

This guide is intended to help you use the **uncontested** divorce forms provided by www.TexasLawHelp.org

Do not use these forms or this guide if:

- ❶ Your divorce is contested*
- ❶ The wife is pregnant.
- ❶ You have a bankruptcy pending. (If you have a pending bankruptcy, talk with a bankruptcy lawyer before filing for divorce.)
- ❶ Neither you nor your spouse has lived in Texas in the last 6 months.

Is your divorce contested? -Or- Is your divorce uncontested?

*Your case is **contested** when you and your spouse don't agree about getting the divorce, dividing your property and debts, or what to do with your children. **DO NOT USE THESE FORMS** or this brochure for a contested divorce.

Your case is **uncontested** when:

- ▶ It is 'agreed' – You and your spouse agree about all of the issues in your case.
- or**
- ▶ It is 'default' – Your spouse does not file an answer with the Court after being officially served with your divorce paperwork.

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REMEMBER: It is always best to have the advice of a lawyer. The court clerks, librarians, and judges want to help you, but they cannot give you legal advice, help you fill out your forms, or tell you what to do. If you proceed without a lawyer, you will be responsible for protecting yourself.

Basic Information

What is a divorce?

A divorce ends your marriage.

A divorce *decree* says who keeps what property and who pays what debts.

Where do I get divorced?

- ✓ You can get divorced in Texas if you **or** your spouse has lived in Texas for the last 6 months.
- ✓ File your divorce in the county courthouse where you **or** your spouse has lived for the last 90 days.

Why do I need to wait until after the baby is born?

Most Texas courts will not finalize a divorce if the wife is pregnant, even if the baby is not the husband's. Instead, the courts wait until after the baby is born so that orders regarding the baby can be included in the divorce decree.

Do I need a lawyer?

You do not *have* to have a lawyer to get a divorce, but it's a good idea especially if:

- You and your spouse do not agree (the divorce is contested).
- Your spouse has a lawyer.
- You are afraid for your safety or your children's safety.
- You are unsure how to divide property such as retirement and real estate correctly.

Getting a divorce can be complicated. If you make a mistake, it could affect your children, your property, and your income. Try to speak to a lawyer about your legal rights before you file your *Petition for Divorce*. Some lawyers will **unbundle** their services. They will "coach" you to represent yourself and only charge for the services you request. Other lawyers are available only if you hire them to handle every step of the case. If you can't afford to hire a lawyer, contact your local Legal Aid office.

What forms do I need?

There are several form packets to choose from on www.TexasLawHelp.org.

Choose the **Divorce without Children** forms if you do not have minor children of the marriage **or** if you have child support and visitation orders already in place.

Choose the **Divorce with Children** forms if children were born or adopted during the marriage and the children are younger than 18 or have not graduated from high school. Exception: If you already have final court orders for custody and support of the children, and you are **not** asking for a change to those orders in the divorce process, then use the Divorce without Children forms and attach a copy of the current custody and support orders (showing the judge's signature) to the Decree.

If you cannot afford the court filing fees, you should also file an **Affidavit of Inability to Pay Costs**. This form tells the court about your income and assets and asks the court to waive the filing fee.

The **Default Judgment Kit** explains what you need to do to get a final judgment when your spouse will not respond to the divorce. This kit includes instructions and explanations about what you must do, a checklist for the forms you need, and the forms you can use.

If you cannot find your spouse, review the **Legal Notice**, the **Service by Posting**, and the **Service by Publication**, kits on www.TexasLawHelp.org.

Important Note:

The www.TexasLawHelp.org forms are forms used in a basic, uncontested divorce.

You will need to hire a lawyer to draft forms for special issues like spousal support, transfer of land and houses, division of retirement and investment accounts, etc.

You need an attorney for a contested divorce, especially if temporary support or restraining orders are needed.

DO NOT use the www.TexasLawHelp.org forms for a contested divorce.

Divorce in Texas – Know the Steps

Step 1. Fill out the Original Petition for Divorce.

This form tells the judge and your spouse that you want a divorce.

Step 2. Make 2 copies of your completed Original Petition for Divorce.

Step 3. File your Original Petition for Divorce.

Take the original and 2 copies of your completed *Original Petition for Divorce* to the Courthouse. File your papers with the District Clerk's Office.

The clerk will ask you to pay a fee (around \$250 - \$300) to file your *Original Petition for Divorce*. If you cannot afford the fee, you should also file an *Affidavit of Inability to Pay Costs*. This form tells the court about your income and assets and asks the court to waive the filing fee.

NOTE: In most counties family law cases are heard in the *district* courts and all paperwork is filed in the *District* Clerk's Office. In counties where family law cases are heard in county courts, you would file your paper work in the County Clerk's Office.

The clerk will stamp your papers with the date you file. She will also assign a cause number and a judicial district. The clerk will keep the original and give back your copies. Keep a copy for yourself in a safe place. You will need the other copy to give legal notice to your spouse.

Step 4. Give Your Spouse "Legal Notice."

You must **notify** your spouse that you are asking the court for a divorce and you must **prove** to the court that you did so. This is called giving "**legal notice**." There are 4 ways to give legal notice:

1) Waiver of Citation. You may give legal notice by giving your spouse a file-stamped copy of your *Original Petition for Divorce* and a *Waiver of Citation* that he or she signs in front of a notary and files with the Court. If you choose this method, do not give your spouse the *Waiver of Citation* until after you file your *Original Petition for Divorce*.*

*The *Waiver of Citation* in this packet is a global waiver. By signing a global waiver, your spouse gives up the right to be given a copy of the divorce *Petition* by Official Service and the right to know what orders you will ask the judge to make regarding your children and property. If your spouse signs the *Waiver of Citation* provided in this packet s/he does not have to sign the *Decree of Divorce* or go to court.

2) Answer. If your spouse agrees to the divorce and wants to know what orders you will request, or when hearings are scheduled, then s/he should sign and file an *Answer* instead of a *Waiver*. If your spouse files an *Answer*, s/he must also agree to and sign the *Decree of Divorce* to finish your divorce without a contested hearing. You do not need to have your spouse officially served.

3) Official Service in Person or by Mail. You can have an official process server give notice to your spouse either in person or by certified mail.

If you are having your spouse served in jail, do not use Official Service by Mail. Instead, send your divorce paperwork to an official server in that county so that your spouse can be personally served.

After your spouse is served the official server fills out a *Return of Service* form stating when and where your spouse was served. This is proof to the court that you notified your spouse of the divorce.

The *Return of Service* form must be filed with the clerk's office.

4) Official Service by Publication or Posting. Either Publication or Posting is used when a spouse can't be found. You will have to prove to the judge that you tried hard to find your spouse. You may have to pay your spouse's attorney's fees. There is more information about this type of service at www.TexasLawHelp.org.

Read the Legal Notice chart on page 6 to select the method of notice you plan to use.

Step 5. Wait.

61 Day Waiting Period – (Applies in All cases)

You must wait at least 61 days from the day you filed your *Original Petition for Divorce* before you can finish your divorce. You can always wait longer than 61 days, but your divorce cannot be finished in less than 61 days. When counting the 61 days, count the day you filed your *Original Petition for Divorce* on a calendar, and then count out 61 more days.

Other Waiting Periods

21 Day Answer Period – (Applies in Official Service cases only)

If your spouse was served with legal notice by an official process server, you must wait at least 21 days after your spouse was served, to see if your spouse will file an answer. This 21-day period may or may not fall within the 61 day waiting period. When counting the 21 days, count the day your spouse was served on a calendar, and then count out 21 more days. Go to the next Monday on the calendar. This is the last official day of your spouse's answer period. However, your spouse can file an answer any time before you finish your divorce.

7 Day Waiting Period – (Applies in Posting cases only)

If your spouse was served by **Posting** add an additional 7 days to the 21 day answer period. Go to the next Monday on the calendar. This is the last official day of your spouse's answer period. However, your spouse can file an answer any time before you finish your divorce.

10 Day Waiting Period – (Applies in Official Service cases only)

If your spouse was served with legal notice by an official process server, the official process server fills out a return of service form stating when and where your spouse was served. The **return of service** must be on file with the District Clerk's office for 10 days. When counting the 10 days, do not count the day your spouse was served or the day you go to court. There must be 10 days in between.



What about mediation?

If you and your spouse do not agree on all issues you should consider mediation. In mediation, an independent person will try to help you reach an agreement. The divorce process is usually easier when you have an agreement. Talk to a lawyer first so that you understand your legal rights.

Mediation is not a good idea if you are afraid of your spouse.

Step 6. Determine if your case is *contested* or *uncontested*.

How did your spouse respond to the court when you gave him or her legal notice?

→ Your case is **contested** if your spouse files an answer and does not agree to the terms of the divorce.

→ Your **uncontested** case is '**agreed**' if you and your spouse agree on what to put in your Decree of Divorce, your spouse has signed a waiver or answer, and your spouse is willing to sign your *Decree of Divorce*.

→ Your **uncontested** case is '**default**' if your spouse did not file an answer after being officially served by the Official Service Process method. After the waiting periods have passed, call the Clerk's Office to find out if your spouse filed an answer. If your spouse did not file an answer you can finish your divorce without your spouse. Download the "Default Judgment Kit" from www.TexasLawHelp.org. This kit includes the extra paperwork you will need to finish your divorce by default.

Step 7. Find out when the Court hears uncontested divorce cases.

Call the District Clerk's Office to find out when the Court in your county hears uncontested divorce cases. Some courts in big counties have an "uncontested docket" where they hear uncontested divorce cases every day. Other courts, especially those in smaller counties, only hear uncontested divorce cases on certain days.

Step 8. Write your Decree of Divorce.

Fill out your *Decree of Divorce*. This is the paper the judge signs, granting your divorce. The *Decree of Divorce* also says who keeps what property and who pays what debts. If you and your spouse have children, the decree of divorce says who makes decisions about your children, when the children see each parent and which parent pays child support and provides health insurance for the children. The decree of divorce may include other orders such as who pays spousal support and how much.

It's best to have a lawyer review your *Decree of Divorce* before you present it to the Court. You may also need to hire a lawyer to write additional documents if you are dividing retirement benefits or a 401(k) account or transferring ownership of a house or land.

Step 9. Go to court.

Bring all of your paperwork to the courthouse on the day the court in your county hears uncontested divorce cases. Read "Are you ready for court?" on page 7.

If your case is **agreed** bring:

- 1) a copy of your *Original Petition of Divorce*; and
- 2) the *Waiver of Citation* or *Answer* signed by your spouse; and
- 3) "*Information on Suit Affecting the Family Relationship*" form; **and**
- 4) your *Decree of Divorce*, (if your spouse filed an answer, make sure s/he signed the *Decree of Divorce*).

If your case is **default** bring:

- 1) a copy of your *Original Petition of Divorce*; and
- 2) your *Decree of Divorce*; and
- 3) Military Servicemember's Affidavit and Certificate of Last Known Address, (these forms are part of the Default Judgment Kit at www.TexasLawHelp.org); **and**
- 4) "*Information on Suit Affecting the Family Relationship*" form

Steps in a divorce if your case is Uncontested

- 1 Fill out the *Original Petition for Divorce*.
↓
- 2 Make 2 copies of your completed *Original Petition for Divorce*.
↓
- 3 File your *Original Petition for Divorce*.
↓
- 4 Give Your Spouse "Legal Notice."
↓
- 5 Wait the required waiting periods.
↓
- 6 Determine if your case is *uncontested* or *contested* case before proceeding.
↓
- 7 Learn when & where the court hears uncontested divorces.
↓
- 8 Write your *Decree of Divorce*.
↓
- 9 Go to court and get the needed signatures.
↓
- 10 **Finish your Uncontested divorce** by filing the signed decree in the Clerk's Office.

Step 10. Finish your divorce by filing your decree in the District Clerk's Office.

Take your paperwork back to the Clerk's Office after it is signed by the Judge. Your divorce is not final until the paperwork is filed. File the "*Information on Suit Affecting the Family Relationship*" form.

NOTE: In some counties, the court, not you, files the signed Decree in the Clerk's Office.

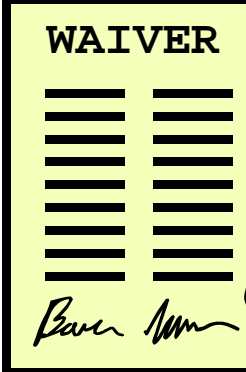
The clerk will keep the original documents and make copies for you for a fee. You might consider asking the clerk for a certified copy of your Decree of Divorce. If you have **child support orders**, ask the clerk what you need to do to set up your child support account and wage withholding. There will be a fee.

**Giving Legal Notice in Agreed and Default Divorces:
Proving to the Court You Notified your Spouse of the Divorce**

If you can locate your spouse AND . . .

You want to give the divorce papers to your spouse yourself AND . . .

Your spouse **agrees** to all parts of the divorce and does not want to be notified of hearings or sign the decree, **THEN USE** →



The Waiver of Citation is a form signed by the responding spouse and filed with the court to show that he or she has received a notice and waives the right to know what orders for child support & property you will ask the judge to make.

Waiver of Citation method

AND . . .

Your spouse wants to sign the decree, to know what orders you will ask for, or wants to know when hearings are scheduled, **THEN USE** →

The Answer is a form filed by the respondent instead of the Waiver of Citation when the respondent wants to retain certain rights.



Spouse files Answer method *

You want someone else to give your spouse the divorce papers or you believe your spouse would not respond using the Waiver or Answer methods AND . . .

You want a constable, sheriff's officer or other official process server to deliver the paperwork or your spouse is in jail, **THEN USE** →



The official server needs to personally give your spouse the paperwork, *unless s/he voluntarily files an Answer.**

Official Service by Official Server method

You have a good mailing address for your spouse and you can be sure your spouse will be the person who signs the green certified mail card and your spouse is not in jail, **THEN USE** →



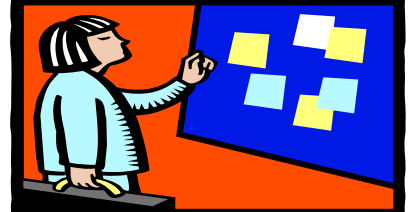
The server will mail the paperwork by certified mail, return receipt requested.

Official Service by Mail method

If you don't know where your spouse lives, works, or can be found AND . . .

You don't have children or valuable property **THEN USE** →

A server will post notice of your divorce at the courthouse for 7 days.



Official Service by Posting method

You have children or valuable property **THEN USE** →



If you serve by publication, your spouse has the right to an attorney and *you* would have to pay for the attorney's fees.

Official Service By Publication method

Are you ready for court?

Be prepared:

- ✓ Get to the courthouse early to find parking and your courtroom.
- ✓ When the courtroom opens, go in and tell the clerk you are present. The clerk usually sits next to the judge's bench.
- ✓ Most courtrooms do not allow children.

When you are in court:

- ✓ Dress neatly. Do not wear shorts, tank tops, or hats. Do not chew gum, or bring food or drink into the courtroom.
- ✓ Turn off your cell phone.
- ✓ Stand up when the judge enters the courtroom.
- ✓ Be calm and polite to everyone. Avoid gestures and facial expressions.
- ✓ Do not talk to the judge or your spouse, unless it is your turn to speak.
- ✓ The judge may not call your case right away. Wait patiently. If you have to leave the courtroom, tell the clerk where you are going.
- ✓ If friends or relatives come to court with you, ask them to follow these rules, too.

About testimony →

In some counties, the judge will ask you questions.

In other counties, you will be expected to have testimony prepared.

The judge will call your case.

- ✓ You will raise your right hand and swear to tell the truth.
- ✓ The judge will ask you questions. Wait until the judge finishes speaking before you start to speak.
- ✓ If you do not understand a question, say, "I don't understand." If you do not know an answer, say, "I don't know."
- ✓ Tell the truth and don't exaggerate. Give complete answers.
- ✓ Speak slowly and loud enough so everyone in court can hear you.
- ✓ Call the judge "Your Honor."
- ✓ Say "Yes" or "No" out loud. It's not enough to nod or shake your head.
- ✓ The judge will listen to what you say and review your papers. If everything is in order, the judge will sign your *Final Decree of Divorce*.

SAMPLE TESTIMONY FOR DIVORCE WITHOUT CHILDREN

My name is _____. I filed this suit for divorce from my spouse _____. (State your spouse's name.)

At the time I filed this divorce, I had lived in Texas for at least the last six (6) months, and in _____ County for at least ninety (90) days.

My marriage to _____ (State your spouse's name) _____ has become unworkable because of differences and misunderstandings between us. There is no reasonable chance that we will get back together.

There are no children born to or adopted of this marriage, who are under 18 years old and we are not currently expecting any other children.

I am requesting that the community property and debts be divided as set forth in the Decree of Divorce. I believe this division is fair.

(OPTIONAL) I am (or My spouse is) requesting a name change to the name that was used before we were married: _____ (State the name used before marriage)

I would respectfully request the Court to grant my divorce.

SAMPLE TESTIMONY FOR DIVORCE WITH CHILDREN

My name is _____. I filed this suit for divorce from my spouse _____. (State your spouse's name.)

At the time I filed for divorce, I had lived in Texas for at least the last six (6) months, and in _____ County for at least ninety (90) days.

I am seeking a divorce because of differences and misunderstandings between us. There is no reasonable expectation that we will get back together.

I am requesting that the community property and our debts be divided as set forth in the Decree of Divorce. I believe this division is fair to both of us, and to our children.

We have ___ child(ren) of this marriage, who are under 18 years old. (State the number of children you have with your spouse who are under 18 years old) We are not expecting any other children of the marriage.

I am requesting that conservatorship and child support be ordered as set forth in the Decree of Divorce. I believe that these orders would be in the best interest of our child(ren).

(OPTIONAL)

I am (or My spouse is) requesting a name change to the name used before we were married: _____ (State the name used before marriage)

I would respectfully request the court to grant my divorce.

Common Questions

Is it difficult to handle a contested case without a lawyer?

Yes. The court rules are very hard to understand if you are not a lawyer. If you make a mistake, the judge may not be able to see your side of the case. A mistake can affect your children, your property, and your income. If at all possible you should hire a lawyer. If you cannot afford a lawyer, contact your local Legal Aid Office.

Where can I read the laws about divorce?

You can read the Texas Family Code at <http://tlo2.tlc.state.tx.us/statutes/fa.toc.htm>.

You can the Texas Rules of Civil (court) Procedure at www.supreme.courts.state.tx.us/rules/trcphome.asp.

How long will it take to get divorced?

It will take at least 61 days after the day you file your *Original Petition for Divorce*.

When can I get married again?

You must wait at least **30 days** after the judge signs your *Decree of Divorce*.

Exception: There is no waiting period if you want to remarry the spouse you just divorced. If you want to marry some one else, you can ask the judge who signed your *Decree of Divorce* for permission to marry sooner than 30 days. This is called a *Waiver of the 30 Day Prohibition Against Remarriage*.

Can I get divorced if I do not know where my spouse is?

Yes. But first, you must prove to the court that you have tried hard to find your spouse. Read about service by posting and publication at www.TexasLawHelp.org.

What if I started my divorce in a different county?

You can finish your divorce in the county where you originally filed if you or your spouse had lived in that county for at least 90 days and Texas for at least 6 months at the time you filed your *Petition for Divorce*. If you want to have the case heard in the county where you are now living, talk to a lawyer.

Terms to Know

Petitioner: The spouse who asks the court for a divorce by filing a Petition. Even if both spouses want the divorce, only one spouse can be the petitioner.

Respondent is the other spouse.

Contested: A divorce is contested when the spouses don't agree about getting the divorce, dividing property and debts, or what to do about child support and custody.

Uncontested: Either the divorce is *agreed* (both parties agree on all the issues) or *default* (the respondent does not file an Answer).

Uncontested Docket is the court that hears divorce cases when the case is either an agreed (uncontested) or a default divorce.

Petition: This is the form the petitioner files to ask the court for a divorce.

Decree: This is the form that the judge signs to grant the divorce. A divorce decree says who keeps what property and who pays what debts.

In a divorce involving children, a divorce decree says which parent pays child support and provides health insurance. The decree also says when the child can visit a parent and which parent makes certain decisions about the child.

A divorce decree can include other orders, such as spousal support.

File: Giving legal papers to the courthouse clerk. There is usually a fee to file a petition, have a citation issued, or to have copies made.

Official Process Server: A constable, sheriff, or private process server who delivers court papers and files notice that the delivery was made in the Clerk's Office. There is a fee for Official Process Service. If your spouse lives or is jailed in another county, learn who provides Official process Service in your spouse's county by asking the Clerk's Office of that county. Contact information for Texas clerk's offices can be found at <http://www.txlaw.org/clerks.html>.

If my spouse and I do not own any property together, do we still have to fill out the property and debt sections on the Decree of Divorce form?

Yes. Anything you or your spouse purchased during your marriage, even if it was purchased after you separated, is community property. Any debts you or your spouse incurred during your marriage, even if they were incurred after you separated, are community debts. Answer each section carefully so you will be able to keep *any* property that belongs to you.

If my spouse filed an Answer, but later agrees to sign the Decree of Divorce, can I still go to an Uncontested Docket?

Yes, if your spouse has signed the *Decree of Divorce*.

How much will child support be?

In most cases, the court uses a special formula to calculate child support. This is called *Guideline* support. Usually, the supporting parent pays the following amounts to the parent with whom the children live most of the time.

For help calculating child support you can use the child support calculator at www.TexasLawHelp.org.

number of Children*	Percent of Supporting Parent's Income After Taxes
1 child	= 20%
2 children	= 25%
3 children	= 30%
4 children	= 35%
5 children	= 40%

→ *Important Note:

The formula is different if the supporting parent also has children with someone else. Use the child support calculator at www.TexasLawHelp.org or talk to a lawyer.

The Court can order a child support amount different from guideline support if the Court determines that amount to be in the best interest of the child.

Where do I send my child support payments?

The State Disbursement Unit, P.O. Box 659791, San Antonio, Texas, 78265-9791.

Can child support be paid directly to the other parent?

No. Unless the court orders otherwise, all child support payments must be sent to the State Disbursement Unit, P.O. Box 659791, San Antonio, Texas, 78265-9791.

What if I already have court orders regarding my children?

If there is a final court order for the custody and support of your children and you are not asking to change that order, you can file your divorce using the **Divorce No Children forms** at www.TexasLawHelp.org. When you fill out your *Original Petition for Divorce* include information about your children and your current custody and support order. You must attach a copy of your current custody and support order to your *Decree of Divorce*.

If there is a final order for the custody and support of your children and you do want to change those orders talk to a lawyer

IV. MARRIAGE and SEPARATION

1. My spouse and I got married on: _____
Month Day Year

2. We stopped living together as spouses on: _____
Month Day Year

V. CHILDREN

Do Not use this form if: you have minor children and do not have court orders pertaining to their custody and support, or if you do have court orders and want to change them.

Children you and your spouse have together

My spouse and I:

- 1. do do not have adopted or biological children under the age of 18.
- do do not have court orders pertaining to the children’s custody and support.
- do do not want to change those court orders.
- 2. do do not have a disabled child over 18.*

*(*Talk to an attorney if you have a disabled child before filing this form. You or your spouse may be entitled to receive child support, even after the disabled child becomes an adult.)*

3. The children who have court orders pertaining to their custody and support. are:

Child’s name	Age	Date of Birth	Sex	Cause Number and County for court order <i>(You will need to attach a copy of this order to the Final Decree of Divorce.)</i>
a.	_____	_____	_____	_____
b.	_____	_____	_____	_____
c.	_____	_____	_____	_____
d.	_____	_____	_____	_____
e.	_____	_____	_____	_____
f.	_____	_____	_____	_____

If more than 6 children, list them on another sheet and write Attachment A at top. Then attach it to this form.

Pregnancy

- 1. The wife in this marriage: is is not pregnant. (If pregnant, answer below.)
- 2. The husband: is is not the biological father of this child.

Children born during the marriage, but husband is not the father Check one.

1. The wife did did not have children with another man while married to the husband.

All of the children born during the marriage that are not the husband's children are named below:

Child's name	Age	Date of Birth	Sex
a.			
b.			
c.			
d.			

If more than 4 children, list them on another sheet and write Attachment B at top. Then attach it to this form.

I ask the Court to find that the husband is not the legal father of the children listed above.

VI. PROPERTY

Community Property

My spouse and I will try to make an agreement about how to divide our community property and debts. If we cannot agree, I ask the Court to divide our property and debts according to Texas law.

Separate Property

List all property that you owned *before* you were married, including real estate, and all gifts, inheritance, or money damages you received from a lawsuit during your marriage, if the money was not compensation for lost wages.

1. **House** located at: _____
street address city state zip

2. **Land** located at: _____
street address city state zip

3. **Cars, trucks, motorcycles** or other vehicles

Year	Make	Model	Vehicle Identification No. [VIN]

4. **Inheritance, gifts, or money from a lawsuit** (*not* for lost wages) given only to you (*describe*):

5. **Other property** that you owned before you were married (*describe*):

I ask the Court to confirm this property as my separate property in my Final Decree of Divorce.

VII. NAME CHANGE

I ask the Court to change my name back to the name I had before my marriage:

First Middle Last

VIII. PROTECTIVE ORDER

(*Check one*)

- Neither my spouse nor I have a Protective Order against each other, and neither of us has asked for one.
- Either my spouse or I **do have** a Protective Order against each other. A copy of this order is attached to this petition. (*Attach a copy to this Petition and fill out below*):

Court Case # County Date Court that made the order:

IX. Notice [Your spouse has the legal right to be notified that you have filed for divorce.]

(*Check one*)

- I ask the court to send a process server to give a copy of this *Petition* to my spouse here:

street address city state zip

If this is a work address, name of business: _____

- Do **not** send a process server to give a copy of this *Petition* to my spouse. I believe my spouse may sign a *Waiver of Service*, or voluntarily file an *Answer*. If not, I will ask a process server to give my spouse a copy of this *Petition* at this address:

street address city state zip

If this is a work address, name of business: _____

X. Prayer

I ask the Court to grant me a divorce because the marriage has become insupportable due to discord or conflict of personalities that destroys the legitimate ends of the marital relationship and prevents any reasonable expectation of reconciliation. I ask the Court to grant me a divorce because my spouse and I do not get along and do not plan to live together ever again. I also ask the Court to make the other orders I have asked for in this Petition and any other orders I am entitled to.

Petitioner's Name (print)

(_____)_____
Phone number

→_____
Petitioner's Signature

Date

Mailing address: _____

WARNING: This form waives all of your legal rights in this case.

DO NOT sign it if you want to know what will be ordered in your case. You can waive service of process, but keep your legal rights by filing an *Answer*, instead. An *Answer* can be found in the family law section of www.TexasLawHelp.org.

3. Name Change: *(Check only one.)*

- I am NOT asking the court to change my name.
- I ask the Court to change my name back to the name I had before my marriage *(list below)*:

First

Middle

Last

4. Global Waiver

I agree that the court can make decisions in this case without further notice to me.

5. The Respondent's swears under oath:

"My spouse gave me this form and a filed copy of the *Petition for Divorce* with the same cause number as the cause number on this form. I have read the *Petition for Divorce* and understand what it says.

I do not want a peace officer or process server to give me another copy of the *Petition for Divorce*. I waive my right to the issuance and service of citation in this case.

"I understand that by signing this form I am entering an appearance, and it is a substitute for going to Court and telling the judge my side of the case. I do not want testimony in this divorce recorded. And, I agree that a Judge, Associate Judge, or appointed Referee of the Court may make decisions about my divorce, even if the divorce should have been filed in another county or state.

"I give up all rights, privileges, and exemptions I may have under the Soldier's and Sailor's Civil Relief Act, including having a lawyer appointed to represent me in this case.

"I agree that the court can make decisions in this case without further notice to me."



(Respondent signs here in front of notary.)

Notary fills out below

State of Texas, County of _____
(Print the name of county where this statement is notarized.)

Sworn to and subscribed before me, the undersigned authority, on this date: _____

By *(Print Notary's name)*: _____, Notary Public, State of Texas

┌ _____ ┐

(Notary's seal here)

└ _____ ┘



Notary's signature

Print court information exactly as it appears on your Petition for Divorce

IN THE MATTER OF THE MARRIAGE OF

Petitioner (Print first, middle and last name of person who filed for divorce)

and

Respondent (Print first, middle and last name of other spouse)

§
§
§
§
§
§
§
§
§
§

Cause No:

[Empty box for Cause No.]

In the (check one):

□ District Court □ County Court of: (court number)

County, Texas

Final Decree of Divorce

A hearing took place today, and the following people were present. There was no jury as neither the husband nor wife asked for one.

I. APPEARANCES

Petitioner

The Petitioner's name is: First Middle Last

The Petitioner represented him/herself and is the (check one): □ Husband. □ Wife.

(Check one box.)

□ The Petitioner was present, representing him/herself, and has agreed to the terms of this Decree of Divorce.

□ The Petitioner was not present but has signed below, agreeing to the terms of this Decree.

Respondent

The Respondent's name is: First Middle Last

The Respondent is the (check one): □ Husband. □ Wife.

(Check one box.)

□ The Respondent was present, representing him/herself, and agrees to the terms in this Decree.

□ The Respondent was not present but was served, filed an Answer, or signed a Waiver of Citation, and: (check all that apply)

□ has signed below, agreeing to the terms in this Decree.

□ agreed in the Waiver that the judge can finalize the divorce, without giving the Respondent notice of this hearing.

□ has defaulted. The Petitioner has filed a Certificate of Last Known Address and an Affidavit of Non-Military Status. The Petitioner has also arranged for a court reporter to record the hearing.

II. RECORD

A Court reporter: *(Check one box.)*

- did not record today's hearing because the Husband, Wife, and judge agreed not to make a record.
- recorded today's hearing.

III. JURISDICTION *(Check one box.)*

The Court received evidence and finds that it has jurisdiction over this case and the parties, that the residency and notice requirements have been met, the Petitioner's petition meets all legal requirements, and

- that the Petitioner's *Petition* was filed more than 60 days ago.
- the Court finds that the Petitioner has an active Protective Order under Title 4 of the Texas Family Code, or an active magistrate's order for emergency protection under Article 17.192 of the Texas Code of Criminal Procedure against the Respondent because the Respondent committed family violence during the marriage.
- the Respondent has a final conviction or has received deferred adjudication for committing family violence against the Petitioner or a member of Petitioner's household.

IV. CHILDREN

Children of the Marriage *(Check one box.)*

- The Husband and Wife do not have minor children under 18, or any adult, disabled children who are entitled to child support or medical support.
- The Husband and Wife are the parents of the minor children listed below. Court orders that finalize custody, support, and visitation for these children were made in the *(check one)*: District Court County Court of: _____ County, Texas, Cause # _____. That court has continuing, exclusive jurisdiction of the children. No changes are made to those orders in this Decree. A copy of those orders are attached to this Decree, in Exhibit A, and are incorporated for all purposes, as provided for by Texas Family Code, Section 6.407. *(Attach a copy of the orders, and write Exhibit A at the top).*

Child's name	Age	Date of Birth	Sex
a.			
b.			
c.			
d.			
e.			
f.			

If more than 6 children, list them on another sheet and write Attachment B at top. Attach it to this form.

- The Court finds that the children listed below were born during the marriage, but are not the husband's biological children. There is not legal relationship between these children and the Husband.

Child's name	Age	Date of Birth	Sex
a.			
b.			
c.			
d.			

If more than 4 children, list them on another sheet and write Attachment B at top. Attach it to this form.

Pregnancy (Check one box.)

- The Court finds that Wife is not pregnant.
 The Court finds that Wife is pregnant, but Husband is not the biological father of the unborn child. There is no legal relationship between Husband and the unborn child.

V. DIVORCE

IT IS ORDERED that the Petitioner and the Respondent are divorced.

VI. PROPERTY AND DEBTS

NOTE: Texas is a community property state. This means that any new property or debt that either party obtains from the minute they are married until the minute the judge grants the divorce, is community property, even if the property or debt is only in one spouse's name.

All community property and debt should be included in the Final Decree of Divorce. There are only a few exceptions to the law of community property. If either party receives a gift, an inheritance, or money from a lawsuit that does not compensate for lost wages, it is separate property. It is a good idea to confirm separate property obtained during the marriage as that individual's separate property in the Final Decree of Divorce. More information about community and separate property can be found in the Texas Family Code, chapters 3,4, and 5.

The Court makes the following orders regarding the parties' community and separate property:

Husband's Property

Separate Property

The Court confirms that Husband owns the following property as his separate property:

8. The Husband will also keep the property listed below: _____

9. _____

Husband's Debts (check all that apply)

The Husband shall pay the debts listed below:

1. All taxes, bills, liens, and other charges, present and future, for all personal and real property that are in the Husband's name alone or that this Order gives to the Husband alone, unless this Order requires otherwise.
2. Any debt Husband incurred after separation. Date of separation: _____.
Month Day Year
3. The balance due on any loan or mortgage for the real property that this Order gives to the Husband alone.
4. The balance due on any loan for any vehicles that this Order gives to the Husband alone.
5. All other debts listed below, which are not in Husband's name alone, such as credit cards, student loans, medical bills, income taxes: _____

Wife's Property

Separate Property

The Court confirms that Wife owns the following property as her separate property: _____

(List property Wife owned before marriage, or received as a gift or inheritance during marriage, or was awarded as money damages for pain and suffering.)

Community Property

The Court ORDERS that Wife is awarded the following Community Property, and Husband is divested of any interest, title, or claim he may have to the property listed below. Husband IS ORDERED to sign any deeds or documents needed to transfer any property listed below to the Wife. Wife is responsible for preparing the documents.

1. All property in Wife's care, custody, or control, or in Wife's name, that this Order does not give to the Husband.

2. House or land located at:

Street Address *City* *State* *Zip*

Legal Description: _____

3. Other real property located at:

Street Address *City* *State* *Zip*

Legal Description: _____

(Check all that apply.)

4. All of the Wife's employment benefits, including retirement, pension, profit-sharing, and stock option plans that are in her name alone, along with all individual retirement accounts, such as IRA's that are in her name alone.

5. All of the Wife's cash and money in any bank or other financial institution that is listed in her name ALONE.

6. Any insurance policy that covers the Wife's life.

7. The Wife's cars, trucks, motorcycles or other vehicles listed below:

Year	Make	Model	Vehicle Identification No. [VIN]

8. The Wife will also keep the property listed below: _____

9. The Husband will give Wife the following property when she asks for it: _____

Wife's Debts (Check all that apply.)

The Wife shall pay the debts listed below:

- All taxes, bills, liens, and other charges, present and future, for all personal and real property that are in the Wife's name alone or that this Order gives to the Wife alone, unless this Order requires otherwise.
- Any debt Wife incurred after separation. Date of separation: _____
Month Day Year
- The balance due on any loan or mortgage for the real property that this Order gives to the Wife alone.

4. The balance due on any loan for any vehicles that this Order gives to the Wife alone.
5. All other debts listed below, which are not in Wife's name alone, such as credit cards, student loans, medical bills, income taxes: _____
- _____
- _____
- _____
- _____
- _____
- _____

VII. NAME CHANGE

The Court changes the name of the: *(Check one box.)* Husband Wife back to the name used before marriage, as it appears below.


First Middle Last

VIII. COURT COSTS

The Husband will pay for his court costs; the Wife will pay for her court costs.

IX. OTHER ORDERS

The court has the right to make other orders, if needed, to clarify or enforce the orders above. Any orders requested that do not appear above are denied.

_____  _____

Date of Judgment Judge's signature

By signing below, the Petitioner agrees to the terms of this decree.

By signing below, the Respondent agrees to the terms of this decree.

_____ () _____
 Petitioner's Name (print) Phone number

→ _____
 Petitioner's Signature Date

_____ () _____
 Respondent's Name (print) Phone number

→ _____
 Respondent's Signature Date

Mailing _____
 Address: _____

Mailing _____
 Address _____