



Divorce Timeline and Requirements

Divorce in Texas is surprisingly mechanical as far as the process. The requirements for a divorce are the same for everyone who files or responds to a divorce suit. A question many people ask is “How long does a divorce take?” Some divorces take much longer than others. Let’s look at the process.

Requirements

First, we must explore the requirements of a Texas divorce. Initially, a petition for divorce is filed in the proper county. Second the respondent must be served official legal notice of the suit and have an opportunity to respond. Third, the waiting period must expire. Fourth a final decree of divorce is signed by the judge and entered by the court. Finally, any ancillary documents are executed to complete the business of the divorce.

Timeline

From the date of filing the state requires a sixty (60) day waiting period. This technically starts the day AFTER the case is filed, so think of it as 61 days. The 60th day after the date of filing is the first day the divorce can be finished in most cases¹

¹ Some divorces can be done in less than 60 days if there was family violence, but the petitioner has to request the court waive the 60-day requirement. That is a separate requirement the DIY forms don’t include.



Reality

Most divorces take much longer than 60 days. In complex cases the parties need time to negotiate the division of the marital estate. That can take months and include formal discovery, mediation, and hearings over disputes that arise during the case. Another major reason many divorces take much longer than 60 days is the possession and access plan for the children. Generally, the parents need the parenting plan to run for a few months to make sure it works for the children.

Additional delays for many *pro se* litigants are the procedural requirements of a divorce. Getting the respondent properly served can take weeks or months if the litigant doesn't know how to complete the process, for example. However, because the court cannot finish a divorce until proper legal notice of the suit has been served on the respondent, the case will sit indefinitely until the court is satisfied that service was proper. And of course, the respondent has a time period allowed by law to respond to the suit. The case cannot be completed until that time has passed.

For many *pro se* litigants a major source of delay is waiting for the court. Generally, once the litigant has completed all the requirements for the divorce, the court will schedule a day for the litigant to come to the courthouse and "prove up" the divorce. The wait for the actual court date could be weeks or months. A lawyer can speed up this process substantially because most courts allow a lawyer to bring in a client for a prove-up any morning before the court's normal docket begins without having to wait weeks or months for a specific date.

When the divorce is over, there may be other necessary processes to make the Final Decree a reality. Documents like deeds, powers of attorney, child support forms, and more may be required. Failure to execute any of these can have long-term consequences.

Our Services

Youngblood Law, PLLC offers *a la carte* services to help *pro se* litigants complete their divorce. From helping determine the proper county for your filing, to custom possession and access schedules, to the post-divorce documents you may require, Youngblood Law, PLLC can help. We offer Q&A sessions where *pro se* litigants can get personal advice about their divorces. We also offer direct help meeting the requirements of a divorce such as assistance getting the respondent properly served so the divorce can proceed. Of course, we can also help with the prove-up and shave off weeks or months of waiting for your scheduled day in court. Finally, we can be hired to represent you if the simple DIY divorce gets complicated, or if you decide your divorce is not something you want to spend your time pursuing.

Youngblood Law, PLLC

DIVORCE INNOVATION

Our Firm

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