

Representing Yourself in a Divorce Case

Representing yourself in a divorce is called *pro se* (pro-say). You are advised not to file your own divorce petition without a working knowledge of the Texas Family code, the Texas Rules of Civil Procedure, and the local Rules promulgated by this Court. This Court advises you to seek the expertise of an attorney. If you cannot afford an attorney, you may contact Lone Star Legal Aid (903) 758-9123 to see if you are eligible for legal services.

No one in the District Clerk's office or Judge's office can give you legal advice or tell you how to represent yourself. They cannot provide forms or tell you how to process your case.

You are responsible for getting the case filed in the proper jurisdiction. You are responsible to obtain proper service or waiver of process on the respondent. You are responsible to provide all the proper paperwork to complete your lawsuit.

If either the husband or wife has had children during the marriage or wife is currently expecting, and neither party is represented by counsel, the Court will appoint an attorney to represent the children. This is because it is very difficult to draft proper orders, which will adequately protect the children. The average cost of this attorney is \$150.00 - \$250.00. The party wishing to proceed will be responsible to pay this fee at the time of the final hearing. Please advise the Court Coordinator about this when you call to request your setting; otherwise, your case will likely be delayed.

Settings for uncontested divorces **are not** automatically made. You will need to call the Court Coordinator of the 71st District Court to request a setting. All uncontested matters are set at 8:30 a.m. on Monday thru Thursday. You should call the court on or about the 50th day after filing to set up a final hearing.

On the day of your scheduled hearing you must appear before and be prepared to present adequate testimony regarding your case to the judge in accordance with the laws of the state of Texas. The judge cannot assist you in the presentation of your case.

You must present a properly prepared decree containing all necessary and pertinent information regarding your divorce and all state required forms filled out and ready to be filed. Xeroxed forms with fill in the blanks and marked out paragraphs will not be accepted. The proposed Decree must be properly and neatly typed. Failure to properly present your case may result in the divorce being denied, delayed or your case being dismissed.

Please arrive by 8:20 a.m. for your final hearing and check in with the court coordinator. You must be properly dressed. **NO SHORTS** are allowed in the courtroom. All pagers and cell phones must be turned off. If you arrive late, your case will likely have to be rescheduled due to the Court's busy docket.

If you do not speak English, you will need to secure an interpreter for your final hearing. If the interpreter charges a fee it is your responsibility to pay them.

Brad Morin
District Judge – 71st District Court
200 W. Houston St., Rm. 219
Marshall, Texas 75670
903-935-8407