

328th DISTRICT COURT PRO SE PLEADINGS

INSTRUCTIONS AND CHECKLIST FOR HEARING

FINAL DIVORCE HEARINGS CAN ONLY BE SCHEDULED 61 DAYS AFTER THE FILING OF THE PETITION.

Please utilize the **REQUIRED DOCUMENTS CHECKLIST FOR DIVORCE** below to ensure you have all required documents filed before your hearing.

A. **DIVORCE**

Final divorce hearings can only be scheduled **61 days** after the filing of the petition.

1. FINAL DECREE OF DIVORCE or JUDGMENT must have:

- Cause number and 328th District Court designation
- Heading or “style” of case, including names of all children born during marriage
- **All blanks must be completed and those sections that do not apply crossed out. LEAVE NO BLANKS IN A DECREE.**
- If children are involved – the Decree shall include conservatorship (i.e. custody and rights and duties), child support, periods of possession and health insurance
- The order must be signed at time of filing (if agreement, by both parties)
- NOTE: A “Marital Settlement Agreement” is not a divorce decree, it is just an agreement.

2. In addition to the Final Order, also file the following as it applies in your case:

- **Waiver of Citation (service - WITH NO CHILDREN)**

Waiver of Citation must be signed and notarized. The notary and signature must be signed **AFTER** the date of filing of the original petition.

- Information on Suit Affecting the Family Relationship, Form VS-165 complete Sections 1 and 2

- **Waiver of Citation (service – WITH CHILDREN)**

Waiver must be signed and notarized. The notary and signature must be signed **AFTER** the date of filing of the original petition.

- Information on Suit Affecting the Family Relationship, Form VS-165 complete Sections 1, 2, and 3
- Certificate of an **APPROVED** parenting class (required of both parents)
- Income Withholding for Support form

- **No Waiver and No Children**

Proof of **PERSONAL** service is required. The proof must be filed and be on file at least 10 days before a hearing.

- Information on Suit Affecting the Family Relationship, Form VS-165, Sections 1 and 2 completed
- If proof is filed and there is no response from the opposing party, you may obtain a default
- All **DEFAULTS** require:
 1. Affidavit of spouse's last known address
 2. Military Status Declaration
 3. Inventory and Appraisement for dividing property

- **No Waiver and Children**

Proof of **PERSONAL** service is required. The proof must be filed and be on file at least 10 days before a hearing.

- Information on Suit Affecting the Family Relationship, Form VS-165, Sections 1, 2, and 3 completed
- Certificate of an **APPROVED** parenting class (required of both parents)
- Income Withholding for Support form
- All **DEFAULTS** require:
 1. Affidavit of spouse's last known address
 2. Military Status Declaration
 3. Inventory and Appraisement for dividing property

3. See the District Clerk to issue the wage withholding order (fee to be paid)

4. CHILD SUPPORT IS REQUIRED TO BE PAID THROUGH THE FOLLOWING ON ALL CASES:

Texas Child Support Disbursement Unit
PO Box 659791
San Antonio, Texas 78265-9941

B. **NAME CHANGE**

Child – Requires proof of notice to both parents and order to be signed by both parents. If minor child is 10 years or older, requires minor's written consent to be filed.

Adult – Fingerprint cards must be on file.

REQUIRED DOCUMENTS CHECKLIST FOR DIVORCE

**FINAL DIVORCE HEARINGS CAN ONLY BE SCHEDULED 61 DAYS
AFTER THE FILING OF THE PETITION**

Divorce with children:

- _____ Final Decree of Divorce
- _____ Information on Suit Affecting the Family Relationship, Form VS-165
- _____ Certificate of APPROVED Parenting Class (both parents)
- _____ Income Withholding for Support form

AND

SERVICE:

- _____ Waiver of Citation

OR

- _____ Proof of Personal Service (if no waiver)
- _____ Affidavit of Spouse's Last Known Address
- _____ Military Status Declaration
- _____ Inventory and Appraisalment for dividing property

Divorce without children:

- _____ Final Decree of Divorce
- _____ Information on Suit Affecting the Family Relationship, Form VS-165

AND

SERVICE:

- _____ Waiver of Citation

OR

- _____ Proof of Personal Service (if no waiver)
- _____ Affidavit of Spouse's Last Known Address
- _____ Military Status Declaration
- _____ Inventory and Appraisalment for dividing property