

THE PROCESS OF FILING FOR DIVORCE IN THE STATE OF TEXAS

Divorce in Texas begins by filing an Original Petition for Divorce. In order to file for divorce in Texas, either spouse must have lived in the state for at least 60 days and been a resident of the county in which the suit was filed for at least 90 days.

After the petition is filed, it must be served on the other spouse, by the county sheriff or constable, unless that spouse waives the necessity of formal service. If you have been served, or given notice that your spouse has filed for divorce, you should consult with an attorney immediately.

Once the non-filing spouse has been served or formally waived service, the divorce can be finalized by the sixtieth day after the Original Petition for Divorce was filed. Divorces typically take longer than 60 days to finalize due to the time it often takes for information gathering, analysis, negotiations, and if cases are not settled, litigation.

In Dallas and Tarrant counties, seven state district courts in each jurisdiction hear only family law matters. In most other North Texas counties, divorce and other family law matters are heard by civil district courts that handle many kinds of civil cases. Only a small percentage of family law cases make their way into courtrooms here or in other areas. Most judges refer their family law cases to professional mediators who will attempt to settle all or a portion of the issues at hand. Other forms of alternative dispute resolution are available, such as arbitration and collaborative law.

Through this process, you may appear in court at temporary hearings on such issues as temporary support or temporary custody or visitation.

The more contentious your divorce becomes, the more issues the court will have to hear, the more expensive the divorce becomes and the longer it will take to finalize the divorce. The firm believes one of their prime responsibilities is to find all the available areas of agreement to reduce the friction (and the cost) between the two parties.