

PRO SE
DIVORCE HANDBOOK
"Representing Yourself in Family Court"

Produced As A Public Service By
The Texas Young Lawyers Association
2002-2003

**IMPORTANT INFORMATION
– PLEASE READ THIS FIRST –**

IN THE EVENT YOU OR ANY MEMBER OF YOUR FAMILY IS THE VICTIM OF DOMESTIC VIOLENCE, YOU SHOULD IMMEDIATELY CONTACT 1 (800) 799-SAFE (1-800-799-7233).

YOU SHOULD ALSO CONTACT A PRIVATE ATTORNEY OR YOUR LOCAL LEGAL SERVICES (LEGAL AID) PROVIDER BEFORE FILING FOR DIVORCE. THIS HANDBOOK AND THE PRO SE DIVORCE PROCESS MAY NOT BE APPROPRIATE FOR A DIVORCE WHERE DOMESTIC VIOLENCE IS INVOLVED. DOMESTIC VIOLENCE CAN INCLUDE PHYSICAL, MENTAL, EMOTIONAL AND VERBAL ABUSE.

The Texas Family Code (Section 71.004) defines Family Violence as: *(1) An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault or sexual assault, but does not include defensive measures to protect oneself; (2) Abuse by a member of a family or household toward a child of the family or household; or (3) Dating violence (as defined by Texas Family Code Section 71.0021.)*

The Texas Council of Family Violence defines Battering (or Abuse) as: *A pattern of coercive control that one person exercises over another. Battering is a behavior that physically harms, arouses fear, prevents a woman from doing what she wishes or forces her to behave in ways she does not want. Battering includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation.*

TABLE OF CONTENTS

INTRODUCTION	7
THINGS TO KNOW BEFORE YOU GET STARTED	7
MARITAL PROPERTY	8
Presumption of Community Property	8
Separate Property	9
Division of Community Property	9
ISSUES CONCERNING CHILDREN	9
Child Custody	9
Supervised Visitation	10
The Right to Decide Where a Child Will Live	10
Standard Possession Order	10
Establishing Child Support	11
Employer's Order to Withhold	11
Modifying Child Support	11
GETTING STARTED	11
Filing the Petition	11
Notifying Your Spouse	12
The Answer	13
The Waiting Period	13
CONCLUDING DIVORCE PROCEEDINGS	14
Timing Issues	14
Final Decree of Divorce	14
The Day of the Divorce	15
REVIEWING THE UNCONTESTED DIVORCE PROCESS	15
HELPFUL TIPS	21
GLOSSARY OF COMMON WORDS USED IN A TEXAS DIVORCE	21
HELPFUL PHONE NUMBERS AND OTHER RESOURCES	25
Directory of District Courts in Texas	25
Office of the Attorney General	34
Texas County Websites	34
Legal Aid Offices	37
Lawyer Referral Services	37
Miscellaneous Resources	37
Internet Resources	37

SAMPLE FORMS.....	39
Appendix A – Sample Original Petition for Divorce	39
Appendix B – Sample Waiver of Service.....	47
Appendix C – Sample Final Decree of Divorce	51
Appendix D – Sample Prove Up Script for Uncontested Divorce With no Children.....	71

PRO SE DIVORCE HANDBOOK

“REPRESENTING YOURSELF IN FAMILY COURT”

The following information is not legal advice and is not a substitute for legal representation by an attorney. Be aware that Pro Se litigants must follow the same rules as those represented by attorneys.

Divorce is more than an emotional event; it is also a legal proceeding. Failing to protect your rights during a divorce, as with any legal matter, can have serious, long-term consequences. The most common issues resolved in a divorce include division of community property (and debt), determination of parental rights, and child support.

This handbook provides a general introduction to representing yourself in a simple (uncontested) divorce. Although you have the legal right to represent yourself in any court proceeding, the process can be quite complex and, if at all possible, it is recommended that you have an attorney represent your interests, especially if domestic violence, child custody or large amounts of property are involved.

A “*Pro Se*” Litigant is a person who appears on his or her own behalf in court, without a lawyer. Whether you are Pro Se or represented by an attorney, there are specific rules and deadlines that you will be expected to follow. Some of these rules and deadlines will be addressed in this handbook. However, should you choose to represent yourself, you will also need to consult all relevant and current law, including the current version of the Texas Rules of Civil Procedure, the Texas Civil Practice and Remedies Code, the Texas Family Code, and the local rules for the county in which your divorce is pending. You can visit your county law library in your county courthouse, or go online at www.capitol.state.tx.us to find these resources.

THINGS TO KNOW BEFORE YOU GET STARTED

Always keep in mind that a divorce is a legal proceeding, and that at some point during a divorce proceeding, you will most likely have to appear in court. Although courtrooms are very formal places with their own rules for how people are to conduct themselves, there is no need to be afraid of going to court or addressing the judge. A few simple rules regarding manners should get you through your experience:

1. Always Dress Nicely.

There is no need to purchase new clothes to appear in court. However, everything you wear should be clean and well ironed.

Men should wear pants and a shirt with a collar. If you have them available, a suit, jacket or tie always look good.

Women should wear a dress, skirt or pants that are not too tight, too short or low cut.

Never wear shorts, t-shirts, sandals, sunglasses, a hat or excessive make-up or jewelry to court.

2. Behavior.

All persons are expected to act their very best in the courtroom.

When speaking in court, speak clearly, politely, and loud enough to be heard by the Judge and the court reporter. If the court reporter is making a transcript, all responses must be verbal (e.g., not by a nodding or shaking of the head).

Never interrupt anyone, especially the Judge.

When addressing the Judge, refer to him or her as "Your Honor."

When addressing or referring to anyone else, refer to him or her as "Mr.," "Mrs.," or "Ms."

If the Judge asks you a question, always begin or end your answer with "Sir," "Ma'am," or "Your Honor."

Never read anything in court except court documents.

Never eat, drink or chew gum in court.

Finally, turn off all noise-making items such as cell phones or pagers. If you must keep such items turned on, get special permission from the Judge and switch the item to the silent mode.

3. Friends and Family.

Although you may want the support of your family or friends, you generally should not bring children to court. Children are often not permitted in court because they can be distracting to you, the Judge and other parties in the courtroom.

MARITAL PROPERTY

Presumption of Community Property. Texas is a "community property" state. In other words, all property owned by married persons on the dissolution of a marriage, whether by death or divorce, is presumed to be the property of both the husband and the wife. Likewise, any debts incurred during marriage are presumed to be community debt. This means that the debts are presumed to be owed by both the husband and the wife. Like community property, community debt must also be divided in a divorce.

The presumption of community property may only be overcome by clear and convincing evidence that certain property is separate, rather than community property. This is generally done by tracing and clearly identifying property as separate property at the "inception of title," or the moment when the property was first acquired.

Separate Property. Generally speaking, property acquired before a marriage and property acquired during marriage through gift or inheritance, or with funds that were themselves separate property, is separate property. Also, married persons may agree to “partition” community property, in which case, that property becomes each person’s separate property.

Division of Community Property. Community property and community debt are supposed to be divided in a manner that the court “deems just and right, having due regard for the rights of each party and any children of the marriage.” This does not mean that community property or debt must necessarily be equally divided, and it often will not be. The judge dividing community property and debt may consider many factors, such as the size of your and your spouse’s separate estates, and any fault in causing the divorce.

Community property cannot always be easily divided. Take for example the situation where two people own a home and want to get divorced. The easiest solution would be for the Judge to order the parties to sell the house and divide the proceeds. However, now add children to the picture. The judge will often order that the spouse with whom the children will live be permitted to remain in the house with the children to permit the children to continue living in their home and upset their lives as little as possible. However, this does not mean that the other spouse loses his or her community interest in the house. The Judge may order that the house be sold and the proceeds divided after the youngest of the children reaches the age of eighteen. Another remedy may be to award full ownership of the house to the spouse with whom the children will reside, but give the other spouse the full interest in some other community property, such as a ranch, vacation home, savings account or a retirement account.

As you can see from the example above, many factors go into a judge’s decision regarding the division of community property.

ISSUES CONCERNING CHILDREN

Child Custody. The court that handles a divorce proceeding also determines who shall have custody of any children from the marriage. The term “custody,” in a divorce, often serves as shorthand for “who gets the children.” The vast majority of parents are awarded “joint custody” in a divorce, meaning that all rights and duties concerning the children are shared. In every case, however, the court must ultimately decide what custody arrangement is in the children’s best interest. The legal term for joint custody is Joint Managing Conservatorship, and this arrangement is presumed to be in the best interests of the children of the marriage. However, even in the joint custody situation, the court must designate one parent who has the authority to determine the location of the children’s primary residence. This parent is called the Primary Joint Managing Conservator and also referred to as the “custodial parent,” because most Primary Joint Managing Conservators will decide that the children’s primary residence is in that parent’s home. The other parent is called the “Possessory Conservator,” because that parent has the right to possession of the children at certain times, and is commonly referred to as the “non-custodial parent.” Aside from the decision regarding the loca-

tion of the children's primary residence, most other major parenting decisions are shared between the Primary and the Possessory Conservator. The presumption under the law is that Joint Managing Conservatorship is in the best interest of the children.

In rare circumstances, one parent may be appointed as the Sole Managing Conservator. In this case, the other parent is still referred to as the Possessory Conservator. Generally, this occurs only if: (1) the other parent has been absent from the children's lives; (2) there is a history of physical, psychological, or sexual abuse or neglect by other parent; or (3) there is a history of extreme conflict between the parents over educational, medical, or religious values. However, this does not mean that the other parent loses his or her right to visit with the children. The only rights a Sole Managing Conservator has over a Primary Joint Managing Conservator relate to the sole right to make certain decisions regarding the children's lives, such as educational and health matters.

Other legal custody arrangements that can be ordered at divorce include split custody, in which one or more children live with one parent while the remaining children live with the other parent, and divided custody, also referred to as alternating custody. This form of custody allows each parent to have the child for alternating blocks of time, often every year or two years, with equal visitation rights. Such legal arrangements are much less common. Judges are reluctant to order split custody, in particular, because of a firm belief that children should not be separated from their brothers and/or sisters.

Supervised Visitation. If there has been a history of abuse or neglect, the court may require that any visitation by the abusive or neglectful parent be supervised.

The Right to Decide Where a Child will Live. As discussed above, only one parent may have the right to establish the primary residency of the children. This location is often stated in the Final Decree of Divorce. Sometimes, a court will place limits on where the children's residence may be located. For example, courts will often order that the children's residence not be located outside of the county where the children resided prior to the divorce.

Standard Possession Order. Visitation arrangements can have many variations. In fact, parents may agree to almost any arrangements regarding child custody. However, if parents cannot agree, child custody will generally follow a schedule developed by the Texas Legislature that is designed to be fair and workable for both parents in most circumstances. In general, the Standard Possession Order ("SPO") provides that the noncustodial parent is granted visitation of the child beginning at 6:00 p.m. every first, third and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday, as well as every Wednesday evening, from 6:00 p.m. to 8:00 p.m. All holidays, including Thanksgiving, Christmas (winter) and spring break are divided between the parents, giving one parent the right to spend a particular holiday with the child every other year. The SPO also provides for the noncustodial parent to have thirty days with the child during the summer, or forty-five if the child lives more than 100 miles away from that parent.

Establishing Child Support. As noted above, the Primary Joint Managing Conservator, or the custodial parent generally has the right to receive child support on behalf of the child. The amount of support owed by the Possessory Conservator, or non-custodial parent will depend on the income of the non-custodial parent, as well as the number of children for whom the non-custodial parent has a duty to support (both from the marriage at issue as well as any other children). If there is only one child of the marriage and no children outside the marriage, child support will be set at 20% of the non-custodial parent's net income (after FICA, Social Security, and Medicare have been taken out). If there are two children, the child support will be set at 25% of the net income. If there are three children, child support will be set at 30% of the net income, and it will increase at 5% increments thereafter. No parent however, may be required to pay more than 50% of his or her net earnings to fulfill all of his or her child support obligations. These percentages are adjusted slightly when the non-custodial parent has other children from outside the marriage for whom the non-custodial parent must also pay child support. Also, factors such as whether the non-custodial parent is intentionally unemployed, or underemployed (not earning as much as he or she is capable) will be considered by the court. Finally, although child support is discussed in this manual within the scope of a divorce proceeding, a custodial parent, whether named as Primary Joint Managing Conservator, or Sole Managing Conservator need not have ever been married to the non-custodial parent to receive child support.

Employer's Order to Withhold. Many Texas courts require that an Employer's Order to Withhold be signed at the time that a divorce with children is finalized. An Employer's Order to Withhold orders the employer of the non-custodial parent to take the child support owed directly from the non-custodial parent's paycheck. Although it may take a few weeks to get the process started, once it is up and running, the Employer's Order to Withhold often makes the process of paying child support smooth and simple. All child support payments are then sent by the employer to a central processing center where the checks are processed and submitted to the parent to whom the support is owed.

Modifying Child Support. In order to request a change, the parent who is requesting the modification must file a Petition to Modify, in which he or she seeks modification of the Final Decree of Divorce. Unless there is a material and substantial change in circumstances, such as the non-custodial parent getting a really big raise, or the child suddenly requires additional support due to illness, child support may generally only be modified every three years, and then, only if the amount of the child support payment would increase or decrease by 20% or \$100.00.

GETTING STARTED

Filing the Petition: The spouse who files for divorce is called the Petitioner. The other spouse is called the Respondent. The first decision to be made is where to file for divorce. To file for a divorce in Texas: (i) you and/or your spouse must have lived in Texas for at least six months before filing for divorce; and (ii) you must file in the county in which either you or your spouse has lived for at least ninety days. A sample divorce petition (called an "*Original Petition for Divorce*") is attached to this manual as Appendix "A."

Although most divorces in Texas are “no-fault,” sometimes, parties will plead grounds such as cruelty or adultery in order to gain a tactical advantage, especially when one person is seeking an unequal division of the community estate. You should take extreme caution when pleading specific grounds for divorce, however. The Texas Family Code permits the court to strike certain types of inflammatory remarks or detailed allegations of marital misconduct from a petition for divorce. The specifics of such matters should not be set forth in detail in the petition. In other words, to plead the ground of adultery, you should say “Petitioner requests a divorce on the grounds that Respondent has committed multiple acts of adultery” rather than “Petitioner requests a divorce from Respondent because Respondent has repeatedly cheated on Petitioner with the next door neighbor.”

The Original Petition For Divorce (the “Petition”), along with two extra copies, and the appropriate filing fee, should be filed by hand delivery, or mail, with the District Clerk’s office in the appropriate county. The clerk will date stamp and file the original, and will date stamp the copies to show the date and time the Petition was filed. The original will be assigned a “cause number” that will be listed at the top of the Petition, and one copy will be returned to you. If you choose to mail the Petition, included a self-addressed and stamped envelope for the clerk to return your copy to you. The third copy will be used to notify the Respondent of the divorce proceeding. There is no cost for file stamping of extra copies. However, there is a fee if the clerk later has to make a copy for you from the court’s file. At the time of filing, you will also be required to pay a filing fee. Filing fees vary from county to county and you should call ahead to determine the filing fee for your case. If you cannot afford the filing fee, you must file an Affidavit of Inability to Pay Court Costs, which you must sign in the presence of a notary public, at the same time you file your Petition. If the Judge accepts your Affidavit of Inability to Pay Court Costs, your filing fee and other court costs will be waived.

Notifying Your Spouse: The second step is to legally notify your soon to be ex-spouse (the “Respondent”) of the Petition for divorce. You must serve the Respondent in one of the following ways: (1) have the Respondent sign a waiver of citation; (2) hire a private process server or a county constable to personally serve the Respondent with a “citation,” which is formal notice of the filing of the Petition for divorce prepared by the District Clerk; or (3) if, after a diligent search, you cannot locate the address of the Respondent, you may request that the court order that Respondent be served by publication or posting.

The first and easiest method of legal notice to the Respondent is through a Waiver of Service. A Waiver is only valid if it is signed by the Respondent *after* the Petition for divorce has been filed with the court and the Respondent has been provided with a file-stamped copy of the Petition. Once the waiver has been signed by the Respondent, the waiver should be filed with the Court. Make a copy of the Waiver. Take the Waiver and the copy to the District Clerk’s office. Tell the clerk you would like to file the Waiver. The clerk will file stamp the original and the copy. She will then keep the original and return the copy to you for your records. The Waiver must be on file a minimum of 10 days before a divorce can be finalized. A sample form of Waiver of Service is attached to this manual as Appendix “B.”

The second way to provide legal notice to the Respondent is to personally serve the Respondent with the citation. This will generally involve some type of fee. To accomplish personal service, you will need to provide to the District Clerk the address where you believe the Respondent may be served and request that a citation be issued. The District Clerk will then issue a citation and forward a copy of your Petition to the Constable or Sheriff in the county where the Respondent will be served. If the Respondent will be served in a different county or if you would like to have the Respondent served by an authorized private process server, the District Clerk will return the citation to you. It is then your responsibility to deliver the citation to the appropriate process server. Personal service is considered complete when the process server hands the citation to the Respondent. The process server, whether a sheriff, constable or private process server, must file an affidavit with the Court stating he or she served the citation and Petition on the Respondent. If an Affidavit of Inability is on file with the Court, the Sheriff or Constable may waive their fee. However, a private process server will not normally waive his fees even if you have an Affidavit of Inability on file with the court. The benefit of a private process server is that he or she will try to serve the Respondent at any place and time you believe the Respondent can be found while a Sheriff or Constable may only attempt service at certain times of the day and week.

The third method of notifying the Respondent of the Petition for divorce is by posting or publication. This method requires a Court order and should only be used if you have tried everything possible and cannot locate the Respondent. Service by posting is done usually when no children or property are involved in a divorce. To obtain service by posting, you must request that the District Clerk post the citation at the courthouse. After a certain amount of time has passed, the clerk will notify the court that service by posting has been completed. Service by publication is done in the newspaper in the city where the Respondent was last known to have resided. To obtain service by publication, request that the District Clerk issue publication in the particular newspaper authorized by the Court. You will be responsible for any fees charged by the newspaper. Once the publication is complete, you must file proof of the publication with the District Clerk's office.

The Answer: Once the Respondent has been notified of the Petition for Divorce, whether through Waiver of Service, Personal Service of Citation, or publication, the Respondent's deadline to file an answer is the Monday following 20 days after date the Respondent is served. However, in a divorce, an Answer is still considered valid as long as it is filed before the divorce is final. Once the Respondent files an Answer, he or she is entitled to receive notice of all court hearings and to be present in court for any proceedings in the case. If the Respondent does not file an Answer, it is possible for you to move forward with the divorce without notice to the Respondent until after the case is final.

Middle of the Case (the "Waiting Period"). A Court cannot grant a divorce until the Petition for divorce has been pending for at least sixty days. This time period begins to run on the date the Petition is filed with the Court. This "waiting period" serves many purposes. Sometimes it permits the parties to "cool-down" and possibly reconcile. Generally, however, it is hoped that the parties will use this time to reach

an agreement regarding the specifics of their pending divorce. Reaching an agreement with your soon-to-be ex-spouse during the waiting period can prevent an outside party (usually a judge) from making decisions regarding your life, property and relationship with your children.

After a Petition for divorce has been filed, the Court, on its own motion, or the motion of either party, after notice and a hearing, may grant temporary orders. Temporary orders set out the “ground rules” for the parties’ conduct during the waiting period with regard to such matters as the preservation of property, the protection of both parties, and issues pertaining to the children such as child support and visitation.

If the Respondent files an Answer or makes a court appearance, negotiations may be necessary to reach a final settlement. The Courts require or encourage parties to try to reach agreement. A common dispute resolution method is called mediation. Mediation is a non-binding, confidential process that may be done at any time during the divorce proceedings and the cost is paid by the parties. The mediator is a neutral third party either appointed by the court or selected by the parties by agreement. The mediator meets separately with the parties and tries to assist in finding a common ground solution acceptable to both parties. Mediation does not require a resolution or a settlement, but if a settlement is reached, the agreement is then usually considered binding.

If a settlement cannot be reached, the issues will then be presented to the judge or a jury (if timely requested and the jury fee paid) at the final hearing. If a final hearing is necessary, you should request the court clerk to schedule a final trial date for your case. Some courts require that a request for final hearing be in writing. The law requires the opposing party be given at least forty-five days’ notice prior to a final trial. However, an earlier date may be scheduled if the Court is available and if all parties agree.

CONCLUDING DIVORCE PROCEEDINGS

Timing Issues: You may set your case for a final hearing any time after the sixty day waiting period ends. A final hearing may consist of a jury trial, if requested, or a bench trial (where the judge acts as the jury). Or, if you and the Respondent are in complete agreement and have reduced your agreement to writing, the final hearing can be as simple as answering a few questions and having the judge enter the agreement into the Court’s records.

Final Decree of Divorce. The Final Decree of Divorce, whether reached by agreement, or decided by the judge, or a jury, should dispose of all issues outstanding in the divorce. Generally, this means that the decree should provide for the division of all community property and all community debt, set forth all matters of child custody and provide for the amount and frequency of child support payments. A Final Decree of Divorce may also provide for the name change of either party to a name previously used. This generally means that the wife may use the Final Decree of Divorce to change her last name back to her maiden name or any other name, so long as it was previously used. You may not use a Final Decree of Divorce to change your name to a brand new name. This requires a separate proceeding. Some courts require that a Pro

Se litigant submit his or her draft of the Final Decree of Divorce and receive approval of the decree before appearing in court for the final hearing. The court administrator may be able to tell you whether this is required. A sample form of Final Decree of Divorce is attached to this manual as Appendix "C."

The Day of the Divorce. A simple, uncontested divorce may be concluded when you appear before the judge and give evidence and testimony as to the terms of your divorce. This proceeding is sometimes called the "prove-up." A prove up script is attached to this manual Appendix "D." However, if your divorce involves contested issues, such as division of property, or child custody issues, this simple transcript will not work, and you should consider hiring a lawyer.

You should call the court to find out when the judge hears uncontested divorces, and whether an appointment is required. Also find out whether the judge requires you to retrieve the official court file from the clerk's office on the day of the hearing and to bring it to the courtroom with you. On the day of final hearing, you should bring the original Final Decree of Divorce, the Employer's Withholding Order if child support is an issue, and proof of service on the Respondent, or a file-stamped copy of a Waiver of Service, showing that the Waiver of Service has been on file for at least 10 days before the final hearing, as well as three copies of each document. When the judge calls your case (remember your proper courtroom etiquette), approach the judge, hand him or her the original Final Decree of Divorce and any other documents you have brought with you. Then read the prove-up script as it applies to your situation. The judge may then ask you some questions. If the judge approves the divorce, he or she will tell you that the divorce is granted and will sign the Final Decree of Divorce and any other appropriate orders. The judge will return the court's file to you. You will then take the court file and the extra copies of the Final Decree of Divorce and any other documents, to the judge's court administrator. The administrator will "conform" the copies (stamp the judge's signature on the copies) and return the copies to you. You must leave the court file with the administrator. It is your duty to send one set of copies of the final documents to the Respondent.

Your divorce is considered final as soon as the judge signs and dates the Final Decree of Divorce. Because you and the Respondent have thirty days to appeal the judge's decision, neither you, nor the Respondent may re-marry again until that thirty day period has passed.

REVIEWING THE UNCONTESTED DIVORCE PROCESS:

The following is a simplified summary of the uncontested divorce process. Figures 1-5 present a flow chart depicting the process graphically.

1. Starting the Divorce
 - a. Prepare your Original Petition for Divorce
 - b. File your Petition with the District Clerk's Office.
 - c. Give your spouse legal notice of the divorce, by using either:
 - (1) Service of Citation; or
 - (2) Waiver of Citation; or
 - (3) Service by Publication or Posting

2. Responding to the Divorce
 - a. Your spouse may file an Answer
 - b. Your spouse may file other court documents or request court hearings
3. Waiting Period
 - a. Wait the mandatory 60 days after your Petition is filed
 - b. A Temporary Hearing and/or Temporary orders may occur during this time
 - c. Negotiation and/or Mediation may occur during this time
 - d. The court may require parenting classes if children are involved in the divorce
4. Finalizing Your Divorce
 - a. Prepare your Final Decree of Divorce
 - b. Schedule your divorce for a final hearing, either
 - (1) on the uncontested court docket
 - (a) if you and your spouse have reached an agreement, or
 - (b) if your spouse has not filed an Answer or otherwise made a court appearance in the divorce
 - (2) on the contested court docket
 - (a) if you do not have an agreement and your spouse has filed an Answer or made a court appearance.
 - (b) give your spouse written notice of the date, time and location of the trial (contested court hearing) date.
 - c. Finalize your divorce in the presence of the Judge at the court hearing.
 - d. If your divorce includes child support, set up the child support account and issue the child support withholding order pursuant to the directions of your local district clerk's office.
 - e. Make sure either you or the court provides a copy of the Court Orders to your ex-spouse.

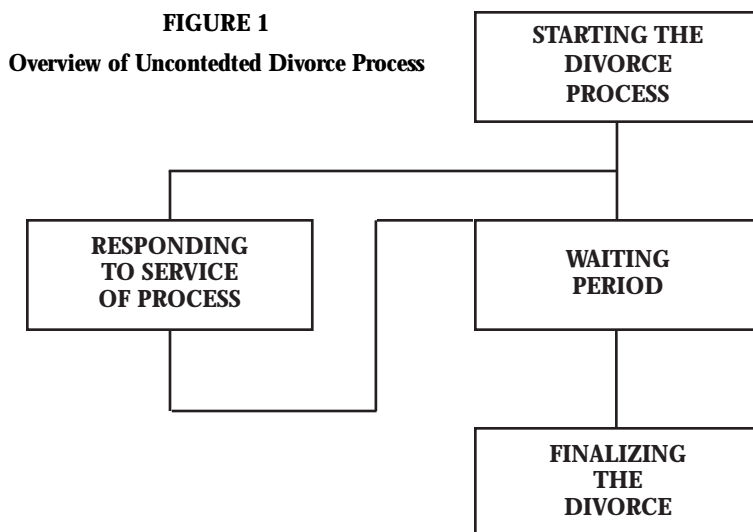


FIGURE 2

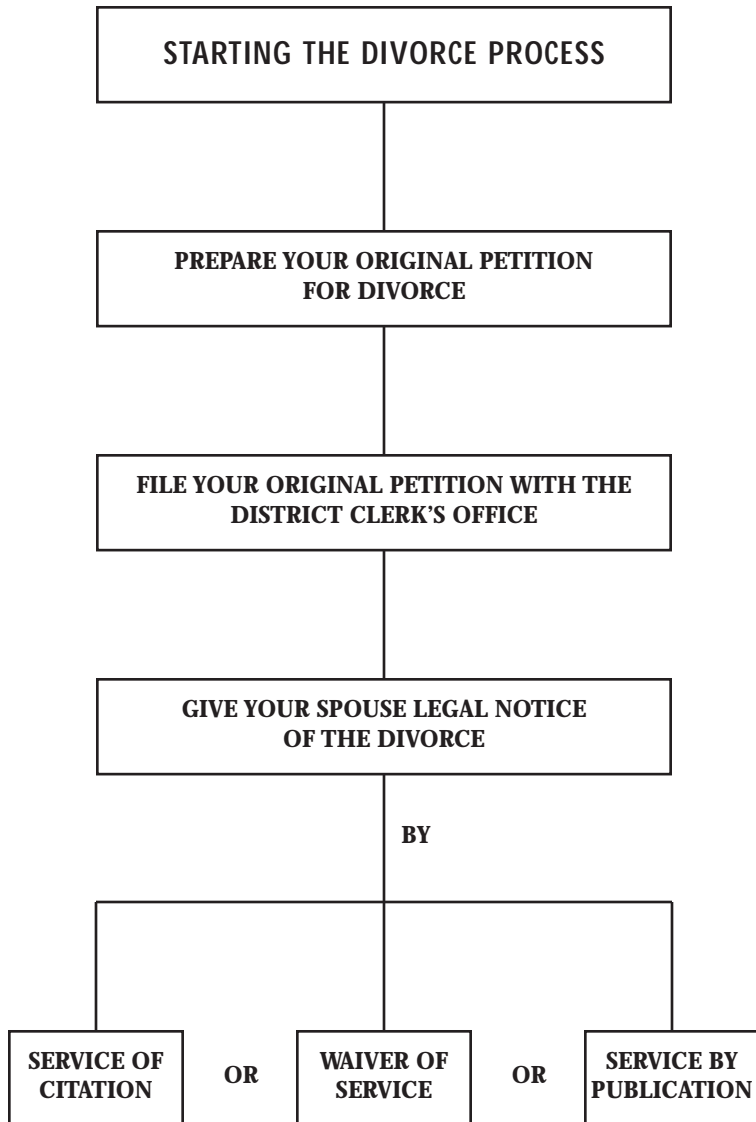


FIGURE 3

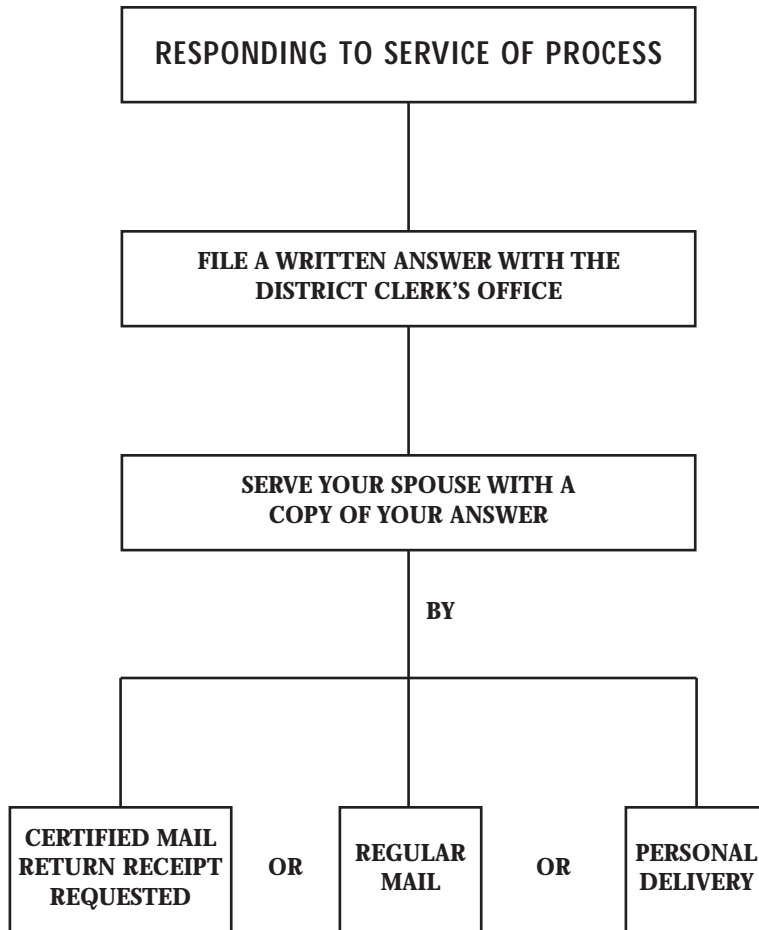
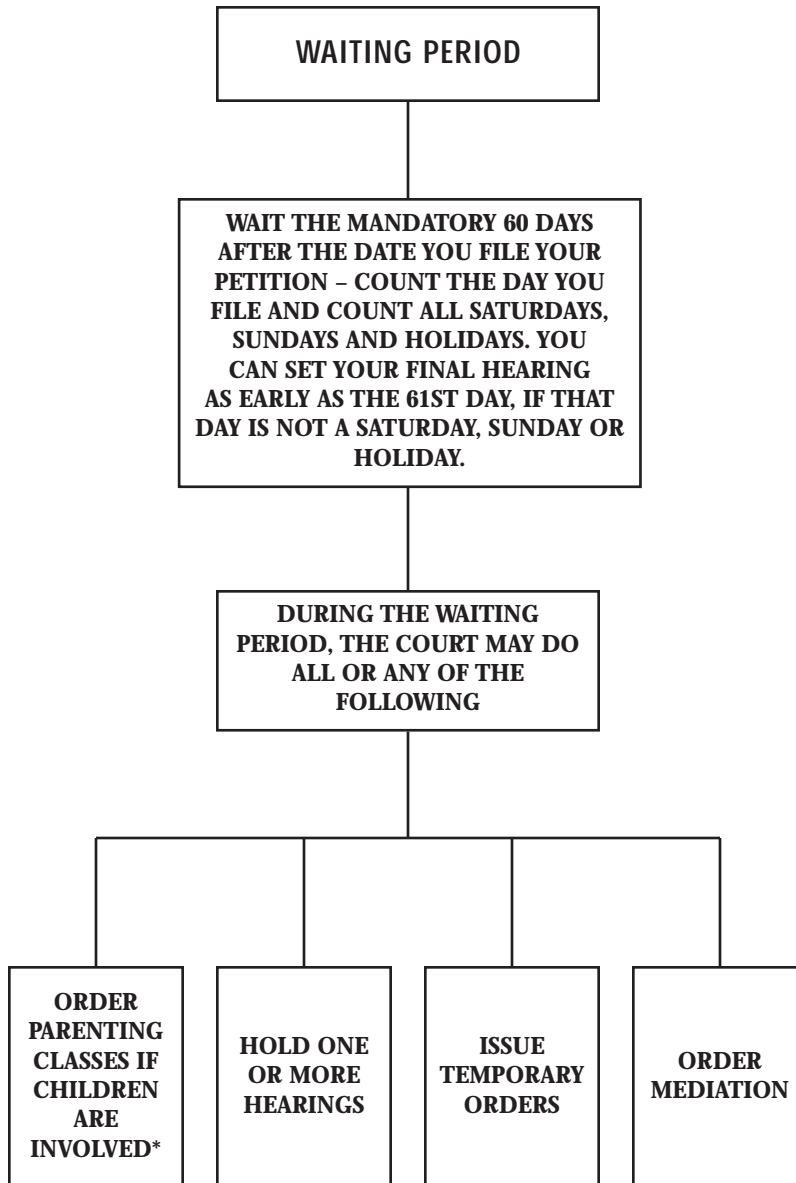
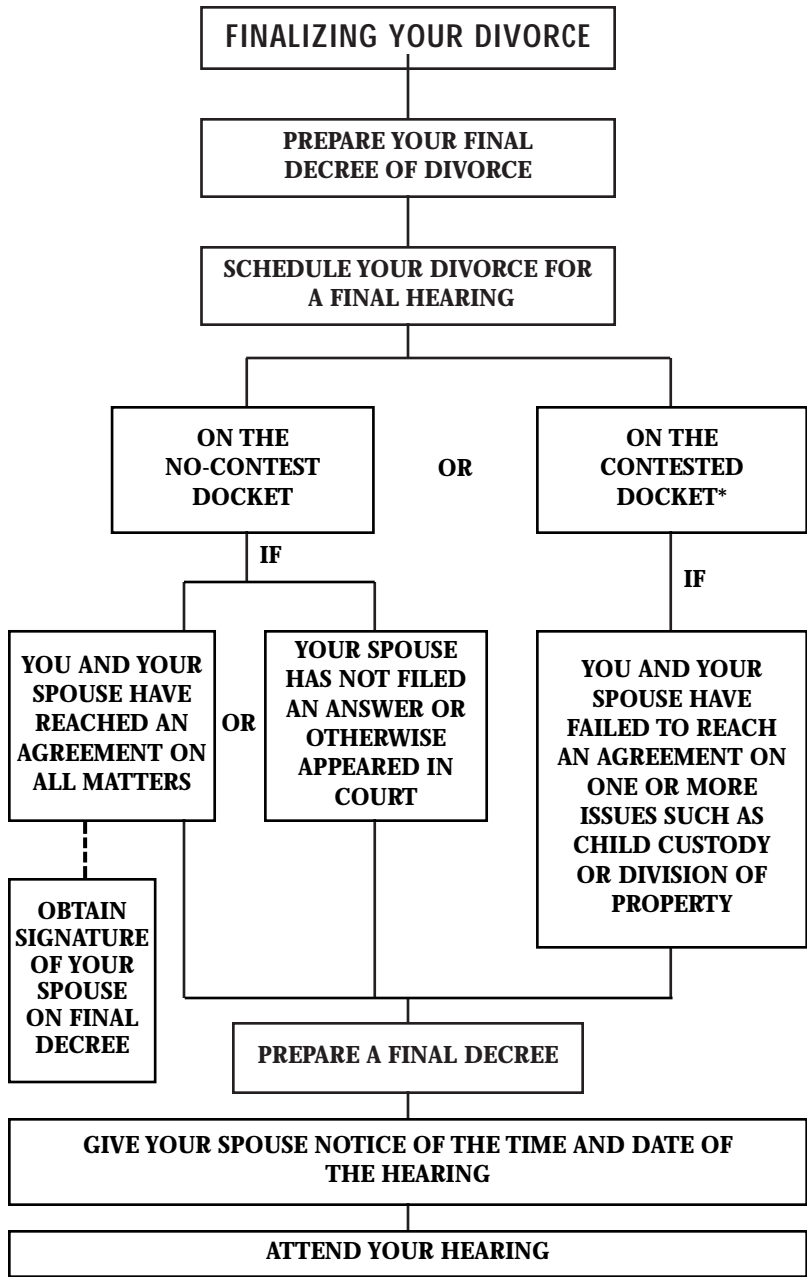


FIGURE 4



****WE RECOMMEND THAT YOU SEEK THE ADVICE OF A LAWYER IF DISPUTES REGARDING CHILD CUSTODY ARE INVOLVED.***

FIGURE 5



WE RECOMMEND THAT YOU SEEK THE ADVICE OF A LAWYER FOR CONTESTED ISSUES.

APPENDIX A
SAMPLE ORIGINAL PETITION FOR DIVORCE

CAUSE NO. _____
(to be completed by the District Clerk)

IN THE MATTER OF THE MARRIAGE	§	IN THE DISTRICT COURT
_____	§	
<i>(Your Name)</i> Petitioner	§	OF _____ COUNTY, TEXAS
AND	§	
_____	§	_____ JUDICIAL DISTRICT
<i>(Your Spouse's Name)</i> Respondent	§	<i>(to be completed by the District Clerk)</i>
	§	
AND IN THE INTEREST OF	§	
<i>(Your children's names, if any), Child(ren)</i>		

ORIGINAL PETITION FOR DIVORCE

1. PARTIES: *[You and Your Spouse]*

This suit is brought by *(your name)*, the Petitioner in this case. Respondent is *(your spouse's name)*.

Petitioner: *[Your information]*

Petitioner's full name *(the name on your birth certificate):*

_____.

Petitioner's address is: *(your address, including street, city, county, state and zip code)* _____

_____.

Date of birth *(your date of birth):* _____ .
(month, day, year)

Social security number *(your social security number):*

_____.

Driver's license number *(your driver's license state and number):*

_____.

Respondent: *[Your Spouse]*

Respondent's full name (the name on your spouse's birth certificate):

_____.

Respondent's address is: *(your spouse's address, including street, city, county, state and zip code)* _____.

Date of birth (your spouse's date of birth): _____.
(month, day, year)

Social security number (your spouse's social security number):

Driver's license number (your spouse's driver's license state and number):

_____.

2. DISCOVERY:

Discovery is a procedure used by parties in a lawsuit to find out information about the other party.

[CHECK ONLY ONE]:

I would like discovery to be under Level 1 of Rule 190 of the Texas Rules of Civil Procedure because:

A. My spouse and I do not have any children who are younger than 18 years or any disabled children who are 18 years or older. The wife is not pregnant.

AND

B. Everything my spouse and I bought while we were married and that we still own does **not total more than \$50,000.**

OR

I would like discovery to be under Level 2 of Rule 190 of the Texas Rules of Civil Procedure because:

A. Everything my spouse and I bought while we were married and that we still own **does total more than \$50,000.**

AND / OR

B. My spouse and I have children who are younger than 18 years or we have disabled children who are 18 years or older.

3. DOMICILE: [CHECK ONLY ONE]:

_____ I have lived in Texas for the past six months, and in _____
County (the county where you have filed for divorce), Texas for the past 90 days.

AND / OR

_____ My spouse has lived in Texas for the past six months, and in _____
County (the county where you have filed for divorce), Texas for the past 90 days.

4. SERVICE OF PROCESS: [CHECK ONLY ONE]:

No Service of Process Needed At This Time:

Please do not have a sheriff or constable give a copy of this Original Petition for Divorce to my spouse right now because my spouse may sign a Waiver of Service. (Your spouse may sign a paper, in front of a notary, agreeing that you have given him or her a copy of this Original Petition for Divorce, and s/he does not want to have a sheriff, constable, or private process server give him or her another copy of this Original Petition for Divorce).

If my spouse does not sign a Waiver of Service, I will ask a sheriff or constable to give a copy of this Original Petition for Divorce to my spouse at this address:

(List your spouse's home or work address):

Street Address:

City, County, State:

(If this is a work address, list the business name)

OR

[] Service of Process Requested:

Please have a sheriff or constable give a copy of this Original Petition for Divorce to my spouse at this address *(List your spouse's home or work address):*

Street Address:

City, County, State:

(If this is a work address, list the business name)

5. DATES OF MARRIAGE AND SEPARATION

My spouse and I were married on or about _____
(List month, day, & year)

We stopped living together as husband and wife on or about _____
(List month, day & year separated)

6. GROUNDS FOR DIVORCE

The marriage has become insupportable because of discord or conflict of personalities that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation. *(You and your spouse do not get along with each other as husband and wife. You do not believe that you will ever live together as husband and wife again).*

7. **CHILDREN OF THE MARRIAGE**

*(Complete this section **Only** if you and your spouse had children together, while you were married to each other.)*

NAME: _____ SEX (M or F): _____ BIRTHDATE: _____
PLACE OF BIRTH _____ HOME STATE _____

NAME: _____ SEX (M or F): _____ BIRTHDATE: _____
PLACE OF BIRTH _____ HOME STATE _____

NAME: _____ SEX (M or F): _____ BIRTHDATE: _____
PLACE OF BIRTH _____ HOME STATE _____

NAME: _____ SEX (M or F): _____ BIRTHDATE: _____
PLACE OF BIRTH _____ HOME STATE _____

There are no court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships affecting the children the subject of this suit. *OR list any court-ordered conservatorships, court-ordered guardianships, or other court-ordered relationships that affect the children of the marriage.*

AND

No property of consequence is owned or possessed by the child the subject of this suit. *OR list the property that is owned by child.*

AND

The appointment of Petitioner and Respondent as joint managing conservators would be in the best interest of the child. Petitioner, on final hearing, should be appointed joint managing conservator, with all the rights and duties of a parent joint managing conservator, and *(select who, Petitioner or Respondent, you are requesting to be responsible for paying child support)* should be ordered to make payments for the support of the child in the manner specified by the Court. Petitioner requests that the payments for the support of the child survive the death of Respondent and become the obligation of Respondent's estate.

OR

(COMPLETE this section ONLY if you and your spouse do NOT have children together that are in need of financial or medical support)

My spouse and I do not have any biological or adopted children who are younger than 18 years old.

My spouse and I do not have any disabled children who are 18 years or older.

My spouse and I do not have any children who are 18 years or older that we have been court-ordered to support.

Pregnancy: (CHECK ONLY ONE)

- The wife is not pregnant.
- The wife is pregnant, but the husband is not the biological father of this child.

NOTE: If the wife is pregnant and the husband is the biological parent of the unborn child, do not file for divorce using this form.

(Complete this section Only if the wife had children with some one else, while you were married to each other.)

The husband is not the biological father of these children who were born while we were married: (Check this if you had children with someone other than your husband, while you were married to your husband.)

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

NAME: _____ SEX (M or F): ___ BIRTHDATE: _____

8. DIVISION OF COMMUNITY PROPERTY

My spouse and I will try to reach an agreement on how our community property and debts are divided. But if we cannot agree, I would like the Court to decide who gets the items that my spouse and I bought while we were married. I would also like for the Court to decide who pays the debts that my spouse and I owe. I would like the Court to make these decisions in a way that the Court believes is fair and according to the laws of Texas.

9. PROTECTIVE ORDER STATEMENT: [CHECK ONLY ONE]:

I do not currently have a Protective Order in effect against my spouse and my spouse does not currently have a Protective Order in effect against me. I have not filed an application for a Protective Order against my spouse in any Court and my spouse has not filed an application for a Protective Order against me in any Court.

OR

There is a current Protective Order in effect. The Protective Order was issued by the _____ Court, in _____ County, Texas, in Cause No. _____ and was signed on _____ [date]. I have attached a copy of the Protective Order to this Original Petition for Divorce. [Attach a copy of the protective order].

10. ADDITIONAL PROVISIONS

I would also like the Court to: [*CHECK ONLY THOSE WHICH APPLY TO YOU*]:

Change of Name: (Give first, middle, & last name of the name used before your marriage. Please note, you cannot ask the judge to change your spouse's name, if your spouse doesn't want to have his or her name changed).

I would like my name changed back to this:

_____.

(first, middle, last)

My spouse would like to have his/her name changed back to this:

_____.

(first, middle, last)

*(Complete this Section **Only** if you are asking the judge to acknowledge items that you own as your separate property)*

Separate Property:

I want the Court to confirm the following as my separate property:

Before I married my spouse, I owned: [*Check What You Owned.*]

a house (*State address and/or the legal description of the property.*)

land (*State address and/or the legal description of the property.*)

personal property (*Car, jewelry, stocks, etc.*)

other (*Describe*)

While I was married to my spouse, I received (*Check What You Received.*)

- an inheritance.
- a gift that was given to me only.
- money from a lawsuit for something other than lost wages.

11. STATEMENT CONCERNING ALTERNATIVE DISPUTE RESOLUTION

I have read and agree with the following statement on Alternative Dispute Resolution (ADR).

STATEMENT ON ALTERNATIVE DISPUTE RESOLUTION (ADR)

“I AM AWARE THAT IT IS THE POLICY OF THE STATE OF TEXAS TO PROMOTE THE AMICABLE AND NONJUDICIAL SETTLEMENT OF DISPUTES INVOLVING CHILDREN AND FAMILIES. I AM AWARE OF ALTERNATIVE DISPUTE RESOLUTION METHODS INCLUDING MEDIATION. WHILE I RECOGNIZE THAT ALTERNATIVE DISPUTE RESOLUTION IS AN ALTERNATIVE TO AND NOT A SUBSTITUTE FOR A TRIAL AND THAT THIS CASE MAY BE TRIED IF IT IS NOT SETTLED, I REPRESENT TO THE COURT THAT I WILL ATTEMPT IN GOOD FAITH TO RESOLVE BEFORE FINAL TRIAL CONTESTED ISSUES IN THIS CASE BY ALTERNATE DISPUTE RESOLUTION WITHOUT THE NECESSITY OF COURT INTERVENTION.”

(IN OTHER WORDS, I KNOW THAT WHEN MY SPOUSE AND I DISAGREE ABOUT OUR CHILDREN OR OUR FAMILY, THE STATE OF TEXAS WANTS US TO TRY TO SETTLE THE DISAGREEMENT WITHOUT GOING TO COURT.

I KNOW THAT ALTERNATIVE DISPUTE RESOLUTION (ADR) MEANS THAT THERE ARE WAYS TO SETTLE OUR DISAGREEMENTS WITHOUT GOING TO COURT. ONE WAY IS TO GO TO MEDIATION, WHERE AN UNBIASED PERSON WOULD TRY TO HELP US REACH AN AGREEMENT.

I UNDERSTAND THAT MEDIATION IS JUST ONE WAY TO SOLVE OUR DISAGREEMENT, AND IT DOES NOT REPLACE A TRIAL IN FRONT OF A JUDGE OR A JURY. IF WE DON'T REACH AN AGREEMENT, WE MAY HAVE TO GO TO TRIAL.

I WANT THE COURT TO KNOW THAT WHEN MY SPOUSE AND I DISAGREE ABOUT OUR CASE, I WILL TRY MY BEST TO REACH AN AGREEMENT BY ALTERNATIVE DISPUTE RESOLUTION (ADR), SO THAT THE COURT WON'T HAVE TO MAKE A DECISION FOR US.)

12. PRAYER

Petitioner requests that Respondent be given a copy of this Original Petition for Divorce in a way that is according to the law. Petitioner also asks that the Court give grant the divorce and everything else that Petitioner requested in this Original Petition for Divorce.

Respectfully submitted,

Petitioner, Pro Se *[Sign your name on the line.]*

[PRINT Your Name and Information.]

Name: _____

Address: _____

Telephone: _____

APPENDIX B
SAMPLE WAIVER OF SERVICE

This form **MUST BE SIGNED AND COMPLETED** by the Respondent **AFTER** the Original Petition for Divorce has been stamped by the District Clerk's Office with the date and time that it was filed. **Copy the information from the top of the Original Petition for Divorce to the top part of this Waiver of Citation. Make sure that the Cause Number and the Judicial District number are the same as listed on the Original Petition for Divorce. Make sure that your name and your spouse's name are listed in the same order as on the Original Petition for Divorce.**

CAUSE NO. *(use the exact number provided by the district clerk on the top of the Petition for Divorce)*

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
<i>(Name of Petitioner)</i>	§	
AND	§	_____ JUDICIAL DISTRICT
<i>(Name of Respondent)</i>	§	<i>(use the number provided by the</i>
	§	<i>District Clerk)</i>
AND IN THE INTEREST OF	§	
<i>(list names of children, if any), CHILDREN</i>	§	_____ COUNTY, TEXAS

WAIVER OF CITATION

THE STATE OF TEXAS §
COUNTY OF _____ §
(Write in the name of the county where this Waiver of Citation is notarized.)

On this day, _____ appeared before me, the undersigned
(Print the name of the Respondent.)
authority, and after being sworn on oath by me said:
"I, _____, am the Respondent in this divorce case.
(Print the name of the Respondent.)

My mailing address is:

(Write in the Respondent's mailing address.)

"I have been given a copy of the Original Petition for Divorce that was filed by my spouse under this Cause Number. I have read the Original Petition for Divorce and understand what it says. I do not want a constable, sheriff, or private process server to give me another copy of the Original Petition for Divorce.

"I am entering an appearance by signing this Waiver of Citation, which I understand is a substitute for coming to court and telling the Judge my side of the facts. I also understand that by signing this Waiver of Citation, I agree that the Judge in the county and state where my spouse filed this divorce can make decisions about my divorce even if the divorce should have been filed in another county or state.

"I do not want a record to be made of any testimony given in this divorce case.

"I agree that this divorce case may be heard by the Presiding Judge of the Court or by an Associate Judge or Referee of the Court who has been appointed by the Presiding Judge of the Court.

"I have also read, and agree to, the following Alternative Dispute Resolution Statement:

"I AM AWARE THAT IT IS THE POLICY OF THE STATE OF TEXAS TO PROMOTE THE AMICABLE AND NONJUDICIAL SETTLEMENT OF DISPUTES INVOLVING CHILDREN AND FAMILIES. I AM AWARE OF ALTERNATIVE DISPUTE RESOLUTION METHODS INCLUDING MEDIATION. WHILE I RECOGNIZE THAT ALTERNATIVE DISPUTE RESOLUTION IS AN ALTERNATIVE TO AND NOT A SUBSTITUTE FOR A TRIAL AND THAT THIS CASE MAY BE TRIED IF IT IS NOT SETTLED, I REPRESENT TO THE COURT THAT I WILL ATTEMPT IN GOOD FAITH TO RESOLVE BEFORE FINAL TRIAL CONTESTED ISSUES IN THIS CASE BY ALTERNATE DISPUTE RESOLUTION WITHOUT THE NECESSITY OF COURT INTERVENTION.

(IN OTHER WORDS:

"I KNOW THAT WHEN MY SPOUSE AND I DISAGREE ABOUT OUR CHILDREN OR OUR FAMILY, THE STATE OF TEXAS WANTS US TO TRY TO SETTLE THE DISAGREEMENT WITHOUT GOING TO COURT.

"I KNOW THAT ALTERNATIVE DISPUTE RESOLUTION (ADR) MEANS THAT THERE ARE WAYS TO SETTLE OUR DISAGREEMENTS WITHOUT GOING TO COURT. ONE WAY IS TO GO TO MEDIATION, WHERE AN UNBIASED PERSON WOULD TRY TO HELP US REACH AN AGREEMENT.

"I UNDERSTAND THAT MEDIATION IS JUST ONE WAY TO SOLVE OUR DISAGREEMENT, AND IT DOES NOT REPLACE A TRIAL IN FRONT OF A JUDGE OR A JURY. IF WE DON'T REACH AN AGREEMENT, WE MAY HAVE TO GO TO TRIAL.

"I WANT THE COURT TO KNOW THAT WHEN MY SPOUSE AND I DISAGREE ABOUT OUR CASE, I WILL TRY MY BEST TO REACH AN AGREEMENT BY ALTERNATIVE DISPUTE RESOLUTION (ADR), SO THAT THE COURT WON'T HAVE TO MAKE A DECISION FOR US."

Check ONLY One of the following

"I am requesting my name be returned to the name I used before I was married:

(Print the first, middle, and last name as you used it before your marriage.)

Or

"I am not requesting a name change.

Check ONLY One of the following

"I agree that the Judge can finalize my divorce without asking me about my side of the facts, without my signature on the Final Decree of Divorce, and without further notice to me."

(Sign your name, here, if you agree with this statement.)

Or

"If I have signed the Final Decree of Divorce showing that I agree with everything in it, the Judge can finalize my divorce without asking me about my side of the facts, or giving further notice to me. If I have not signed the Final Decree of Divorce, I do not agree that the Judge can finalize my divorce without notifying me of a hearing."

(Sign your name, here, if you agree with this statement.)

Respondent *(Sign Your Name In Front of Notary Public.)*

SWORN TO, and SUBSCRIBED before me on _____.

Notary Public State of Texas

I, the Notary Public whose signature appears above, certify that I am not an attorney in this case.

APPENDIX C
SAMPLE FINAL DECREE OF DIVORCE

NO. (use the exact number provided by the district clerk on the top of the Petition for Divorce)

IN THE MATTER OF	§	IN THE DISTRICT COURT
THE MARRIAGE OF	§	
	§	
<i>(Name of Petitioner)</i>	§	
AND	§	_____ JUDICIAL DISTRICT
<i>(Name of Respondent)</i>	§	<i>(use the number provided by the</i>
	§	<i>District Clerk)</i>
AND IN THE INTEREST OF	§	
<i>(list names of children, if any), CHILDREN</i>	§	_____ COUNTY, TEXAS

FINAL DECREE OF DIVORCE

On _____ *(insert the date of the final hearing)*, the Court heard this case.

1. Appearances

Petitioner, *(your name)*, appeared in person and announced ready for trial.
Respondent, *(your spouse's name)*
 appeared in person and announced ready for trial (check only if your spouse appears at the final hearing) OR
 made a general appearance and has agreed to the terms of this judgment to the extent permitted by law, as evidenced by the signatures of Respondent below *(check if your spouse signed a waiver of citation and did not appear at the final hearing)*.

2. Record

The making of a record of testimony was waived by the parties with the consent of the Court. OR
 The record of testimony was taken by the court reporter for the _____ Judicial District Court.

3. Jurisdiction and Domicile

The Court finds that the pleadings of Respondent are in due form and contain all the allegations, information, and prerequisites required by law. The Court, after receiving evidence, finds that it has jurisdiction of this case and of all the parties and that at least sixty days have elapsed since the date the suit was filed. The Court finds that, at the time this suit was filed, Respondent had been a domiciliary of Texas for the preceding six-month period and a resident of the county in which this suit was filed for the preceding ninety-day period. All persons entitled to citation were properly cited.

4. *Jury*

A jury was waived, and all questions of fact and of law were submitted to the Court.

5. *Agreement of the Parties*

The Court finds that the parties have entered into a written agreement as contained in this decree by virtue of having approved this decree as to both form and substance. To the extent permitted by law, the parties stipulate the agreement is enforceable as a contract. The Court approves the agreement of the parties as contained in this Final Decree of Divorce.

6. *Divorce*

IT IS ORDERED AND DECREED that (*your name*), Petitioner, and (*your spouse's name*), Respondent, are divorced and that the marriage between them is dissolved on the ground of insupportability.

7. *Children of the Marriage*

There is no child born or adopted of this marriage, and none is expected.

OR

The Court finds that Petitioner and Respondent are the parents of the following children (*complete information for each child*):

Name:

Sex:

Birthplace:

Birth date:

Home state:

The Court finds no other children of the marriage are expected.

8. *Conservatorship and Support (include this section ONLY if there were children born or adopted during the marriage)*

The Court, having considered the circumstances of the parents and of the children, finds that the following orders are in the best interest of the children.

IT IS ORDERED that Petitioner and Respondent are appointed parent joint managing conservators of the following children: (insert names of children).

IT IS ORDERED that, at all times, Petitioner, as a parent joint managing conservator, shall have the following rights:

1. the right to receive information from the other parent concerning the health, education, and welfare of the children;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
3. the right of access to medical, dental, psychological, and educational records of the children;
4. the right to consult with a physician, dentist, or psychologist of the children;
5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the children's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and
9. the right to manage the estates of the children to the extent the estates have been created by the parent or the parent's family.

IT IS ORDERED that, at all times, Petitioner, as a parent joint managing conservator, shall have the following duties:

1. the duty to inform the other parent in a timely manner of significant information concerning the health, education, and welfare of the children; and
2. the duty to inform the other parent if the parent resides with for at least thirty days, marries, or intends to marry a person who the parent knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure (as added by chapter 668, Acts of the 75th Legislature, Regular Session, 1997) or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the parent begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. **WARNING: A PERSON COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PERSON FAILS TO PROVIDE THIS NOTICE.**

IT IS ORDERED that, at all times, Respondent, as a parent joint managing conservator, shall have the following rights:

1. the right to receive information from the other parent concerning the health, education, and welfare of the children;
2. the right to confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the children;
3. the right of access to medical, dental, psychological, and educational records of the children;
4. the right to consult with a physician, dentist, or psychologist of the children;
5. the right to consult with school officials concerning the children's welfare and educational status, including school activities;
6. the right to attend school activities;
7. the right to be designated on the children's records as a person to be notified in case of an emergency;
8. the right to consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the children; and
9. the right to manage the estates of the children to the extent the estates have been created by the parent or the parent's family.

IT IS ORDERED that, at all times, Respondent, as a parent joint managing conservator, shall have the following duties:

1. the duty to inform the other parent in a timely manner of significant information concerning the health, education, and welfare of the children; and
2. the duty to inform the other parent if the parent resides with for at least thirty days, marries, or intends to marry a person who the parent knows is registered as a sex offender under chapter 62 of the Code of Criminal Procedure (as added by chapter 668, Acts of the 75th Legislature, Regular Session, 1997) or is currently charged with an offense for which on conviction the person would be required to register under that chapter. IT IS ORDERED that this information shall be tendered in the form of a notice made as soon as practicable, but not later than the fortieth day after the date the parent begins to reside with the person or on the tenth day after the date the marriage occurs, as appropriate. IT IS ORDERED that the notice must include a description of the offense that is the basis of the person's requirement to register as a sex offender or of the offense with which the person is charged. **WARNING: A PERSON COMMITS AN OFFENSE PUNISHABLE AS A CLASS C MISDEMEANOR IF THE PERSON FAILS TO PROVIDE THIS NOTICE.**

IT IS ORDERED that, during her respective periods of possession, Petitioner, as a parent joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;
2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the children to medical and dental care not involving an invasive procedure;
4. the right to consent for the children to medical, dental, and surgical treatment during an emergency involving immediate danger to the health and safety of the children; and
5. the right to direct the moral and religious training of the children.

IT IS ORDERED that, during his respective periods of possession, Respondent, as a parent joint managing conservator, shall have the following rights and duties:

1. the duty of care, control, protection, and reasonable discipline of the children;
2. the duty to support the children, including providing the children with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
3. the right to consent for the children to medical and dental care not involving an invasive procedure;
4. the right to consent for the children to medical, dental, and surgical treatment during an emergency involving immediate danger to the health and safety of the children; and
5. the right to direct the moral and religious training of the children.

IT IS ORDERED that Petitioner, as a parent joint managing conservator, shall have the following rights and duty:

1. the exclusive right to establish the primary residence of the children; and
2. the exclusive right to receive and give receipt for periodic payments for the support of the children and to hold or disburse these funds for the benefit of the children.

Geographical Area for Primary Residence.

IT IS ORDERED that Petitioner shall have the exclusive right to establish the children's primary residence in (insert County where divorce is pending), or any county contiguous to (insert County where divorce is pending). IT IS ORDERED that this geographical restriction on the residence of the children shall be lifted if, at the time Petitioner wishes to remove the children from (insert County where divorce is pending) or a county contiguous to (insert County where divorce is pending) for the purpose of changing the primary residence of the children, Respondent does not reside in (insert County where divorce is pending), or a county contiguous to Dallas County or Collin County.

Minimizing Disruption.

IT IS ORDERED that the parties shall strive to ensure the peace of the children.

Standard Possession Order

The Court finds that the following provisions of this Standard Possession Order are intended to and do comply with the requirements of Texas Family Code sections 153.311 through 153.317. IT IS ORDERED that the conservators shall comply with all terms and conditions of this Standard Possession Order. IT IS ORDERED that this Standard Possession Order is effective immediately and applies to all periods of possession occurring on and after the signing of this Standard Possession Order. IT IS, THEREFORE, ORDERED:

(a) Definitions

1. In this Standard Possession Order "school" means the primary or secondary school in which the child is enrolled or, if the child is not enrolled in a primary or secondary school, the public school district in which the child primarily resides.

2. In this Standard Possession Order "child" includes each child, whether one or more, who is a subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

(b) Mutual Agreement or Specified Terms for Possession

IT IS ORDERED that the conservators shall have possession of the child at times mutually agreed to in advance by the parties, and, in the absence of mutual agreement, it is ORDERED that the conservators shall have possession of the child under the specified terms set out in this Standard Possession Order.

(c) Parents Who Reside 100 Miles or Less Apart

Except as otherwise explicitly provided in this Standard Possession Order, when Respondent resides 100 miles or less from the primary residence of the child, Respondent shall have the right to possession of the child as follows:

1. Weekends - On weekends, beginning at 6:00 p.m., on the first, third, and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday.

2. Weekend Possession Extended by a Holiday - Except as otherwise explicitly provided in this Standard Possession Order, if a weekend period of possession by Respondent begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday, as applicable.

3. Wednesdays - On Wednesday of each week during the regular school term, beginning at 6:00 p.m. and ending at 8:00 p.m.

4. Christmas Holidays in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.

5. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on the day before the child's school resumes after that Christmas school vacation.

6. Thanksgiving in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.

7. Spring Break in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

8. Extended Summer Possession by Respondent

With Written Notice by April 1 - If Respondent gives Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child for thirty days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m.

Without Written Notice by April 1 - If Respondent does not give Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child for thirty consecutive days in that year beginning at 6:00 p.m. on July 1 and ending at 6:00 p.m. on July 31.

9. Child's Birthday - If Respondent is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, Respondent shall have possession of the child and the child's siblings beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that Respondent picks up the child from Petitioner's residence and returns the child to that same place.

10. Father's Day Weekend - Each year, beginning at 6:00 p.m. on the Friday preceding Father's Day and ending at 6:00 p.m. on Father's Day, provided that if he is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from Petitioner's residence and return the child to that same place.

Notwithstanding the weekend and Wednesday periods of possession ORDERED for Respondent, it is explicitly ORDERED that Petitioner shall have a superior right of possession of the child as follows:

1. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.

2. Christmas Holidays in Even-Numbered Years - In even-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the following Sunday.

4. Spring Break in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

5. Summer Weekend Possession by Petitioner - If Petitioner gives Respondent written notice by April 15 of a year, Petitioner shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of the extended summer possession by Respondent in that year, provided that Petitioner picks up the child from Respondent and returns the child to that same place.

6. Extended Summer Possession by Petitioner - If Petitioner gives Respondent written notice by April 15 of a year or gives Respondent fourteen days' written notice on or after April 16 of a year, Petitioner may designate one weekend beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation, during which an otherwise scheduled weekend period of possession by Respondent shall not take place in that year, provided that the weekend so designated does not interfere with Respondent's period or periods of extended summer possession or with Father's Day Weekend.

7. Child's Birthday - If Petitioner is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, Petitioner shall have possession of the child and the child's siblings beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that Petitioner picks up the child from Respondent's residence and returns the child to that same place.

8. Mother's Day Weekend - Each year, beginning at 6:00 p.m. on the Friday preceding Mother's Day and ending at 6:00 p.m. on Mother's Day, provided that if Petitioner is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from Respondent's residence and return the child to that same place.

Petitioner shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for Respondent.

(d) Parents Who Reside More Than 100 Miles Apart

Except as otherwise explicitly provided in this Standard Possession Order, when Respondent resides more than 100 miles from the residence of the child, Respondent shall have the right to possession of the child as follows:

1. Weekends - Unless Respondent elects the alternative period of weekend possession described in the next paragraph, Respondent shall have the right to possession of the child on weekends, beginning at 6:00 p.m. on the first, third, and fifth Friday of each month and ending at 6:00 p.m. on the following Sunday. Except as otherwise explicitly provided in this Standard Possession Order, if such a weekend period of possession by Respondent begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday, as applicable.

Alternate weekend possession - In lieu of the weekend possession described in the foregoing paragraph, Respondent shall have the right to possession of the child not more than one weekend per month of Respondent's choice beginning at 6:00 p.m. on the day school recesses for the weekend and ending at 6:00 p.m. on the day before school resumes after the weekend. Except as otherwise explicitly provided in this Standard Possession Order, if such a weekend period of possession by Respondent begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of possession shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday, as applicable. Respondent may elect an option for this alternative period of weekend possession by giving written notice to Petitioner within ninety days after the parties begin to reside more than 100 miles apart. If Respondent makes this election, Respondent shall give Petitioner fourteen days' written or tele-

phonic notice preceding a designated weekend. The weekends chosen shall not conflict with the provisions regarding Christmas, Thanksgiving, the child's birthday, and Mother's Day Weekend below.

2. Christmas Holidays in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.

3. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on the day before the child's school resumes after that Christmas school vacation.

4. Thanksgiving in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the Sunday following Thanksgiving.

5. Spring Break in All Years - Every year, beginning at 6:00 p.m. on the day the child is dismissed from school for the school's spring vacation and ending at 6:00 p.m. on the day before school resumes after that vacation.

6. Extended Summer Possession by Respondent -

With Written Notice by April 1 - If Respondent gives Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of possession shall begin and end at 6:00 p.m.

Without Written Notice by April 1 - If Respondent does not give Petitioner written notice by April 1 of a year specifying an extended period or periods of summer possession for that year, Respondent shall have possession of the child for forty-two consecutive days beginning at 6:00 p.m. on June 15 and ending at 6:00 p.m. on July 27 of that year.

7. Child's Birthday - If Respondent is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, Respondent shall have possession of the child and the child's siblings beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that Respondent picks up the child from Petitioner's residence and returns the child to that same place.

8. Father's Day Weekend - Each year, beginning at 6:00 p.m. on the Friday preceding Father's Day and ending at 6:00 p.m. on Father's Day, provided that if Respondent is not otherwise entitled under this Standard Possession Order to present possession of the child, he shall pick up the child from Petitioner's residence and return the child to that same place.

Notwithstanding the weekend periods of possession ORDERED for Respondent, it is explicitly ORDERED that Petitioner shall have a superior right of possession of the child as follows:

1. Christmas Holidays in Odd-Numbered Years - In odd-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.

2. Christmas Holidays in Even-Numbered Years - In even-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

3. Thanksgiving in Even-Numbered Years - In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the following Sunday.

4. Summer Weekend Possession by Petitioner - If Petitioner gives Respondent written notice by April 15 of a year, Petitioner shall have possession of the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of possession by Respondent during Respondent's extended summer possession in that year, provided that if a period of possession by Respondent in that year exceeds thirty days, Petitioner may have possession of the child under the terms of this provision on any two nonconsecutive weekends during that period and provided that Petitioner picks up the child from Respondent and returns the child to that same place.

5. Extended Summer Possession by Petitioner - If Petitioner gives Respondent written notice by April 15 of a year, Petitioner may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which Respondent shall not have possession of the child, provided that the period or periods so designated do not interfere with Respondent's period or periods of extended summer possession or with Father's Day Weekend.

6. Child's Birthday - If Petitioner is not otherwise entitled under this Standard Possession Order to present possession of the child on the child's birthday, Petitioner shall have possession of the child and the child's siblings beginning at 6:00 p.m. and ending at 8:00 p.m. on that day, provided that Petitioner picks up the child from Respondent's residence and returns the child to that same place.

7. Mother's Day Weekend - Each year, beginning at 6:00 p.m. on the Friday preceding Mother's Day and ending at 6:00 p.m. on Mother's Day, provided that if Petitioner is not otherwise entitled under this Standard Possession Order to present possession of the child, she shall pick up the child from Respondent's residence and return the child to that same place.

Petitioner shall have the right of possession of the child at all other times not specifically designated in this Standard Possession Order for Respondent.

(e) General Terms and Conditions

Except as otherwise explicitly provided in this Standard Possession Order, the terms and conditions of possession of the child that apply regardless of the distance between the residence of a parent and the child are as follows:

1. Surrender of Child by Petitioner - While Petitioner is residing in Hunt County, she is ORDERED to surrender the child to Respondent at the beginning of each period of Respondent's possession, except Wednesday evenings, at the residence of Janet Yvonne Cox, or a mutually agreeable location. On Wednesday evenings, Petitioner is ORDERED to surrender the child to Respondent at the residence of Petitioner.

2. Return of Child by Respondent - While Petitioner is residing in Hunt County and at the end of every visitation except Wednesday evenings, Respondent is ORDERED to return the child to the residence of Janet Yvonne Cox, or a mutually agreeable location. On Wednesdays, Respondent is ORDERED to return the child to the residence of Petitioner.

3. Surrender of Child by Respondent - Respondent is ORDERED to surrender the child to Petitioner, if the child is in Respondent's possession or subject to Respondent's control, at the beginning of each period of Petitioner's exclusive periods of possession, at the place designated in this Standard Possession Order.

4. Return of Child by Petitioner - Petitioner is ORDERED to return the child to Respondent, if Respondent is entitled to possession of the child, at the end of each of Petitioner's exclusive periods of possession, at the place designated in this Standard Possession Order.

5. Personal Effects - Each conservator is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of possession.

6. Designation of Competent Adult - Each conservator may designate any competent adult to pick up and return the child, as applicable. IT IS ORDERED that a conservator or a designated competent adult be present when the child is picked up or returned.

7. Inability to Exercise Possession - Each conservator is ORDERED to give notice to the person in possession of the child on each occasion that the conservator will be unable to exercise that conservator's right of possession for any specified period.

8. Written Notice - Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due.

This concludes the Standard Possession Order.

Duration.

The periods of possession ordered above apply to each child the subject of this suit while that child is under the age of eighteen years and not otherwise emancipated.

Termination of Orders on Remarriage.

The provisions of this decree relating to conservatorship, possession, or access terminate on the remarriage of Petitioner to Respondent unless a nonparent or agency has been appointed conservator of the children under chapter 153 of the Texas Family Code.

Mediation of Future Disputes.

IT IS ORDERED that before any party files suit for modification of the terms and conditions of conservatorship, possession, or support of the children, except in an emergency, that party shall attempt to mediate in good faith the controversy as provided in chapter 153 of the Texas Family Code. This requirement does not apply to actions brought to enforce this Final Decree of Divorce or to enforce any subsequent modifications of this decree. IT IS FURTHER ORDERED that the party wishing to modify the terms and conditions of conservatorship, possession, or support of the children shall give written notice to the other party of a desire to mediate the controversy. If the other party does not agree to attend mediation or fails to attend a scheduled mediation of the controversy within thirty days after receiving such written notice, the party desiring modification shall be released from the obligation to mediate and shall be free to file suit for modification.

Child Support.

IT IS ORDERED that Respondent is obligated to pay and shall pay to Petitioner child support of \$_____ per month, with the first payment being due and payable on _____ and a like payment being due and payable on the first day of each month thereafter until the first month following the date of the earliest occurrence of one of the events specified below:

1. any child reaches the age of eighteen years, provided that, if the child is fully enrolled in an accredited secondary school in a program leading toward a high school diploma or enrolled in courses for joint high school and junior college credit pursuant to Section 130.008 of the Texas Education Code, the periodic child-support payments shall continue to be due and paid until the end of the month in which the child graduates;
2. any child marries;
3. any child dies;

4. any child's disabilities are otherwise removed for general purposes;
5. Petitioner and Respondent remarry each other; or
6. further order modifying this child support.

Thereafter, Respondent is ORDERED to pay to Petitioner child support of \$_____ per month, due and payable on the first day of the first month immediately following the date of the earliest occurrence of one of the events specified in items 1. through 4. above and a like sum of \$_____ due and payable on the first day of each month thereafter until the next occurrence of one of the events specified above.

A child support obligation does not terminate on the death of the obligee but continues as an obligation to the child named in the support order.

Withholding from Earnings.

IT IS ORDERED that any employer of Respondent shall be ordered to withhold from earnings for child support from the disposable earnings of Respondent for the support of the children. Such order shall be suspended until such time that Respondent is more than ten days late in making his payment. In that event, Petitioner may cause to have served the Order/Notice to Withhold Income for Child Support on Respondent's employer.

Withholding as Credit against Support Obligation.

IT IS FURTHER ORDERED that all amounts withheld from the disposable earnings of Respondent by the employer and paid in accordance with the order to that employer shall constitute a credit against the child-support obligation. Payment of the full amount of child support ordered paid by this decree through the means of withholding from earnings shall discharge the child-support obligation. If the amount withheld from earnings and credited against the child-support obligation is less than 100 percent of the amount ordered to be paid by this decree, the balance due remains an obligation of Respondent, and it is hereby ORDERED that Respondent pay the balance due directly to the state disbursement unit specified below.

Order to Employer.

On this date the Court signed an "Order/Notice to Withhold Income for Child Support."

IT IS ORDERED that all payments shall be made through the state disbursement unit at the Office of the Attorney General, P.O. Box 13499, Austin, Texas 78711-3499 and thereafter promptly remitted to Petitioner for the support of the children.

IT IS FURTHER ORDERED that Respondent shall notify this Court and

Petitioner by U.S. certified mail, return receipt requested, of any change of address and of any termination of employment. This notice shall be given no later than seven days after the change of address or the termination of employment. This notice or a subsequent notice shall also provide the current address of Respondent and the name and address of obligor's current employer, whenever that information becomes available.

IT IS ORDERED that, on the request of a prosecuting attorney, the attorney general, the friend of the Court, Petitioner, or Respondent, the clerk of this Court shall cause a certified copy of the "Order/Notice to Withhold Income for Child Support" to be delivered to any employer. IT IS FURTHER ORDERED that the clerk of this Court shall attach a copy of subchapter C of chapter 158 of the Texas Family Code for the information of any employer.

Health Care.

IT IS ORDERED that medical support shall be provided for the children as follows:

1. Respondent's Responsibility - It is the intent and purpose of this decree that Respondent shall, at all times, provide medical support for the children. IT IS THEREFORE ORDERED that, as additional child support, Respondent shall provide medical support for the parties' children for as long as child support is payable under the terms of this decree, as set out herein.

2. Payment of Uninsured Expenses - IT IS ORDERED that the party who pays for a health-care expense on behalf of the children shall submit to the other party, within ten days of receiving them, all forms, receipts, bills, and explanations of benefits paid reflecting the uninsured portion of the health-care expenses the paying party incurs on behalf of the children. IT IS FURTHER ORDERED that, within ten days after the nonpaying party receives the explanation of benefits stating benefits paid, that party shall pay one-half of the uninsured portion of the health-care expenses either by paying the health-care provider directly or by reimbursing the paying party for any advance payment exceeding the paying party's share of the expenses.

3. WARNING - A PARENT ORDERED TO PROVIDE HEALTH INSURANCE WHO FAILS TO DO SO IS LIABLE FOR NECESSARY MEDICAL EXPENSES OF THE CHILDREN, WITHOUT REGARD TO WHETHER THE EXPENSES WOULD HAVE BEEN PAID IF HEALTH INSURANCE HAD BEEN PROVIDED; AND THE COST OF HEALTH INSURANCE PREMIUMS OR CONTRIBUTIONS, IF ANY, PAID ON BEHALF OF THE CHILDREN.

No Credit for Informal Payments.

IT IS ORDERED that the child support as prescribed in this decree shall be exclusively discharged in the manner ordered and that any direct payments made by Respondent to Petitioner or any expenditures incurred by Respondent during Respondent's periods of possession of or access to the children, as prescribed in this decree, for food, clothing, gifts, travel, shelter, or entertainment are deemed in addition to and not in lieu of the support ordered in this decree.

Support as Obligation of Estate.

IT IS ORDERED that the provisions for child support in this decree shall be an obligation of the estate of Respondent and shall not terminate on the death of Respondent. Payments received for the benefit of the children from the Social Security Administration, Department of Veterans Affairs, other government agency, or life insurance shall be a credit against this obligation.

Medical Notification.

Each party is ORDERED to inform the other party within twenty-four hours of any medical condition of the parties' children requiring surgical intervention, hospitalization, or both.

Information Regarding Parties and Children

The information required for each party by section 105.006(a) of the Texas Family Code is as follows:

Name: Petitioner (*list your information*)

Social Security number:

Driver's license number:

Issuing state:

Current residence address:

Mailing address:

Home telephone number:

Name of employer:

Address of employment:

Work telephone number:

Name: Respondent (*list your spouse's information*)

Social Security number:

Driver's license number _____ Issuing state: Texas

Current residence address:

Mailing address:

Home telephone number:

Name of employer:

Address of employment:

Work telephone number:

Name: (List the following information for each child of the marriage)

Social Security number:

Driver's license number: Issuing state:
Current residence address:
Mailing address:
Home telephone number:
Name of employer:
Address of employment:
Work telephone number:

EACH PERSON WHO IS A PARTY TO THIS ORDER IS ORDERED TO NOTIFY EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY OF ANY CHANGE IN THE PARTY'S CURRENT RESIDENCE ADDRESS, MAILING ADDRESS, HOME TELEPHONE NUMBER, NAME OF EMPLOYER, ADDRESS OF EMPLOYMENT, DRIVER'S LICENSE NUMBER, AND WORK TELEPHONE NUMBER. THE PARTY IS ORDERED TO GIVE NOTICE OF AN INTENDED CHANGE IN ANY OF THE REQUIRED INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY ON OR BEFORE THE 60TH DAY BEFORE THE INTENDED CHANGE. IF THE PARTY DOES NOT KNOW OR COULD NOT HAVE KNOWN OF THE CHANGE IN SUFFICIENT TIME TO PROVIDE 60-DAY NOTICE, THE PARTY IS ORDERED TO GIVE NOTICE OF THE CHANGE ON OR BEFORE THE FIFTH DAY AFTER THE DATE THAT THE PARTY KNOWS OF THE CHANGE.

THE DUTY TO FURNISH THIS INFORMATION TO EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY CONTINUES AS LONG AS ANY PERSON, BY VIRTUE OF THIS ORDER, IS UNDER AN OBLIGATION TO PAY CHILD SUPPORT OR ENTITLED TO POSSESSION OF OR ACCESS TO A CHILD.

FAILURE BY A PARTY TO OBEY THE ORDER OF THIS COURT TO PROVIDE EACH OTHER PARTY, THE COURT, AND THE STATE CASE REGISTRY WITH THE CHANGE IN THE REQUIRED INFORMATION MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Notice shall be given to the other party by delivering a copy of the notice to the party by registered or certified mail, return receipt requested. Notice shall be given to the Court by delivering a copy of the notice either in person to the clerk of the Court or by registered or certified mail addressed to the clerk. Notice shall be given to the state case registry by mailing a copy of the notice to State Case Registry, Central File Maintenance, P.O. Box 12048, Austin, Texas 78711-2048.

WARNINGS TO PARTIES: FAILURE TO OBEY A COURT ORDER FOR CHILD SUPPORT OR FOR POSSESSION OF OR ACCESS TO A CHILD MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

FAILURE OF A PARTY TO MAKE A CHILD SUPPORT PAYMENT TO THE PLACE AND IN THE MANNER REQUIRED BY A COURT ORDER MAY RESULT IN THE PARTY'S NOT RECEIVING CREDIT FOR MAKING THE PAYMENT.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

9. *Division of Marital Estate*

IT IS ORDERED AND DECREED that the personal effects of the parties are awarded to the party having possession.

Division of Property

Property to Husband (*list all property to be awarded to the Husband*):

Property to Wife (*list all property to be awarded to the Wife*):

Division of Debt.

Debts to Husband IT IS ORDERED AND DECREED that the husband, Respondent, shall pay, as a part of the division of the estate of the parties, and shall indemnify and hold the wife and her property harmless from any failure to so discharge, these items (*list all debts to be awarded to the Husband*):

Debts to Wife. IT IS ORDERED AND DECREED that the wife, Petitioner, shall pay, as a part of the division of the estate of the parties, and shall indemnify and hold the husband and his property harmless from any failure to so discharge, these items (*list all debts to be awarded to the Wife*):

Notice.

IT IS ORDERED AND DECREED that each party shall send to the other party, within three days of its receipt, a copy of any correspondence from a creditor or taxing authority concerning any potential liability of the other party.

Treatment/Allocation of Community Income for Year of Divorce.

IT IS ORDERED AND DECREED that, for the calendar year (*insert current year*), each party shall file an individual income tax return in accordance with the Internal Revenue Code.

10. Change of Petitioner's Name (include this section ONLY if Petitioner or Respondent wish to change his or her name)

IT IS ORDERED AND DECREED that _____ (Respondent's OR Petitioner's) name is changed to _____.

11. Court Costs

IT IS ORDERED AND DECREED that costs of court are to be borne by the party who incurred them.

12. Clarifying Orders

Without affecting the finality of this Final Decree of Divorce, this Court expressly reserves the right to make orders necessary to clarify and enforce this decree.

13. Relief Not Granted

IT IS ORDERED AND DECREED that all relief requested in this case and not expressly granted is denied.

14. Date of Judgment

SIGNED on _____ .

JUDGE PRESIDING

APPROVED AND CONSENTED TO
AS TO BOTH FORM AND SUBSTANCE:

Petitioner

Respondent

APPENDIX D
SAMPLE PROVE UP SCRIPT FOR UNCONTESTED DIVORCE WITH
NO CHILDREN

1. Your honor, my name is _____;
2. I am presently married to _____;
3. I have been a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period;
4. My spouse and I ceased to live together as husband and wife on or about _____;
5. My marriage to _____ has become insupportable because of a discord or conflict of personalities that destroys the legitimate ends of the marriage relationship;
6. There is no reasonable expectation of reconciliation;
7. There were no children born during this marriage;
8. There were no children adopted during this marriage;
9. We are not expecting any children at this time;
10. My spouse and I have entered into an agreement concerning the division of our property and debts;
11. I believe that the agreement is fair and equitable to both me and my spouse;
12. This is a copy of the Agreed Decree of Divorce, which bears my signature and my spouse's signature;
13. I ask the court to grant me a divorce and approve all the agreements that my spouse and I have entered into.

THAT'S ALL I HAVE, YOUR HONOR.

IMPORTANT DATES IN YOUR CASE:

NOTES:

NOTES:



P.O. Box 12487
Austin, Texas 78711-2487
(800) 204-2222 - Ext. 6429
www.tyla.org