

## INFORMATION ABOUT FILING FOR DIVORCE IN LEON COUNTY, TEXAS

- The staff in the Leon County District Clerk's office are not attorneys and can not give you legal advice. Our office does not provide forms. You should speak with an attorney regarding your case. If you can't afford an attorney there is a link on our website on to How to Represent Yourself in District Court. However, it is always best to have an attorney in a contested case.

### Residence Requirements:

In order to get a divorce in Leon County, Texas you must meet the minimum residency requirements.

- Resident of Texas for a minimum of 6 months (either spouse); and
- Resident of Leon County for a minimum of 3 months (either spouse)

These timeframes are in relation to the date you file for divorce (not when the divorce is final). The State of Texas requires a 60 day waiting period from the date the divorce is filed before the case can be heard in court.

To set a hearing contact the District Court Coordinator for the court in which your case was filed. Setting request form will be given to you when you file your petition.

Should I Hire an Attorney? Yes. Without the benefit of an attorney, you may not understand your rights with regards to the division of property, child custody, child support, garnishment of wages, and visitation. Research shows that people who relitigate (go back to court) often do so because they did not fully understand the legal technicalities of paperwork they created. An attorney can make sure your rights are protected, that your court order(s) are enforceable, that your paperwork meets all the legal standards necessary, and that you and your ex-spouse clearly understand your rights and responsibilities.

Financial Hardships: If you are in need of an attorney but cannot afford one, there are several means available to you. The best local resource is to contact the Legal Aid office and begin the eligibility process. Contact them at 1-800-570-4773. Another resource for low income individuals is [www.texaslawhelp.org](http://www.texaslawhelp.org). This organization has setup a network for low income individuals needing legal services. Minimum access to a computer, a printer and the internet is required in order to use their services.

Filing for Divorce (Pro Se)(You are acting as your own attorney): The most important task at the beginning of a divorce is to do research. The following are potential sources of Pro Se divorce information:

### Internet Sites

- [www.texaslawhelp.org](http://www.texaslawhelp.org)
- [www.TexasCourtHelp.org](http://www.TexasCourtHelp.org)
- [www.texasbar.com](http://www.texasbar.com)
- [www.tyla.org](http://www.tyla.org)

**If you decide to represent yourself, please bring the following to the District Clerk's office when you file your paperwork.**

- **3 completed copies of the Original Petition for Divorce \***  
(Original for court file, 1 copy for the person who files, 1 copy for your spouse)
- **Filing fees (or Indigent Form)**
- **Information about how your spouse will be served**

The District Clerk's office will give you Form VS165 to complete which requires your date of birth, social security number, address and that of your spouse and children. This form is sent to the TX Dept of State Health Services – Vital Statistics.

Also, attached to every Petition for Divorce or Suit Affecting Parent Child Relationship is a Standing Restraining Order. See District's Clerk webpage for Local Rules and copy of this order. <http://co.leon.tx.us/>

- **On your court date you will need to bring 3 completed copies of Final Decree of Divorce and if needed an Order for Withholding of Child Support.\***

\* If you don't bring copies with you, copies can be made by the District Clerk's office for \$1 per page.

## HIRE AN ATTORNEY

<p>The Texas Bar Association provides a referral system which includes a 30 minute consultation for \$20. Contact them at 1-800-252-9690 or 1-877-983-9227.</p>	<p>Many people avoid attorneys fearing they are too expensive. Attorney fees vary from firm to firm so don't give up on the idea of hiring an attorney if the first one you call seems expensive.</p>
<p>Additional resources include the following website and the yellow pages.</p> <ul style="list-style-type: none"><li>• <a href="http://www.texasbar.com">www.texasbar.com</a></li><li>• <a href="http://www.statelawyers.com">www.statelawyers.com</a></li></ul>	<p>Many people who have tried to save money by filing a divorce ProSe (without an attorney) have ended up spending more time and money than they would have by hiring an attorney from the start. This is especially true for divorces that involve property, retirement, or children.</p>