

Instructions & Forms for Filing an Answer in a Divorce

Filing an answer in a divorce case is easy. These instructions explain how. Answer forms are included.

These instructions are part of a TexasLawHelp.org toolkit: **My spouse filed for divorce.** (<https://texaslawhelp.org/family-divorce-children/divorce/toolkit/my-spouse-filed-divorce>) [1] It's important to read the Frequently Asked Questions and Articles included in the toolkit before getting started.

Need Help?

- Use our **Legal Help Finder** (<https://texaslawhelp.org/legal-help/legal-help-finder>) [2] to search for a lawyer referral service, legal aid office or self-help center in your area.
- Check our **Legal Clinic Calendar** (<https://texaslawhelp.org/legal-clinic-calendar>) [3] for free legal clinics in your area.
- Use **Ask a Question** (<https://texaslawhelp.org/ask-question>) [4] to chat online with a lawyer or law student.

WARNING! *These instructions provide general information, not legal advice. It's a good idea to talk with a lawyer about your particular situation.*

You can print these instructions to use as a checklist.

☐ **Step 1: Calculate the deadline to file your answer. (if you were served)**

If you have been officially served with a *Citation* and *Original Petition for Divorce*, there is a deadline to file your answer.

- To determine the deadline, find the day you were served on a calendar, count out 20 more days (including weekends and holidays) then go to the next Monday. You must file your answer with the court on or before this date at 10:00 a.m. If the 20th day falls on a Monday go to the next Monday. If the courts are closed on the day your answer is due, then your answer is due the next day the courts are open.
- If you are served and do not file an answer on or before the deadline, your spouse can finish the divorce without any further notice to you. [Click here to chat](#)

any other applicable waiting periods have passed). This is called a “default judgment.”

- You **may** be able to file your answer late. If your spouse **has not** finished the divorce, you can file your answer after the deadline. If your spouse **has** finished the divorce, it is too late to file an answer. If your spouse has finished the divorce without you, talk to a lawyer right away. Depending on how much time has passed, you may be able to file a “motion to set aside the default judgment.”

If you have NOT been officially served, there is no deadline to file your answer. You can file your answer (or waiver of service only form) at any time after your spouse files an *Original Petition for Divorce* (the form that starts the divorce process) with the court. If you file your answer (or waiver of service only form) now, your spouse will not need to have you served.

☐ **Step 2: Fill out an answer form.**

Fill out an answer form.

- Use this answer form for a divorce without minor children: **Respondent’s Original Answer (Set A or Set D) (https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer.pdf) [5]**
- Use this answer form for a divorce with minor children: **Respondent’s Original Answer (Set B) (https://texaslawhelp.org/sites/default/files/fm_divb_102_div_w_kids_answer_english_respondent.pdf) [6]**
- Use this answer form for a divorce with minor children if there is already a final court order for custody and support of your children in place: **Respondent’s Original Answer (Set C) (https://texaslawhelp.org/sites/default/files/fm-divc-102_div_kids_priororder_answer_english_-_respondent_0.pdf) [7]**

When filling out your answer form:

- Print neatly in blue or black ink.
- Find the cause number and court number on the Original Petition for Divorce filed by your spouse. Write the same cause number and court number on your answer.
- You are the “respondent.” Your spouse is the **petitioner**. [Click here to chat.](#)

- Do not leave blanks. If something doesn't apply write "not applicable" or "none."
- Talk to a lawyer if you have questions or need help.
- **You must include a mailing address on your answer.** Your spouse will get a copy of this form. If you are concerned about your spouse knowing your mailing address, call the Family Violence Legal Line at (800) 374-4673 for free advice.

Make two copies of your completed answer form.

☐ **Step 3: File (turn in) your answer form.**

File (turn in) your completed answer form with the court.

- To file online, go to **E-File Texas (<https://efile.txcourts.gov/ofsweb>) [8]** and follow the instructions.
- To file in person, take your answer (and copies) to the district clerk's office in the county where your spouse filed for divorce.
 - Turn in your answer form (and copies).
 - Ask the clerk if there is a local standing order that you need to follow or attach to any of your documents.
 - Ask the clerk if there are local rules or procedures you need to know about for your divorce.
 - The clerk will "file-stamp" your forms with the date and time. The clerk will keep the original and return your copies. One copy is for you and one copy is for your spouse.

Note: It does not cost anything to file an answer. Filing an answer is FREE.

☐ **Step 4: Send a copy to your spouse.**

Send one of the file-stamped copies of your answer to your spouse. If your spouse has a lawyer, send it to the lawyer instead of directly to your spouse. You can send it by:

- Hand delivery

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- Email
- Mail
- Commercial delivery service (for example FedEx)
- Fax
- Electronic service through the electronic filing manager. (**Note:** This method is required if you electronically file (E-File) this document and the email address of your spouse or your spouse's lawyer is on file with the electronic file manager.)

WARNING! If a judge has signed a *Protective Order* ordering you not to contact your spouse, do **not** violate that order. Talk with a lawyer about your options.

☐ **Step 5: Learn more.**

Filing an answer protects your right to have a say in the issues involved in your divorce. Once you file an answer, your spouse cannot finish the divorce unless:

1. you and your spouse agree to and sign a *Final Decree of Divorce* form **or**
2. your spouse gives you notice of a contested hearing date.

To learn more, read the **Frequently Asked Questions** and **Articles** included in this TexasLawHelp.org toolkit: **My spouse filed for divorce.**

(<https://texaslawhelp.org/toolkit/divorce-my-spouse-filed-divorce>) [9]

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Links

[1] <https://texaslawhelp.org/family-divorce-children/divorce/toolkit/my-spouse-filed-divorce>

[2] <https://texaslawhelp.org/legal-help/legal-help-finder>

[3] <https://texaslawhelp.org/legal-clinic-calendar>

[4] <https://texaslawhelp.org/ask-question>

[5] https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer.pdf

[6] <https://texaslawhelp.org/sites/default/files>

[/fm_divb_102_div_w_kids_answer_english_respondent.pdf](https://texaslawhelp.org/sites/default/files/fm_divb_102_div_w_kids_answer_english_respondent.pdf)

[7] <https://texaslawhelp.org/sites/default/files/fm->

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divc-102_div_kids_priororder_answer_english_-_respondent_0.pdf

[8] <https://efile.txcourts.gov/ofswb>

[9] <https://texaslawhelp.org/toolkit/divorce-my-spouse-filed-divorce>

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