

A GUIDE TO YOUR DIVORCE CASE

8 Steps You Should Know

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STEP ONE: INSTIGATING YOUR COURT CASE

The first action in a divorce case is to file what is known as the "Original Petition for Divorce." This begins your divorce case.

STEP THREE: WAITING PERIOD

The Texas Family Code requires parties to entertain a mandatory 60 day waiting period which starts when the case is first filed. Once that time has passed, an agreed divorce can be finalized, or a trial date can be set. But don't worry--there is plenty to do during that timeframe!

STEP FIVE: TEMPORARY ORDERS

Whenever there are children involved, the parties will often request the Court enter "Temporary Orders."

These Orders might set a temporary custody schedule, require the children are added to a parent's health insurance, or even set up temporary child support.

STEP SEVEN: AGREEMENTS

If the parties reach an agreement on their own or through mediation, then they can finalize the divorce by submitting an "Agreed Final Decree of Divorce." Your lawyer can walk you through everything that is required to finalize your case.

What if the parties can agree on some things, but not on others? That's okay! You can enter the agreement in court and have a trial on solely the contested subjects. Sometimes, an agreement is just not possible. When this happens, the parties must have a trial on the issues of their case, and the Judge will render a decision.

STEP TWO: SERVICE OF PROCESS

The second step in a divorce case is to have your spouse served. This can happen by a private process server, a constable, or you can obtain what is called a "Waiver of Service" from your spouse.

STEP FOUR: DISCOVERY

You might need to collect more information to divide up your assets. The Discovery Period is the perfect time to take an inventory of your assets and get the information you need to divide up your property.

STEP SIX: NEGOTIATION & MEDIATION

It is important to first attempt to negotiate the details of your case, especially when children are involved. If this is not possible, a mediator can be selected to help the parties reach an agreement that works for everyone.

STEP EIGHT: AFTERMATH

Once the Judge signs the Final Decree of Divorce, you will need to obtain Certified Copies through the District Clerk's Office. If you requested a name change, you might also have to contact the Department of Motor Vehicles (to change your driver's license) and the Social Security Office (to change your social security card). If there was any division of property, you will need to follow the instructions set out in the Final Decree. For instance, you might need to sell your house, return your spouse's i-pod, or change the title to your vehicle. Make sure that you closely read your Final Decree of Divorce and adhere to all of its instructions.