

INSTRUCTIONS FOR FINALIZING YOUR COURT ORDER

Divorce cases with Children:

Your case will not be placed on the Court's calendar for finalization until all of the required documents on the attached checklist have been filed with the Collin County District Clerk's office and the Original Petition for Divorce has been on file for more than 60 days (except in limited situations involving family violence). After the required documents have been filed with the District Clerk's office, you may schedule a time to finalize your court order based on whether or not your case is (1) **AGREED** (meaning that your spouse has either signed and filed a *Waiver of Service*, or filed an *Answer* and signed the *Final Decree of Divorce*, (2) an **EXPECTED DEFAULT** (meaning that a *Return of Citation* has been timely filed with the Collin County District Clerk's office and your spouse has not filed any response to the lawsuit), or (3) **CONTESTED** (meaning your spouse has filed an *Answer* or other appearance, but you and your spouse have not both signed the *Final Decree of Divorce* because you have not reached an agreement on all issues).

If your case is **AGREED** or an **EXPECTED DEFAULT**, you will be given a date to have your final order reviewed by the self-help attorney for compliance with all applicable rules and laws prior to the Court date. All amended and/or supplemental documents or motions must be filed at least 7 days prior to your review date. If any amended and/or supplemental documents are filed within 7 days of your review date, your review date may be rescheduled.

If your case is **CONTESTED** or is not finalized within a certain amount of time, you will need to submit an Order Setting Hearing Date form to the Collin County District Clerk's office. Once a court date has been provided, you will need to provide notice of the hearing date to the other party. You may also schedule a date to have your final order reviewed by the self-help attorney for compliance with all applicable rules and laws prior to your scheduled hearing date.

Suits Affecting the Parent-Child Relationship and Petitions to Modify the Parent-Child Relationship:

The above instructions and attached checklist will also apply to finalizing an *Order in Suit Affecting The Parent-Child Relationship* or *Order in Suit to Modify The Parent-Child Relationship*, with the exception that you are not required to wait for more than 60 days to schedule your final review prior to the Court date.

Divorce Checklist for Indigent Self-Represented Family Law Litigants

If you do not have a lawyer, are qualified as indigent, and your case has been filed with the Collin County District Clerk, you must complete the checklist items below. **You will not be able to finalize your divorce until the checklist items have been completed and filed with the Collin County District Clerk** at 2100 Bloomdale Road, 1st Floor, McKinney, TX 75071.

REQUIRED DOCUMENTATION BEFORE CASE WILL BE FINALIZED

_____ **Original Petition for Divorce.** The *Original Petition for Divorce* must be on file with the Collin County District Clerk's office for at least 60 days before your divorce may be finalized, except in limited situations involving family violence.

_____ **Return of Citation/Waiver/Answer.** A *Return of Citation* or *Waiver of Service* or *Answer* must be filed.

_____ The Respondent Spouse must be properly served with notice of the filing of the *Original Petition for Divorce* and *Return of Citation*, signed by the authorized process server verifying that fact, must be filed with the Collin County District Clerk's office; **OR**

_____ The Respondent spouse may waive service by signing a *Waiver of Service* before a notary. The *Waiver of Service* must be signed by the Respondent **on a date after** the date the *Original Petition for Divorce* was filed; **OR**

_____ The Respondent spouse may file an *Answer* to the *Original Petition for Divorce*.

_____ **Vital Statistics Form VS-165.** You must fill out a Texas Department of State Health and Human Services form entitled **Information on Suit Affecting the Family Relationship**. This form may be obtained from the Collin County District Clerk's Office or the Law Library.

_____ **Final Decree of Divorce.** The *Final Decree of Divorce* is the final order that the judge will sign if your divorce is granted. It must contain all the requirements under Texas law concerning property and children.

IN DIVORCE CASES WITH A CHILD OR CHILDREN UNDER THE AGE OF 18, the following will be required:

_____ **Parenting Class Certification.** You must file a certificate of completion certifying that you have completed a Parent Education course. You can obtain information on course provider from the Law Library. The court will **not** accept on-line classes without prior written approval from the judge.

_____ **If you have a case with the Attorney General of Texas concerning the child(ren) in this divorce, you MUST properly serve a file-stamped copy of the *Original Petition for Divorce* to the Attorney General's office at 830 E. Central Parkway, #350, Plano, Texas, between 8:00 a.m. and 5:00 p.m. as soon as you file the petition.**

You may not be able to finalize your divorce if (1) the wife is pregnant, (b) the wife parented a child with someone other than the husband during the marriage (unless that third-party is made a party to the divorce suit and is addressed in the decree along with the applicable child(ren)), or (c) a child has been the subject of a prior court order (unless the prior court case has been transferred to the divorce court or consolidated with the divorce case). In uncontested divorce cases with a child or children under the age of 18, you are required to meet with the self-help attorney at the Collin County Self-Help Center. You may contact the attorney at (972) 548-4558 or e-mail the attorney at mlbean@co.collin.tx.us to schedule an appointment. There is **no cost** to you for this meeting.

IN DIVORCE CASES IN WHICH YOUR SPOUSE HAS BEEN SERVED but has not (1) filed an *Answer*, (2) filed a *Waiver of Appearance*, or (3) approved the terms of and *signed* the *Final Decree of Divorce*, you must also file a:

_____ **Military Status Affidavit**, and

_____ **Certificate of Last Known Address.**

These forms are available in the Law Library.