

Re: Randall County Court at Law No. 2

Pro Se Divorce Information

(The attachment must be read and signed by *pro se* parties, and delivered to the court, before the court will hear the *pro se* divorce case.)

**GENERAL INFORMATION PERTAINING TO
UNCONTESTED PRO SE DIVORCES
COUNTY COURT AT LAW #2**

YOU SHOULD ESPECIALLY TALK TO A LAWYER OR WEST TEXAS LEGAL SERVICES IF:

- YOU HAVE CHILDREN INVOLVED IN THE DIVORCE.
- YOU OR YOUR SPOUSE HAVE RETIREMENT OR PENSION PLANS AT YOUR JOB.
- YOU HAVE A LARGE AMOUNT OF COMMUNITY OR SEPARATE PROPERTY.
- YOU AND YOUR SPOUSE CANNOT AGREE ON A PROPERTY & DEBT DIVISION.
- YOU FEEL UNCOMFORTABLE ABOUT YOUR CASE.

EVERY DIVORCE FILE MUST CONTAIN WITHOUT LIMITATION THE FOLLOWING INSTRUMENTS BEFORE IT CAN BE HEARD:

- THE PETITION FOR DIVORCE.
- A WAIVER OF CITATION (THIS MUST BE SIGNED BY YOUR SPOUSE AFTER THE DAY YOU FILE THE PETITION).

[-OR-]

*A RETURN OF CITATION
SHOWING SERVICE ON
YOUR SPOUSE OF THE
PETITION FOR DIVORCE.*

- A PROPOSED JUDGMENT OF DIVORCE.
- A COMPLETED BUREAU OF VITAL STATISTICS REPORT OF DIVORCE.

IF EVERYTHING THAT SHOULD BE IN THE FILE IS IN THE FILE, AND 60 DAYS HAVE PASSED SINCE THE CASE WAS FILED – YOU MAY BE

READY FOR THE HEARING. IF YOU AND YOUR SPOUSE HAVE REACHED AN AGREEMENT ON THE DIVISION OF PROPERTY AND DEBT ACQUIRED DURING THE MARRIAGE, BOTH YOU AND YOUR SPOUSE SHOULD SIGN THE JUDGMENT OF DIVORCE AS FOLLOWS:

APPROVED AS TO FORM,
SUBSTANCE AND REQUEST FOR
ENTRY:

(SIGN YOUR NAME ON THIS LINE)
PETITIONER [TYPE NAME]

(SPOUSE SIGNS ON THIS LINE)
RESPONDENT [TYPE NAME]

THE LAW REQUIRES THAT YOU GIVE TESTIMONY IN COURT UNDER OATH SUFFICIENT TO ALLOW THE JUDGE TO GRANT YOUR DIVORCE AND EITHER DIVIDE YOUR PROPERTY AND DEBTS OR APPROVE THE AGREEMENT BETWEEN YOU AND YOUR SPOUSE AS TO THE DIVISION. THE LAW ALSO PROVIDES THAT THE JUDGE CANNOT HELP YOU BECAUSE THIS WOULD BE PRACTICING LAW, WHICH IS FORBIDDEN.

THE JUDGE WILL CALL YOUR CASE WHEN IT IS TIME TO PRESENT YOUR CASE. YOU WILL BE GIVEN AN OATH TO TELL THE TRUTH.

MANY TIMES THE TESTIMONY IS AS FOLLOWS:

- “My name is _____.
- “I am married to _____.
- “We were married on the ____ day of _____, _____.

- “We separated and ceased living together as husband and wife on the ____ day of _____, ____.
- “Before I filed this divorce case I had lived in Texas for the preceding six months and had resided in Randall County for the preceding ninety days.
- “Our marriage has become insupportable because of discord and conflict of personalities between us that has destroyed the legitimate ends of our marriage relationship. There is no reasonable expectation of reconciliation.
- “No children now under the age of 18 years were born during our marriage and none is expected.
- “My spouse and I have accumulated only personal property and I request the court to award that property to the party now having possession of it.

[-OR-]

“My spouse and I have agreed on the division of our community property and debt as is set out in the proposed Divorce Decree that has been signed by both of us. We ask that the court approve the agreement we have made.

- “Neither my spouse nor I have any retirement, pension or profit-sharing plan that has not been divided in the proposed Divorce Decree.”

GENERAL EVIDENCE CONSIDERATIONS

- If property is involved, and the divorce is not by agreement, you should bring to the court on the date of the hearing sufficient documentation pertaining to same.
- If child support is involved and the divorce is not by agreement, you should bring to the court on the date of the hearing the last 2 years Federal Income tax returns; and the last six months wage statements and related information.

- If deviation from the visitation guidelines is sought, you should be prepared to present sufficient evidence.

MOST IMPORTANTLY!

- **THIS INFORMATION SHEET DOES NOT PURPORT TO GIVE YOU LEGAL ADVICE NOR SHOULD IT BE CONSTRUED AS A SUBSTITUTION FOR INDEPENDENT LEGAL COUNSEL. MOREOVER, THE JUDGE AND HIS STAFF ARE SPECIFICALLY FORBIDDEN FROM GIVING LEGAL ADVICE.**
- **REPRESENTING YOURSELF, AND OBTAINING A DIVORCE WITHOUT LEGAL COUNSEL IS A RISKY ENDEAVOR, AND OFTEN ILL ADVISED.**
- **JUST BECAUSE THE JUDGE SIGNS A DIVORCE DECREE PREPARED BY YOU DOES NOT MEAN THAT THE DIVORCE DECREE IS IN PROPER FORM, NOR ENFORCEABLE IN ALL OF ITS PARTS.**

The undersigned acknowledge receipt of this General Information paper:

Petitioner Signature _____

Printed Name _____

Respondent Signature _____

Printed Name _____

Dated: _____

Time: _____