Guidelines for Self-Represented Litigants

Please refer to and review the General Guidelines for the 461st District Court. These guidelines aim to assist those who chose to represent themselves in certain legal situations, primarily family law cases. This is not intended as a substitute for legal counsel. Remember: If you are representing yourself, you are acting as your own lawyer and are expected to know the law, the rules of procedure, and the rules of evidence.

Uncontested Cases

Adult Adoption

Pleadings or Forms Needed

1 Original Petition for Adoption of an Adult
2 Consent of the Adult to be Adopted
3 Order Granting Adoption of Adult

Procedure

1 Fill in and file the Original Petition for Adoption of an Adult with the District Clerk.
2 Fill in and file the Consent of the Adult to be Adopted with the District Clerk.
3 Fill in and file the Order Granting Adoption of Adult with the District Clerk.
4 Contact the Court Coordinator and obtain a court date.
5 Appear on the Court date to get the adoption granted.

Additional Information

You can avoid the court appearance and have the Court consider that adult adoption by submission if you fill out and file, with the District Clerk, an Affidavit for Prove Up that has been signed by all adults involved in the litigation.

Name Change of an Adult

Pleadings or Forms Needed

1 Petition for Name Change of an Adult
2 Order Granting Name Change of an Adult

Procedure

1 Fill out and file the Petition for Name Change of an Adult with the District Clerk.
2 Submit your fingerprints to the DPS for a Criminal History check.
3 Wait until the DPS sends you the Criminal History Report back to the District Clerk.
4 Then contact the Court Coordinator and obtain a court date.
5 Fill out and file the Order Granting Name Change with the District Clerk.
6 Appear on the Court date to get your name change.

Additional Information

There is not one central repository for name changes that then sends out the Name Change Order to all affected entities. Instead, you will have to get a certified copy (several are recommended) and then present that Order to the various entities.

Name Change of a Minor

Pleadings or Forms needed

1 Petition for Name Change of a Minor
2 Consent by Child to the Name Change (if the child is 12 or older)
3 Order Granting Name Change of a Minor

Procedure

1 Fill out and file the Petition for Name Change of a Minor Child and, if required, the Consent by Child to the Name Change.
   * Both parents must sign the Petition and the Order for this to be an uncontested name change.
   * If both parents do not sign the Petition and Order, then the parent who is not signing must be served and this matter must then be placed on the contested docket.
2 Contact the Court Coordinator and obtain a court date.
3 Fill out and file the Order Granting Name Change of a Minor with the District Clerk.
4 Appear on the Court date to get the child's name changed.

Additional Information

There is not one central repository for name changes that then sends out the Name Change Order to all affected entities. Instead, you will have to get a certified copy (several are recommended) and then present that Order to the various entities.

Divorce without Children (Make sure you use the correct document.)

Pleadings or Forms Needed

1 Petition for Divorce
2 Final Decree of Divorce
3 VS-165 form

Procedure

1 Fill out and file the Petition for Divorce with the District Clerk.
2 Fill out the Final Decree of Divorce (about 9-12 pages long) and get your spouse's signature on the Final Decree. (The Petition for Divorce is different that the Final Decree of Divorce.)
3 File the Final Decree of Divorce signed by both spouses with the District Clerk
4 Fill out and file the VS-165 form with the District Clerk.
5 Contact the Court Coordinator and obtain a court date for some time at least 60 days after you filed the Petition for Divorce.
6 Appear on the Court date to prove up your divorce.

* If your spouse has signed the Final Decree, you can bypass the Court date by signing and filing an Affidavit for Prove-Up when you file the Final Decree.

Divorce with Children (Make sure you use the correct document.)

Pleadings or Forms Needed

1 Petition for Divorce
2 Final Decree of Divorce with Possession Order
3 VS-165
4 Child Support Information form - if child support is ordered

5 Order Withholding Income for Child Support - if child support is ordered

Procedure

1 Fill out and file the Petition for Divorce with the District Clerk.
2 Fill out the Final Decree of Divorce (about 26-28 pages long) and get your spouse's signature on the Final Decree. (The Final Decree of Divorce is different from the Petition for Divorce.)
3 Fill out the Possession Order and have both spouses initial the pages.
4 File the Final Decree of Divorce signed by both spouses along with the Possession Order attached.
5 Fill our and file the VS-165 with the District Clerk.
6 If child support is ordered:
  a Fill out and file the Child Support Information form with the District Clerk
  b Fill out and file the Order Withholding Income for Child Support with the District Clerk.
7 Contact the Court Coordinator and obtain a court date for some time at least 60 days after you filed the Petition for Divorce.
8 Appear on the Court date to prove up your divorce.
* If your spouse has signed the Final Decree, you can bypass the Court date by signing and filing an Affidavit for Prove-Up when you file the Final Decree.

Parentage Action or Suit Affecting the Parent-Child Relationship

When the parents are not married, either a Parentage lawsuit or a Suit Affecting Parent-Child Relationship may be filed.

Pleadings or Forms Needed

1 Original Petition to Establish Parentage or Original Petition in Suit Affecting Parent-Child Relationship
2 Final Order Establishing Parentage or Order in Suit Affecting Parent-Child Relationship
3 Possession Order
4 Form VS-165
5 Child Support Information form - if child support is ordered
5 Order Withholding Income for Child Support - if child support is ordered

Procedure

1 Fill out and file the Original Petition to Establish Parentage or an Original Petition in Suit Affecting the Parent-Child Relationship with the District Clerk.
2 Fill out the Final Order Establishing Parentage or the Order in Suit Affecting Parent-Child Relationship. Both parents must sign this document.
3 Fill out the Possession Order. Both parents must sign or initial this document. Make sure you are using the correct Possession Order for your situation.
4 File the Final Order Establishing Parentage or Order in Suit Affecting Parent-Child Relationship signed by both parents along with the Possession Order attached.
5 File the VS-165 with the District Clerk.
6 If child support is ordered:
  a Fill out and file the Child Support Information form with the District Clerk
  b Fill out and file the Order Withholding Income for Child Support with the District Clerk.
7 Contact the Court Coordinator and obtain a court date.
8 Appear on the Court date to get the Order signed, if the Order was not signed when filed.

Contested Cases

Divorce
Pleadings or Forms Needed and Process

1 Original Petition for Divorce
The Original Petition for Divorce must be filled out and then filed with the District Clerk.

2 Agreement, Waiver, or Service

If you are able to reach an agreement with your spouse, see the instructions for an uncontested divorce.

Your spouse may sign a Waiver.

Otherwise, you will have to have your spouse served with citation by a deputy, constable, or private process server. Fill out the Process Request form at the District Clerk's Office to request that your spouse be served with a copy of the Original Petition for Divorce.

3 Default
If your spouse is legally served with the Original Petition for Divorce and does not file an Answer, then you may proceed by default. To count and determine when your spouse has to file an Answer: Start with the day of service. Go to the next day and starting counting until you get to day 20. Then go to the next Monday on the calendar. That is your spouse's Answer Day and the day by which your spouse must file an Answer. If the Monday is a holiday, go to the following Tuesday.

Court Date and Documents Needed

If your spouse has defaulted, contact the Court Coordinator and obtain a date for the default divorce, which must be at least 60 days after your filed your Petition for Divorce.

Prior to the court date:

Fill out and file (with the District Clerk) the Final Decree of Divorce. Remember that if you have children, you have to include the Possession Order as part of the Final Decree.
Fill out and file (with the District Clerk) a Certificate of Last Known Address for your spouse.
Fill out and file (with the District Clerk) a Military Status Affidavit.
Fill out and file (with the District Clerk) Form VS-165.

Appear on the Court date. The Court will have the bailiff call the name of your spouse 3 times in the hallways of the Courthouse and then proceed to hear your divorce case. If all is in order, the Court will sign your Decree that date.

4 Contested Hearing
If your spouse files an Answer, then you will be placed on the Contested Hearing docket.

Contact the Court Coordinator and get a date for your contested hearing. You must give your spouse at least 45 days notice of any trial setting.

Fill out and file the Notice of Hearing using the date that the Court Coordinator gave you. You must have the Notice of Hearing legally served on your spouse. You must bring to your final hearing any necessary proof that the Notice of Hearing was served on your spouse.

Prior to the court date for any divorce, you need to create and then file with the District Clerk an Inventory and Appraisement as well as a Proposed Division of Property. The Inventory and Appraisement lists all property owned, what it is worth, all of your debts, and how much is owed. You must provide a copy of the Inventory and Appraisement as well as a Proposed Division of Property to your spouse.

At the final hearing, you may be asked to provide testimony regarding the division of property and any matter relating to the children.

At the conclusion of the trial, the Court will make its ruling. You must provide a Final Decree of Divorce that accurately reflects the Court's ruling.