

Information for Self-Represented Parties in Divorce Cases

As a self-represented party (also known as a *pro se* litigant), the Court must treat you as if you are an attorney. Therefore, it is important for you to educate yourself on the necessary steps to complete your divorce case. **Court personnel are not able to give you legal advice, such as step-by-step instructions** on how to proceed with your case. To familiarize yourself with the divorce process, we encourage you to visit **TexasLawHelp.org**, a free and reliable resource for individuals representing themselves in legal matters in Texas. You can find forms, instructions, and additional resources there to help you navigate the process.

You must take the steps necessary to prosecute your case, as if you are an attorney. Every case is unique, and it is up to you to learn the rules and law that apply to your particular situation. Some general concepts that you may find helpful in prosecuting your divorce case are set forth below:

1. **60-Day Waiting Period:** In Texas, there is a mandatory waiting period of 60 days from the date the divorce petition was filed before a divorce may be granted. This is a waiting period, not a deadline, and the court does not automatically schedule a hearing after the 60-day waiting period has passed.
2. **Serving the Other Party:** If you are the Petitioner, you must formally serve your spouse with the divorce petition, following the Texas Rules of Civil Procedure. Alternatively, if your spouse agrees to waive service, they can sign a **Waiver of Service** form, which should be filed with the court.
3. **Uncontested Divorce:** If you and your spouse agree on all of the necessary terms, you may be able to finalize your divorce without scheduling a court hearing. Before you may finalize your case, even if you and your spouse agree on all necessary terms, the following conditions must be met:
 1. The petition must have been on file for at least 60 days.
 2. Your spouse must have filed an answer or waiver of service.
 3. One party must file a prove-up declaration or affidavit; and
 4. The appropriate divorce decree (forms available at TexasLawHelp.org) must be submitted to the court.
4. **Contested Divorce:** If the divorce is contested (i.e., you and your spouse cannot agree on the terms), you will need to set your case for a final trial. You may request a trial date from the court's coordinator by e-mailing 494@co.collin.tx.us.
5. **Default Divorce:** If your spouse has been served, but has not filed an answer to the case, you may be eligible to proceed with a **default divorce**. Please visit the court's website for the **default checklist** that outlines the steps you need to take.

If you qualify for legal aid, you may receive additional assistance on Thursday mornings in the conference rooms outside of the 429th District Court.