

INSTRUCTIONS FOR UNCONTESTED DIVORCE FOR PRO SE LITIGANTS

If you are planning to get your divorce without the assistance of an Attorney there are rules that **MUST** be followed.

1. **NO ONE** in the courthouse can give you legal advice or tell you what you should do or file.
2. If you need a Notary, you should seek one outside of the courthouse.
3. You must live in the State of Texas for at least 6 months before you can file a Petition for Divorce.
4. You must have lived in Cherokee County for at least 3 months before you can file a Petition for Divorce.
5. To start your divorce you must file a Petition for Divorce in the office of the District Clerk, located on the 2nd floor of the Courthouse. **A fee will be charged for this filing.**
 - A. For assistance with your preparation please refer to texaslawhelp.org
 - B. There are other agencies that may be able to assist you. Feel free to ask the Court Clerk for brochures provided by the agencies.
6. The Person that you are divorcing must be given a copy of the Petition for Divorce.
 - A. The Sheriff or Constable can serve the other party with the Petition.
 - B. The other party can sign and have notarized, a Waiver that states that they have received a copy of the Petition for Divorce and they do not require the Sheriff to serve them. This Waiver must be filed with the District Clerk.
7. A divorce cannot be granted until 60 days after the filing of the Petition.
8. Your proposed Decree of Divorce must be submitted to the District Clerk before the Court will set your case for a final hearing.
9. Unless the Waiver (**see 6(B) above**) states differently, the Decree of Divorce must be signed by you **and** the person you are divorcing.
10. The Decree of Divorce **MUST** describe the property that each person will get and tell what debts each will be responsible to pay.
11. On the day of your divorce you must appear in the courtroom of the Cherokee County Court at Law at least 15 minutes before the time set for your hearing. You must advise the Court Bailiff that you are present. You will be called by the Judge when your case comes up. You are required to prove up your divorce. A sample Testimony is located at texaslawhelp.org.
12. You **MUST** dress properly for your appearance in court. All cell phones must be turned off or on silent when you enter the Courtroom. We cannot accommodate children, please do not bring them.

District Clerk's Office

903-683-4533

Court at Law Judge's Office call for court date

903-683-6497