

SALSA Pro Se Divorce Clinic

This information is for uncontested cases – i.e., client and their spouse agree about all issues (including custody and child support) and **will both sign any necessary court forms.**

SALSA Pro Se Divorce Clinic is conducted in three phases: Phase 1 – Draft Initial Filings; Phase 2 – File & Waive Service; and Phase 3 – Finalize for Submission.

Law Students should arrive to clinic one-hour prior to the first Client appointment and receive a briefing consisting of the following:

- Introduction to the clinic (Purpose, Attorneys, Roles, Timeline, Admin Notes)
- Overview of the general law governing pro se divorce (given by Clinic Mentor Attorney)
- Overview of forms in use at the clinic and procedures post clinic (if available, coordinate for County Staff Attorney’s Office Intern to brief)

CLINIC PROCEDURES

Phase 1 – Draft Initial Filings (Clinic A)

1. Law Student (LS) confirms the correct “Petition for Divorce” with client
 - a. No Children; OR
 - b. Children w/ final court order in place for Custody & Support
2. LS and Client fill out:
 - a. Original Petition
 - b. Statement of Inability to Afford Payment of Court Cost (if applicable)
3. Attorney mentor reviews packet with LS & provides corrections if necessary.
4. LS prints packet and reviews with the Client prior to signing.
5. Once packet is signed and reviewed for completeness, LS provides packet and filing instruction sheet to client.

At the conclusion of Clinic A, the client should receive:

- Original Petition for Divorce
- Statement of Inability to Afford Payment of Court Cost (if applicable)
- Waiver of Service
- Post Clinic Instructions
- Bexar County Court Standing Order Regarding Child(ren), Property and Conduct of Parties in Divorce, Special Order No. 70805
- Appointment confirmation for Clinic B (located on Post Clinic Instructions)

Step 2 – File and Waive Service

Filing and Fees

At the conclusion of Clinic A, the client files the petition in-person at the Bexar County Courthouse.

1. The client takes the Petition and the copies to the District Clerk’s Civil Filing Department. The Civil Filing Department is in the Paul Elizondo Tower at 101 W Nueva, Suite 216.
2. Client must either:
 - a. Pay a filing fee; OR
 - b. Provide a Statement of Inability to Afford Payment of Court Costs (completed at Clinic A).

Notice and Service

Client should provide their spouse (Respondent) with:

1. A file-stamped copy of the Original Petition for Divorce
2. Waiver of Service – Client’s spouse must agree to sign a Waiver of Service. A Waiver of Service cannot be signed or filed the same day as the Petition, ensure the client knows to wait at least 24 hours after they file the petition before the spouse signs the Waiver of Service. The waiver must be signed before a Notary Public.

**** Advise the client to not hand-deliver any papers if there has been violence during the relationship, especially if there is a Protective Order in place. ****

Step 3 – Finalize for Submission (Clinic B)

WAITING PERIOD, AND FINALIZING THE DIVORCE

Under Texas law, there is a waiting period of at least 60 days—counted beginning the day after the Petition is filed—before a divorce can be finalized. A divorce can take longer than 60 days, but it cannot be finalized in fewer than 60 days unless one of two exceptions involving family violence applies. Exceptions to 60-day waiting period:

1. If spouse has been convicted of or received a DAG for a crime involving family violence against the Client or a member of the Client’s household; or
2. If the Client has an active PO or an active magistrate’s order for emergency protection against their spouse due to family violence during the marriage.

*****If one of these exceptions apply, SALSA immediately refers the client to the Civil District Court’s Staff Attorney’s Office for assistance with expedited processing.*****

PREPARING THE DECREE & INTERROGATORIES

When filling out the Final Decree of Divorce:

- o Ensure the correct *Final Decree of Divorce* is on-hand
- o Do not leave blanks. If something is inapplicable apply write “n/a”.

Once the client reads and approves the completed *Final Decree of Divorce* and *Interrogatories in Support of Final Decree of Divorce*, take/send the documents to the clinic attorneys for approval. If applicable, prepare attachments as identified by clinic attorneys. (e.g. Affidavits, Protection Orders, etc.)

Once the *Final Decree of Divorce* and *Interrogatories* are complete, they must be reviewed by the Bexar County Civil District Courts Staff Attorney’s office. Scan a complete copy of the clients packet (including all attachments) and e-mail it to SRLHelp@bexar.org. Include the cause number in the subject line of the e-mail.

At the conclusion of Clinic B, client should receive:

- Original signed copy of the *Final Decree of Divorce* and attachments.
- Original signed *Interrogatories in Support of Final Decree of Divorce*.
- Post Clinic Instructions