

## THE TEMPORARY HEARING

Between the time of filing a petition for divorce and the granting of the divorce, the parties usually enter into temporary orders, either by agreement or by a court order. The result of the temporary hearing are orders that will govern the parties, their property, the children, and debts until the divorce is final.

You will need to first complete the Financial Statement given to you by this office. This statement will be used at the temporary hearing to determine you and your spouse's expenses and it will also help determine which party will be ordered to temporarily pay specific debts and expenses. Please estimate what your expenses are going to be for yourself only (and your children, if they are living with you at the time). If there are expenses your spouse is responsible for and pays, list them on the statement and write "spouse pays" out to the side of the figure. Do not include on your statement expenses your spouse incurs on his or her own such as food, housing arrangements, gas, clothing, grooming, etc. **Copies of your pay stubs will need to be attached to this statement, as well as your most recent income tax return with W2s and 1099s attached, if possible.**

It may be rather difficult to determine what you (and your children) may incur by the way of medical, prescriptions, and dental expenses ahead of you but you can estimate what was incurred the prior year and divide that amount by 12 (months) to come up with a monthly figure for that expense. If you will be looking for another residence, call around and get an estimate of the costs of housing/apartments and take an average costs to use on your statement. The Judge will be using your statement to determine what expenses are necessary and what amount of funds you (and your children) actually need to survive until your divorce is final. Also, be sure to list all of the credit card debts and the like. **This Financial Statement must be given to my office staff to type prior to the hearing date so please try to get it in to us several days before the hearing.** If you are "computer literate", you may bring me your own designed financial statement off your computer.

A hearing date will be set by the court coordinator once we file the petition for divorce. You will be notified of the date, time, and place of the hearing. There is no need to be early. When you arrive, tell the bailiff your name and have a set inside the courthouse, or outside in the hall. Although your hearing may be set at 8:30 a.m. on a particular day, do not assume you will be standing in front of a judge at that exact time. You will not. The court has other cases going on at the same time as your case is set.

I will check in with the bailiff when I arrive at the courthouse to let them know I am there. I may arrive a little late, but well within the tolerances of the court system. Do not be concerned unless 20 minutes have passed and the bailiff has not heard from me or my office. Please wear the appropriate attire to court. Do not show up in jeans, shorts, or sloppy clothing. Bring a book or magazine with you. There will be periods of waiting and this will help ease your tension and the waiting time.

Typically, we will try to come to an agreement with your spouse and their attorney outside the courtroom prior to going before the judge. If an agreement is not reached, I will let the bailiff know that we are ready to present our case to the judge. Usually there is first a conference with the judge. If that does not resolve disputed issues, then a hearing will be held.

When our case is reached, it is at that time each party will be put on the stand to testify as to various facts. If you have witnesses, they will be asked to enter the courtroom, stand when the judge comes in, and then asked to raise their right hands to take an oath (to be "swore in"). The judge will explain to them that they are to wait outside the courtroom until they are called as a witness. Only the husband, wife, the attorneys, one witness, the bailiff, and the judge are allowed in the courtroom during testimony. After testimony, the witness leaves the courtroom and may not discuss any part

of the case or testimony with any other person. They may discuss matters with me or the other attorney. Even if your case is continued to the next day, they are under oath not to discuss the case until the judge has made a final decision (which could be the following day after all testimony or up to several weeks).

During the hearing, you will sit in front of the judge at a table with me. (If your case is in the 231<sup>st</sup> District Court, the hearing may be more informal) Your spouse and their attorney will be sitting beside us at another table. When testimony is going on, you will be provided with a pen and pad to write down anything you want me to know. For example, if a witness is not telling the truth or you have a question you would like for me to ask the witness, and the like, write it down on the pad for me. This is how we will communicate throughout the hearing. When you are testifying, please be sure to listen carefully to the question and answer the question - do not elaborate or speculate unless asked to do so. Do not make jokes, wisecracks, or use obscenities. Address the judge and attorneys with respect using "please", "thank you", "yes sir, yes ma'am' excuse me", etc. Let your maturity and manners show. Relax as much as possible and take deep breaths. Water will be available on the tables and Kleenex is provided for you on the stand, if needed.

I hope this information is helpful to you. I want you to be as confident and relaxed as possible about your proceeding. Should you have any further questions or concerns, please do not hesitate to contact me or my office staff.

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