

INSTRUCTIONS TO PEOPLE REPRESENTING THEMSELVES IN DIVORCE BEFORE THE 258TH JUDICIAL DISTRICT COURT

Please review this document before court.

REMEMBER: It is always best to have the advice of a lawyer. The District Clerks, Court personnel and Judge want to help you, but they cannot give you legal advice, help you fill out your forms, or tell you what to do. If you proceed without a lawyer, you will be responsible for protecting yourself.

Information may be obtained from local and state websites including, but not limited to: www.texaslawhelp.org or www.tyla.org/family_law.html

If you choose to represent yourself in a divorce, you must comply with the following Court rules before asking the Court to grant a divorce.

1. PLEADINGS:

- a. All pleadings and Court orders must appear neat and clean.
- b. If provisions contained in the forms, you are using do not apply to you and your spouse, do not include them in the petition or decree, or strike through the inapplicable provisions.
- c. All documents you give to the judge must be originals.
- d. If children were born during the marriage, the decree must include the following.
 - i. A statement regarding who the custody of the children and with whom they will live.
 - ii. A schedule of visitation.
 - iii. A statement regarding how the children will be covered by health insurance; and
 - iv. A statement regarding child support in accordance with the guidelines in the Texas Family Code. CHILD SUPPORT CANNOT BE WAIVED without the approval of the Court. ***You should contact the Texas Attorney General's Office for help calculating child support at <https://www.texasattorneygeneral.gov/child-support>***

2. COURT:

BEFORE setting your case on the docket you MUST review the contents of the Webpage entitled, *The Uncontested Divorce Process in Texas* at www.texaslawhelp.org.

- Make certain you have followed all the steps outlined in the article and make certain you have reviewed the pages entitled, ***ARE YOU READY FOR COURT.***
- Once you are ***CERTAIN*** that you are ready for court, obtain the Bureau of Vital statistics form from the District Clerk's Office and have it completely filled out before you come to court for your divorce.
- Although the District Clerk's office can tell you when court will be held, you may get your case on the docket only by contacting the Court Coordinator, Lianne Mueck, via email at 258court@co.polk.tx.us. A Setting Request form can be found on the Court's webpage and must be submitted by email or Efile. All contact information MUST be provided on the Settings Request form.
- If you are representing yourself (Pro Se) in a divorce, please understand the following: You must present a complete decree that resolves all issues. The Court will not review the decree for completion and will not confirm that the decree is properly drafted. You cannot rely on the Court signing the decree as a representation that the decree is accurate and resolves all the issues as you wish or that it adequately covers all the issues you have a right to have covered.

You must also follow the Rules of the Courtroom:

- Always address the Judge as “**YOUR HONOR**”.
- Dress appropriately. Your shirt should be neatly tucked in. Shorts, flip-flops, tank tops, jogging/sweat suits, sagging pants, T-shirt, and sleeveless shirts *are not* permitted in the courtroom.
- **TURN OFF YOUR PHONE.** Do not type or text-message on cellular phones or other devices; Do not allow cellular phones to ring or make any noise (including vibrating at such a level that can be heard).
- Do not read newspapers, magazines, or other items except official papers.
- Do not bring food, bottles, paper cups, or beverage containers into the courtroom. No chewing gum, candy, or throat lozenges in your mouth.
- No children should be in the courtroom.
- Do not prop feet on tables, chairs, or benches.
- Do not make noises or talk in a manner which interferes with court, this includes talking on or answering cell phones.
- No person should, by any facial expression, shaking of the head, or any other conduct, exhibit approval or disapproval of any testimony or any statement or transaction in the courtroom.
- Do not use any tobacco products.
- Before entering a courtroom, you must first remove sunglasses, overcoat, hat, etc.

Thank you for complying with these Rules.

TRAVIS E. KITCHENS, JR.
Judge, 258th Judicial District