

INSTRUCTIONS TO GET YOUR AGREED OR WAIVER DIVORCE  
HEARD BY THE COURT DURING CORONA VIRIS PANDEMIC

Due to the corona virus pandemic, Jefferson County's 279<sup>th</sup> and 317<sup>th</sup> Family District Courts are allowing persons to have divorces granted by following a procedure to submit properly prepared divorce documents and affidavit(s) and not appearing in court in person.

1. These instructions apply only to divorces which are agreed upon by the parties, or in which the respondent filed a correct and notarized waiver (and may have also signed the Final Decree of Divorce). Agreed means both parties testify before the judge and agree to everything written in the decree of divorce.
2. If the respondent was served with the divorce and is in default (by not filing an answer or a correct and notarized waiver with the Jefferson County Domestic Relations Office), you will have to make other arrangements by email with the court coordinator to get a court date.
3. If the respondent filed an answer disagreeing with any term of divorce, or filed an answer agreeing with the divorce but did not file a correct and notarized waiver, the case is considered contested. You will have to make other arrangements by email with the court coordinator to get a court date.
4. Email address for the court coordinator for the 279<sup>th</sup> District Court is [mvargas@co.jefferson.tx.us](mailto:mvargas@co.jefferson.tx.us) and email address for the 317<sup>th</sup> District Court is [soquinn@co.jefferson.tx.us](mailto:soquinn@co.jefferson.tx.us).
5. You may use forms which are available online from several websites. If you have children with your spouse, use forms which include provisions for children's conservatorship (custody), possession and access (visitation), child support, and medical insurance. You must completely fill out the Final Decree of Divorce regarding conservatorship, possession and access, child support, and medical insurance.
6. If you have children born during this marriage and the other parent is someone other than your spouse, you should probably speak with a family

law attorney before filing a divorce because this can be complicated and preprinted forms rarely contain proper provisions for this situation.

7. If you have children born before this marriage, and the other parent is someone other than your spouse, these children are not to be named or included in this divorce.
8. If you or your spouse are subject to a court order (probably through the attorney general's office) to pay child support for the children of you and your spouse, you must attach a copy of that court order to your divorce petition, and serve or notify the attorney general's office of this divorce being filed. Your prior child support case must be consolidated into your divorce case through an order signed by the judge. The attorney general's office might take care of this for you, but it is actually your responsibility.
9. The waiver your spouse needs to sign can contain various provisions, but you should use one that allows the judge to hear and grant your divorce without the spouse appearing in court. Make sure your spouse signs the Final Decree of Divorce if you use a form of waiver that requires the spouse's signature.
10. You must obtain from the Domestic Relations Office the Affidavit Proving Up Divorce, fill it out and sign it.
11. All waivers and affidavits must be notarized or signed under oath. (I don't have the Texas Supreme Court orders with me at home, and can't remember the specifics on whether a notarization is required. Do you?)
12. Once you have done all of the above, take the Final Decree of Divorce and any waiver and/or affidavits to the Domestic Relations Office and ask that they be filed.
13. Then email the court coordinator for the appropriate court and request the judge grant the divorce without you appearing in person, and notify you if and when it is granted.
14. Your divorce can be considered by the judge no sooner than 61 days after you filed the petition.