing of the divorce. One source for forms for situations involving family violence is [www.texaslawhelp.org](http://www.texaslawhelp.org).

## Important Rules and Deadlines

In a lawsuit, rules and deadlines are important. Also, all documents filed with the court should be in the English language. Pro se litigants are required to follow the same rules as those who are represented by attorneys.

**Applicable Rules:** The Texas Family Code, the Texas Rules of Civil Procedure, the Texas Rules of Evidence and the Dallas Family District Court Local Rules govern all family cases in Texas state courts. For more information, consult the “Resources and References” list at the end of this brochure.

**60-Day Waiting Period:** The Texas Family Code requires that your petition for divorce be on file 60 days before your divorce can be finalized – there is an exception in certain limited circumstances where family violence has occurred. You should consult with an attorney if this may apply to you.

**Dismissal for Want of Prosecution (DWOP):**

The court has the power to rid its docket of cases that are not being pursued. The court may issue a Notice of Dismissal for Want of Prosecution (“DWOP”) and allow the party or parties one last opportunity to appear and show the court that enough due diligence has been or is being taken to keep the lawsuit on the court’s docket. If the court takes action on the DWOP, it will dismiss the case without prejudice, which means that the case can be re-filed by filing a new petition.

**Always Copy Opposing Side:** You should send to the opposing attorney or party (if not represented by an attorney) a copy of any document you send to the Clerk or to the Judge. You should send a copy of the document to the opposing party’s attorney by either Certified or Registered Mail, fax or email. Note that the law requires certain documents to be sent by Certified or Registered Mail. Please note that sending something to the other side by First Class Mail is not considered proper service. You should always keep copies of everything you send to the Court or the opposing attorney.

**Computation of Deadlines:** When computing deadlines for responding to discovery requests or motions, the date of service is not included. Begin counting the deadline on the day following receipt. The due date is included in the calculation, unless the due date falls on a Saturday, Sunday or legal holiday, in which case the due date is the next business day after the weekend or holiday.

**Sanctions:** Failure to comply with the court’s rules, procedures, and deadlines can subject the parties to sanctions. Sanctions range from a fine, to restriction of evidence, to dismissal of the case, to jail time. Sanctions can have devastating consequences.

**Do Not Try to Talk to the Judge:** Neither the judge nor the clerk of the court can give you legal advice. If you do not understand something, find a lawyer of your choice to help you.

## Common Questions

### What are the Roles of the Judge, the Court Staff, and my Spouse’s Lawyer?

**Judge** – Each court has an elected judge that presides over that court. In our system, the judge is required to be impartial and to base decisions on the law and evidence that is presented in the courtroom. For this reason, the judge will not speak with you or your spouse outside of the courtroom and cannot help you with your case.

You should never attempt to contact the judge directly in person or on the telephone. If you write to the judge, send a copy to all other parties and understand that the judge may not respond to your letter.

**Associate Judge** – An Associate Judge is a judge who has been appointed by the Family Courts to preside over family cases. Like the elected judge of the court, the Associate Judge is an actual judge. The Associate Judge assigned to the court should review your divorce decree prior to finalization. You should never attempt to contact the judge directly in person or on the telephone. If you write to the judge, send a copy to all other parties and understand that the judge may not respond to your letter.

**Court Coordinator** – This person works for the judge and handles the day-to-day business of the court. Because the coordinator is usually well-informed regarding the policies and procedures of each individual judge, you may wish to contact this person if you have questions about court appearances and similar matters. But the coordinator is not a lawyer, and cannot give you legal advice.

**Court Clerks** – The clerks assigned to each court do not work directly for the judge, but rather, for the district clerk’s office. They process all paperwork and collect all fees and costs for the court at the filing desk for the district clerk. While the clerks are there to help you, they cannot tell you how to draft pleadings or what deadlines apply; they cannot make free copies for you; and most importantly, they are not lawyers and cannot advise you on legal matters.

**Court Bailiff** – The bailiff is the uniformed officer responsible for ensuring safety in the courtroom. The bailiff may also call the docket of the court and inform the judge whether all parties have appeared in court on the proper day and time.

**Court Reporter** – The court reporter, when present, creates a written transcript of what is said during a trial, hearing, or deposition. You may receive a copy of the transcript by paying a transcript fee to the court. If you are financially unable to pay the transcript fee, you may still receive a copy by filing an affidavit of inability that explains your situation.

**Spouse’s Lawyer** – This lawyer represents your spouse, not you, and cannot give you legal advice or help you with your side of the case. But you should send a copy of everything you file with the court to your spouse’s lawyer. Additionally, as noted in the next section, you should contact opposing counsel and attempt to resolve

any disputed matter prior to filing a motion asking the court to set a hearing on that matter.

## What Needs to Be Filed with the Court?

All pleadings, motions and other requests for action by the court should be filed with the court clerk. In addition, before filing any motion, you should contact opposing counsel and attempt to resolve the disputed matter. Most motions should include at the end a Certificate of Conference set out in Dallas Family District Court Local Rule 3.01. For most documents other than the petition and citation, you will not be required to pay any fees.

You generally should not file discovery documents or everyday correspondence with the court. A copy of every paper you file with the court should be sent to all parties in the case. In fact, every paper you file should have at the end a Certificate of Service, which is a signed statement that you have actually sent a copy of that paper to all parties on a specified date.

## How Can a Missed Deadline Affect My Case?

Throughout your case, you will encounter deadlines. There are deadlines, for example, for answering the Petition, for requesting discovery, and for responding to discovery. Deadlines cannot be ignored and should not be missed. A missed deadline can result in the dismissal of your case or in a hearing or trial being decided without you. This is one of the reasons why the authors recommend that you consider hiring a lawyer.

To ensure that you do not miss deadlines, you should carefully review all notices you receive regarding your case. Some courts issue scheduling orders, which will list many of the deadlines in the case. You should always appear in court whenever notified to do so. When you receive pleadings, motions, and discovery requests, you should check the Texas Family Code, the Texas Rules of Civil Procedure and the Dallas Family District Court Local Rules to determine what deadlines apply to your response.

## What Should I Wear, and How Should I Behave in Court?

**Proper Clothes:** You should dress as though you were going to a job interview. Men should wear pants and a shirt with a collar. A suit, jacket or tie is always appropriate. Women should wear a dress, skirt, or pants that are not too tight, too short or low cut. It is never proper to wear shorts, t-shirts or sandals. Excessive make-up or jewelry also should not be worn.

**Courtroom Behavior:** All persons are expected to conduct themselves with civility, decorum and respect toward others. Before appearing in court for the first time, you should read the Dallas Family District Court Local Rules, the Rules of Decorum and the Texas Lawyer's Creed, all of which may be found on the Dallas County District Court's website. In the courtroom, it is never proper to wear a hat, read a newspaper, eat, or chew gum. When speaking to the judge in court, you should speak clearly, politely, and loud enough to be heard. You should never interrupt the judge and if the judge asks you a question, your answer should end with "Sir," "Ma'am," or "Your Honor." By contrast, responses such as "Huh?" and "I dunno" are never appropriate. If the court reporter is making a transcript of any proceeding, all answers should be in words, not just "Uh-huh" or a nodding of the head. Make sure that your cell phone is turned off.

**Children and Court:** DO NOT BRING CHILDREN TO THE COURTHOUSE unless you are specifically directed to do so by the Judge, Associate Judge, or Family Court Services worker.

## Resources and References

### Attorney Referrals and Free Legal Representation

*Dallas Bar Association*

*Lawyer Referral Service*

Referrals to private attorneys by area of law for representation on a fee basis; initial half-hour consultation costs \$20.

(214) 220-7444

[www2.dallasbar.org/referral/](http://www2.dallasbar.org/referral/)

*Dallas Bar Association – Legal Line*

Free advice from Dallas Bar Association members on the 2nd and 3rd Wednesdays of each month from 5:15 p.m. to 8:00 p.m.

(214) 220-7476

*Dallas Volunteer Attorney Program*

*(DVAP)*

Provides free civil legal services to qualifying, low-income people. Those needing legal help can apply at one of the DVAP legal clinics listed on this brochure.

(214) 243-2236

[www.dallasvolunteerattorneyprogram.org](http://www.dallasvolunteerattorneyprogram.org)

*CitySquare Law Center*  
for qualifying residents of Dallas County  
(214) 827-1000  
[www.citysquare.org/content/contacteligibility](http://www.citysquare.org/content/contacteligibility)

*Legal Aid of Northwest Texas*  
For qualified low-income people  
(214) 744-5277\*\*  
(888) 529-5277\*\*  
[www.lanwt.org](http://www.lanwt.org)

*Legal Hotline for Texans*  
For Texans age 60 and older  
(800) 622-2520

## Legal Clinics

### DVAP/LEGAL AID OF NORTHWEST TEXAS CLINICS

*Downtown Dallas – Legal Aid of Northwest Texas*  
1515 Main Street  
Dallas 75201  
By appointment only.  
(214) 243-2200

*East Dallas – Grace United Methodist Church*  
4105 Junius at Haskell  
Dallas 75246  
1st & 3rd Thursdays at 5 :00 p.m.

*Friendship West Baptist Church Clinic*  
2020 W. Wheatland Road  
Dallas 75232  
3rd Wednesday of each month at 5:30 p.m.

*Garland – Salvation Army*  
451 W. Avenue D, Garland 75040  
3rd Thursday of each month at 5:00 p.m.

*South Dallas – Martin Luther King Jr. Center*  
Core Services Bldg., Room 122  
2922 Martin Luther King Blvd., Dallas 75215  
1st, 2nd and 4th Tuesdays of each month at 5:00 p.m.

*South Dallas – Triangle Neighborhood Clinic*  
St. Philip's Community School & Center  
1600 Pennsylvania Avenue  
Dallas 75215  
3rd Tuesday of each month at 5:00 p.m. (closed during summer months)

*Veterans Legal Clinic*  
(for veterans and their families)  
First Friday of Each Month  
1:30 p.m. to 3:30 p.m.  
VA Medical Center, SCI Center  
4500 S. Lancaster Road  
Dallas 75216

*West Dallas – West Dallas Multipurpose Community Center*  
2828 Fish Trap Road  
Dallas 75212  
2nd and 4th Thursdays of each month at 4:00 p.m.

## Forms and Legal Research

[Texas Law Help - Free Online Forms](http://www.texaslawhelp.org)  
[www.texaslawhelp.org](http://www.texaslawhelp.org)

*Dallas County Law Library*  
600 Commerce Street, 7th Floor  
Dallas, Texas 75202  
(214) 653-7481

*Find Law*  
[www.findlaw.com](http://www.findlaw.com)

*Pro Se Divorce Handbook*  
by the Texas Young Lawyers Association and the State Bar of Texas available at [www.tyla.org/tasks/sites/default/assets/File/2005ProSeDivorceENGLISH.pdf](http://www.tyla.org/tasks/sites/default/assets/File/2005ProSeDivorceENGLISH.pdf)

*SMU Law Library*  
(214) 768-2562  
<http://library.law.smu.edu/>

*Texas Courts Online*  
[www.courts.state.tx.us](http://www.courts.state.tx.us)

*Texas A&M School of Law Library*  
(817) 212-3800  
<http://law.txwes.edu/DeeJKellyLaw>

*University of Texas Law Library*  
[www.tarlton.law.utexas.edu/](http://www.tarlton.law.utexas.edu/)

## Additional Resources

*Alcoholics Anonymous*  
(800) 207-1264

*Attorney General of Texas*  
 Child Support Enforcement Division  
 1-800-252-8014  
<https://www.oag.state.tx.us/cs/index.shtml>

*Dallas County District Clerk*  
 600 Commerce Street, 1st Floor  
 Dallas, TX 75202  
 (214) 653-7149  
[http://www.dallascounty.org/department/districtclerk/districtclerk\\_index.html](http://www.dallascounty.org/department/districtclerk/districtclerk_index.html)

*Dallas Metrocare (MHMR Center of Dallas County)*  
 Mental health services  
 1-877-283-2121/(214) 330-7722 (Emergency hotline)  
 (214) 743-1200 \*\* (Administration)

*Dispute Mediation Service, Inc.*  
 Reduced cost ADR services, such as mediation and  
 settlement conferences (214) 754-0022 \*\*  
[www.dms-adr.org](http://www.dms-adr.org)

*The Family Place*  
 Counseling for battered women and children  
 (214) 941-1991 \*\*

*Family Law Hotline – Texas Advocacy Project*  
 (800) 777-FAIR

*Family Violence Legal Line – Texas Advocacy Project*  
 (800) 374-HOPE \*\*

*Genesis Women's Shelter*  
 (214) 946-HELP (4357)

*National Domestic Violence Hotline*  
 1-800-799- SAFE (7233)  
[www.thehotline.org](http://www.thehotline.org)

*Protective Orders Division of Dallas County  
 in District Attorney's Office*  
 (214) 653-3528 \*\*

*Sexual Assault Hotline – Texas Advocacy Project*  
 1-800-296- SAFE

*Suicide and Crisis Center*  
 (214) 828-1000 \*\*

\*\* Abogados que hablan  
 español

## Disclaimer

Nothing stated herein should be construed or interpreted to grant rights or remedies not otherwise granted under federal or state law.

This information is provided as a public service and is not intended as a substitute for legal advice or representation by a lawyer.

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**Divorce Decree**

