

How to File an Uncontested Divorce

These instructions explain the steps in a simple, uncontested Texas divorce. Use them with the **FREE** do-it-yourself divorce forms at www.TexasLawHelp.org.

These instructions are written for people who are "pro se." Pro se means you don't have a lawyer.

These instructions are not a substitute for the advice and help of a lawyer. It's a good idea to talk to a lawyer about your particular situation *before* filing or responding to a divorce.

Is Your Divorce Uncontested?

Your divorce is **uncontested** when it is:

- ✓ **agreed** – you and your spouse agree about all the issues in your case **OR**
- ✓ **default** – your spouse is given legal notice of your divorce by Official Service of Process, Publication or Posting and does not file an *Answer* or *Waiver of Service* with the Court or otherwise appear in the case.

If your divorce is **contested**, it is best to talk to a lawyer before filing any forms with the Court.

Steps for an Uncontested Texas Divorce

A full description of each step follows. Carefully read all the steps before you begin.

- ☐ Step 1: **Get help** if there has been family violence or you feel unsafe.
- ☐ Step 2: **Talk** to a lawyer about your particular situation.
- ☐ Step 3: **Determine** where to file.
- ☐ Step 4: **Choose** a divorce form set at www.TexasLawHelp.org.
- ☐ Step 5: **Fill out** the *Original Petition for Divorce*.
- ☐ Step 6: **File** (turn in) your *Original Petition for Divorce*.
- ☐ Step 7: **Give** "legal notice" to your spouse
- ☐ Step 8: **Fill out** the *Final Decree of Divorce*.
- ☐ Step 9: **Wait** the required waiting periods.
- ☐ Step 10: **Confirm** that your case is uncontested and get ready for court.
- ☐ Step 11: **Go** to court to finish your divorce.

Step 1: Get help if there has been violence or you feel unsafe.

- It's not a good idea to do your own divorce, without a lawyer, when there has been family violence. Family violence includes physical violence and sexual assault. It can also include threats of violence. You do not need to have called the police or sought medical care to be the victim of family violence.
- If you or your children have been the victim of family violence or if at any time you feel unsafe, get help by calling the:
 - **National Domestic Violence Hotline** at 1-800-799-SAFE (7233) *or*
 - **Texas Family Violence Legal Line** at 1-800-374-HOPE (4673) *or*
 - **Advocates for Victims of Crime (AVOICE)**: at 1-888-343-4414

Step 2: Talk to a lawyer about your particular situation.

- Divorce cases can be complicated and your property, your money and your rights as a parent may be at risk. Even if you decide to represent yourself, you should see a lawyer for legal advice about your particular situation *before* filing anything,
- It's really important to talk to a lawyer if:
 - you're afraid for your or your children's safety, *or*
 - your case is contested, *or*
 - your spouse has a lawyer, *or*
 - you or your spouse has a house, retirement, business, other valuable property or a lot of debt.
 - You are in a same sex marriage and you and your spouse have a child but there is no adoption or other court order stating that you are both legal parents.

Talking to a lawyer now can save you time and money in the long run.

- **Need help finding a lawyer?** For referral to a lawyer, call your local lawyer referral service or the State Bar Lawyer Referral Information Service at 1-800-252-9690.
- **Can't afford a lawyer?** For information about free and low-cost legal help in your county go to www.texasbar.com/ReferralDirectory or call the Legal Aid organization serving your area:
 - **Legal Aid of Northwest Texas** 1-888-529-5277 (*Dallas / Ft. Worth area & Northwest Texas*)
 - **Lone Star Legal Aid** 1-800-733-8394 (*Houston area & East Texas*)
 - **Texas Rio Grande Legal Aid** 1-888-988-9996 (*Austin / San Antonio area, El Paso & South Texas*)
- **Just want advice?** You can hire a lawyer *just* to give you advice, review your forms, draft a document or help you prepare for a hearing. This is called **limited scope representation**. You may then be able to handle the other parts of your divorce yourself.



Do Not Use the TexasLawHelp Divorce Forms if:

- You or your spouse have an ongoing bankruptcy case.
- You want to file specific grounds for divorce, such as cruelty or adultery.
- You want spousal maintenance, referred to as "alimony" in some states.
- You and your spouse have a disabled child.

Step 3: Determine where to file.

Residency Requirements for Divorce

You can file for divorce in Texas as long as you or your spouse has lived:

- in Texas for *at least* the last 6 months, and
- in the county where you want to file for divorce for *at least* the last 90 days. See *Texas Family Code Section 6.301*.



- **Information for Military Families:** If you are serving in the armed forces outside of Texas or other government service outside of Texas or you have accompanied your spouse who is serving in the armed forces or other government service outside of Texas, you may still file for divorce in Texas if Texas has been the home state of either you or spouse for at least 6 months and the county where you plan to file the divorce has been the home county of either spouse for at least 90 days. Time spent away while serving in the armed forces or other government service counts as time spent in Texas and your home county. See *Texas Family Code Section 6.303*.
- **Information for Immigrants:** You may file for divorce in Texas even if you do not have legal status in the United States, as long as you or your spouse has lived in Texas for at least the last 6 months and in the county where you want to file for divorce for at least the last 90 days.

Things to consider...

- **if your children don't live in Texas or haven't lived in Texas very long.**
A Texas Court cannot make initial custody and visitation orders about a child unless:
 - 1) the child has lived in Texas for at least the last 6 months (or since birth), or
 - 2) Texas was the child's home state and the child has been gone for fewer than 6 months.

See *Texas Family Code Section 152.201*.

There are a few exceptions to this rule. Talk with a lawyer if this is an issue.

- **if your spouse lives outside of Texas.**

As long as you meet the residency requirements for divorce, you can get divorced in Texas even if your spouse lives in another state. However, the Court must have **personal jurisdiction** over your out-of-state spouse to include orders in your divorce that impose a personal obligation on your spouse — such as ordering your spouse to pay a debt or pay child support.

See *Texas Family Code Sections 6.305, 6.308, 102.011 and 102.012*.

The *Original Petition for Divorce* form includes a list of situations that give the Court personal jurisdiction over an out-of-state spouse. Check any that apply to your case. Talk to a lawyer if none apply or you have questions about personal jurisdiction.

Step 4: Choose a divorce form set.

- Choose one of the following divorce form sets at www.TexasLawHelp.org. Each set includes multiple forms that you or your spouse will need to fill out and file with (*turn in to*) the Court. The forms are described on the following page.
 - **Texas Supreme Court Divorce Form SET 1** (*Opposite-Sex Spouses, no children and no house or land*)
Use these forms if there are:
 - no minor children *and*
 - no real property (house or land).These forms are approved for use throughout Texas by the Texas Supreme Court.
These forms come with different instructions.
 - **TexasLawHelp Divorce Form SET A** (*Opposite-Sex Spouses, no children together*)
Use these forms if:
 - you and your spouse do not have children who are under 18 or still in high school.
 - **TexasLawHelp Divorce Form SET B** (*Opposite-Sex Spouses, children together*)
Use these forms if:
 - you and your spouse have children who are under 18 or still in high school *and*
 - there are no court orders regarding the children. *Note: If you have a family violence protective order that includes orders regarding the children, you should still use SET B.*
 - **TexasLawHelp Divorce Form SET C** (*Opposite-Sex Spouses, children together with final court order already in place*)
Use these forms if:
 - you and your spouse have children together who are under 18 or still in high school *and*
 - there is a final court order for custody and support of all your children in place and you do not want to change that order.
 - **TexasLawHelp Divorce Form SET D** (*Same-Sex Spouses, no children together*)
Use these forms if:
 - you and your same-sex spouse do not have children together who are under 18 or still in high school.

Things to consider...

- if you and your spouse don't agree on child support.

If you and your spouse don't agree on child support, the **Office of the Attorney General (OAG)** may be able to help. Although the OAG cannot represent either parent, they can ask the court to make an order for child support, medical support, custody and visitation.

Once there is a final court order for custody and support of your children, you may use the **TexasLawHelp Divorce SET C** for your divorce.

For information about opening a case with the OAG, call 1-800-255-8014 or go to their website at www.oag.state.tx.us/cs.

- Each divorce form set includes a version of the following forms. Additional forms are available at www.TexasLawHelp.org.

Name of Form	What It Is and How to Use It
Unsworn Declaration of Indigency	If you cannot afford to pay the fee to file your case and other court fees, you may fill out this form to ask the Court to waive those fees. You must give complete information about your income and expenses on the form. You must also sign the form under penalty of perjury. The Court may ask you to present evidence of your income and expenses at a hearing. The Court may or may not decide to let you file without paying.
Original Petition for Divorce	One spouse (the Petitioner) fills out and files (turns in) this form at the courthouse to start the divorce. It tells the Court and your spouse that you want a divorce and states what you want the Court to order in the Final Decree of Divorce. Note: This form must be turned in first, <u>before</u> the other spouse signs anything.
Waiver of Service Only (Specific Waiver)	The other spouse (the Respondent) may fill out this form if she or he does not want to be served by a constable, sheriff, or private process server with a copy of the <i>Original Petition for Divorce</i> . The <i>Waiver</i> must be signed <u>in front of a notary</u> at least one day <u>after</u> the <i>Original Petition for Divorce</i> is filed at the courthouse. This form allows the judge to finish the divorce as long as both spouses have signed the <i>Final Decree of Divorce</i> . Note: The TexasLawHelp <i>Waiver of Service Only (Specific Waiver)</i> form only waives the right to be formally served with a copy of the <i>Petition</i> . Other <i>Waiver</i> forms may also waive the right to know anything else about the case. If someone asks you to sign a <i>Waiver</i> , read it carefully. You may want to sign an <i>Answer</i> instead.
Respondent's Original Answer	This form may be used <u>two</u> ways: (1) <u>If the divorce is agreed</u> , the other spouse (the Respondent) may fill out and sign this form instead of the <i>Waiver of Service Only</i> form. The <i>Respondent's Original Answer</i> form also allows the judge to finish the divorce as long as both spouses have signed the <i>Final Decree of Divorce</i> . The <i>Respondent's Original Answer</i> form does <u>not</u> need to be signed in front of a notary. (2) <u>If the divorce is not agreed</u> , the other spouse (the Respondent) may fill out and file the <i>Respondent's Original Answer</i> form to contest the divorce.
Final Decree of Divorce	The Judge signs this form to grant your divorce and make orders regarding your property, debts and children (if applicable). Fill it out ahead of time and bring it with you to the final divorce hearing.
Notice of Current of Address	This form <u>must</u> be filed if you or your spouse moves. It tells the Court your new address so that the Court can contact you about hearings, etc.

- Divorce form **Set B** (*with children together*) also includes the following forms.

Out-of-State Party Declaration	Fill out and file this form if either spouse lives outside of Texas.
Income Withholding for Support Order	The Court signs this form to order an employer to withhold child support from an employee's paycheck. Fill it out and bring it with you to the final divorce hearing if child support will be ordered.

Step 5: Fill out the Original Petition for Divorce.



- After you choose a divorce form set, fill out the **Original Petition for Divorce** form.
 - You are the “Petitioner.” Your spouse is the “Respondent.”
 - Fill out all the spaces unless instructed otherwise. Print clearly in blue or black ink.

Note: The *Petition* asks for your address. Your spouse will get a copy of this form. If you are concerned about your spouse knowing your address, call the Family Violence Legal Line at 1-800-374-4673 for free advice.
- Fill out the **Information on Suit Affecting the Family Relationship** form.
- Fill out these additional beginning forms only if they apply to your case:
 - **Unsworn Declaration of Indigency** – only if you can't pay the filing fee for your divorce. Call the clerk's office to learn the fee for your case.

Note: Do not sign this form until you are in front of a notary. Or, if you don't have the necessary picture identification to get this form notarized attach a completed **Unsworn Declaration** form. If you receive public benefits (such as foodstamps) attach proof.
 - **Exhibit: Out-of-State Party Declaration** – only if 1) you are filing a Divorce SET B and 2) you or your spouse live outside of Texas.
 - **Affidavit for Service by Posting or Publication** – only if you can't find your spouse after looking really hard. Read Step 7C for more information.
- Make 2 copies of each form you filled out.

Things to consider...

- **if the spouses are husband and wife and the wife is pregnant.**

If the wife is pregnant, you will not be able to finish your divorce until after the child is born. If the husband is **not** the biological father, paternity of the child must be established before you can finish your divorce. Get information about establishing paternity at www.TexasLawHelp.org. If the husband **is** the biological father, orders for custody and support of the child must be included in the *Final Decree of Divorce*.
- **if the wife had a child with another man while married to the husband.**

If the wife had a child with another man while married to the husband, paternity of the child must be established before you can finish your divorce. This is true even if you have been separated for a long time. Get information about establishing paternity at www.TexasLawHelp.org.
- **if either wife in a same-sex marriage is pregnant or gave birth during the marriage.**

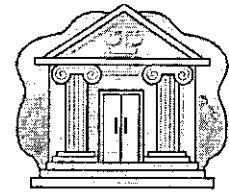
It's a good idea to talk with a LGBT family law lawyer if either wife in a female same-sex marriage is pregnant or gave birth to a child during the marriage. Parentage of the child may need to be established by court order before you can finish your divorce.
- **if you need orders right away.**

If you need orders right away, you may ask the Court to make *temporary orders* after notice to your spouse and a hearing. Temporary orders typically last until the divorce is finished. Talk to a lawyer if you need temporary orders. Your county law library may also have information about temporary orders.

If you need a *protective order* because of family violence call the Texas Family Violence Legal Line at 1-800-374-HOPE or the National Domestic Violence Hotline at 1-800-799-SAFE.

Step 6: File (turn in) your Original Petition for Divorce.

- File (turn in) your completed *Original Petition for Divorce* and additional beginning forms to the Court either in person or electronically.
 - To file your forms in person, take the original and 2 copies of your forms to the courthouse and turn them in at the clerk's office. You may use the Texas Civil Courts Guide at www.TexasLawHelp.org to find the address and phone number for the clerk's office in the county where you plan to file your divorce.
 - To file your forms electronically go to <http://www.efiletexas.gov>.
- Pay the filing fee (or file your Unsworn Declaration of *Indigency* form if you cannot afford the fee).
- Ask the clerk if there are local rules or procedures you need to know about for your divorce.
- The clerk will:
 - write your "Cause Number" and "Court Number" at the top of the first page of your *Petition*. (*You should write these numbers at the top of any document you file in your divorce.*)
 - "file-stamp" your papers with the date and time.
 - ask if you want to have your spouse "served." Served is when your spouse is given legal notice of your divorce by **Official Service of Process** or by **Posting** or **Publication**.
 - If your spouse **will agree** to sign a *Waiver of Service* or *Answer*, you do not need to have your spouse served. Follow the instructions set out in Step **7A**.
 - If your spouse **will not** agree to sign a *Waiver of Service* or *Answer*, you must have your spouse served by Official Service of Process. Follow the instructions set out in Step **7B**.
 - If you can't find your spouse, you must have your spouse served by *Posting* or *Publication*. Follow the instructions set out in Step **7C**.



Things to consider...

- **if your children get Medicaid or TANF or got it in the past.**

You **MUST** send a file-stamped copy of your *Original Petition for Divorce* to the Office of the Attorney General Child Support Division by commercial delivery, fax, email, personal delivery or through the electronic filing manager if:

 - 1) you and your spouse have children together **and**
 - 2) the children get Medicaid or TANF or got it in the past. *See Texas Family Code Section 6.301.*

Get contact information for the Attorney General child support office in your area at www.oag.state.tx.us/cs/fieldoffices.php. Bring proof of delivery when you go to court.
- **if you and your spouse don't agree.**

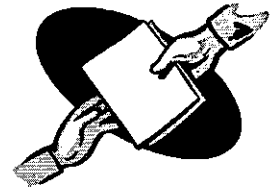
If you and your spouse don't agree on the terms of your divorce, you may want to consider mediation. In mediation, an independent person (the mediator) will try to help you reach an agreement. The divorce process is usually easier when you have an agreement. Be sure to talk to a lawyer first. A lawyer can help you understand your options and negotiate a fair agreement.

Step 7: Give “legal notice” to your spouse.

- Your spouse has the right to know that you have filed for divorce. You cannot simply tell your spouse or send your spouse a letter. You must use a legally acceptable way to give your spouse notice and prove to the Court that you did so.
- Here are 3 ways to give “legal notice” to your spouse:
 - 7A - Waiver of Service or Answer (Use this way if your divorce is **AGREED**.)
 - 7B - Official Service of Process (Use this way if your divorce is **NOT AGREED**.)
 - 7C - Posting or Publication (Use this way if you can't find your spouse.)
- Each way to give legal notice is described below. Choose the way that best fits your situation.

7A. Waiver of Service or Answer (Use this way if your divorce is **AGREED**.)

- You may give your spouse legal notice by *Waiver of Service* or *Answer* if your spouse agrees to sign the *Waiver of Service Only (Specific Waiver)* form or the *Respondent's Original Answer* form.
- Follow these steps:
 1. Mail or hand-deliver to your spouse:
 - a) a file-stamped copy of your *Original Petition for Divorce*, and
 - b) a blank *Waiver of Service Only (Specific Waiver)* or *Respondent's Original Answer* form.
 2. If your spouse plans to sign the *Waiver of Service Only (Specific Waiver)* form, tell him or her to sign it in front of a notary at least one day after you filed the *Petition*. Otherwise your spouse will have to redo it.
 3. File the completed *Waiver of Service* form or *Answer* form at the courthouse.



TIP: If your divorce is agreed, your spouse must also sign a completed *Final Decree of Divorce (Decree)* form. It may save you time to fill out the *Decree* now and send it to your spouse with the *Waiver of Service Only (Specific Waiver)* or *Respondent's Original Answer* form. You may also wait until later in the process to fill-out the *Decree*.

Warning: Do not hand-deliver any papers to your spouse if there has been violence during your relationship, especially if a judge has signed a Protective Order ordering you or your spouse to stay away from the other. Mail or give legal notice by Official Service of Process instead.

7B. Official Service of Process (Use this way if your divorce is **NOT AGREED**.)

- Official Service of Process is when your spouse is formally given legal notice of your divorce by a constable, sheriff, private process server or the clerk.
- Give legal notice by Official Service of Process if your spouse will not sign the *Waiver of Service* or *Answer* form or you do not want to have personal contact with your spouse.
- Follow these steps to give legal notice by Official Service of Process:
 1. Tell the clerk where you filed your *Petition* that you want to have your spouse "served." The clerk will print a form called the "Citation" that tells your spouse you have filed for divorce. The clerk will attach a copy of your *Petition* to the Citation.
 2. Tell the clerk whether you want your spouse served by:
 - a. personal service (*this is the better way*), or
 - b. certified mail return receipt requested.
 3. If you choose personal service, send the Citation (with a copy of your *Petition* attached) to a constable, sheriff or private process server in the county where your spouse will be served.
 4. The constable, sheriff, private process server or clerk will fill out a *Return of Service* form. Make sure the *Return of Service* form is filed at the courthouse.

Each way is described below.

What is personal service?

Personal service is when a constable, sheriff or private process server gives your spouse the divorce paperwork in person. The constable, sheriff or private process server then completes a *Return of Service* form stating when your spouse was served. The *Return of Service* form is proof to the Court that you gave your spouse legal notice. Your spouse does not have to sign anything.

Note: The *Return of Service* form must be filed at the courthouse at least **12 days** before your final hearing.

What if my spouse is in jail or prison?

Use personal service if your spouse is in jail or prison. **DO NOT** use service by certified mail because your spouse will not be able to sign for the letter.

What is service by certified mail?

Service by certified mail is when the clerk (or constable) sends your spouse the divorce paperwork by certified mail return receipt requested. The return receipt (or "green card") must be signed by your spouse.

Only use service by certified mail if you know that your spouse is the only person who will sign for the letter when the post office delivers it. If someone else signs or your spouse does not sign his or her name exactly as it is written on your *Petition*, you will have to pay another fee and have your spouse served a different way.

The clerk (or constable) will complete a *Return of Service* form stating when your spouse was served. The *Return of Service* form must be filed at the courthouse at least **12 days** before your final hearing.

7C - Posting or Publication (Use this way if you can't find your spouse.)

- If you can't find your spouse, you must give your spouse legal notice by posting or publication depending on your case. Find forms and instructions for service by posting and publication at www.TexasLawHelp.org.

Step 8: Fill out the Final Decree of Divorce.

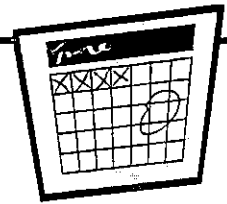
- Fill out the **Final Decree of Divorce** form. Get information about property division, conservatorship (*custody*), possession (*visitation*), child support and medical support at:
 - ✓ www.TexasLawHelp.org,
 - ✓ the *Family Law Handbook* at www.hba.org, and
 - ✓ the *Pro Se Divorce Handbook* at www.tyla.org.
- Fill out the **Income Withholding for Support Order** form if child support will be ordered.
- If possible, have a lawyer review your completed forms. This is really important if you and your spouse have children together, own valuable property, have retirement accounts, a house or land, a business or a lot of debt. Remember, you can hire a lawyer just to review your forms.

Things to consider...

- **if you and your spouse have debts together.** A creditor's right to collect a debt is not affected by a divorce decree. So, if the Court orders your spouse to pay a debt that is in both your names (such as a car loan) but your spouse doesn't pay it, the creditor can still seek payment from you. Ask a lawyer how to protect yourself in this situation.
- **if you and your spouse own (or are purchasing) a house or land.** Not talking to a lawyer when you and your spouse have a house or land can be **VERY** costly. For example:
 - **You could lose ownership of the property and still be responsible for the mortgage.** A mortgage company's right to payment is not affected by a divorce decree. So, if you and your spouse are on the mortgage and the divorce decree gives the house or land to your spouse and your spouse does not pay the mortgage, the mortgage company can still seek payment from you. This is true even if the Court ordered your spouse to pay the mortgage. A lawyer can help you figure out how to protect yourself in this situation.
 - **You could be unable to enforce an agreement or order that your spouse pay you part of the value of your house or land.** An order for one spouse to pay the other spouse part of the value (equity) in a house or land should usually be secured by a lien on the property. If it's not, you may not be able to get the money awarded to you. A lawyer can help you with this.
 - **You could be unable to sell the property later.** If you are keeping the property, a *Special Warranty Deed* should usually be signed by your spouse and filed with the property records office. If that doesn't happen, you could have trouble selling the property later.
- **if you or your spouse have a retirement account, such as a 401k account, pension plan, deferred compensation account or IRA account.** Retirement earned by either spouse during the marriage is usually considered to be community property that can be divided by the court. This is true even if you or your spouse has not yet retired. If you want the Court to divide retirement benefits (other than an IRA) as part of your divorce, you must ask the Court to sign an additional form, usually called a *Qualified Domestic Relations Order* or QDRO. You should have the QDRO prepared before you go to court, so the judge can sign it when you finish your divorce.

A QDRO form is not included with the TexasLawHelp divorce sets. You may contact the employer or retirement plan administrator to see if they have a sample QDRO form. If not, you should hire a lawyer to draft the QDRO form. If you use the employer or plan administrator's form, you should still have a lawyer review it to make sure you are not giving up important benefits.

Step 9: Wait the required waiting periods.



- Wait the waiting periods that apply to your case.

61 day waiting period In most 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 fewer than 61 days. When counting the 61 days, find the day you filed your *Original Petition for Divorce* on a calendar, and then count out 61 more days (including weekends). **Note:** Victims of family violence may be able to finish their divorce earlier. Call 1-800-374-4673 to get free advice from a lawyer.

20 + day answer period (*default cases only*) If you gave your spouse legal notice by Official Service of Process or Publication, your spouse must have at least 20 days plus the next Monday at 10 a.m. to file an *Answer*. Find the day your spouse was served on a calendar, count out 20 more days, then go to the next Monday. This is the last day of your spouse's answer period. However, if your spouse files an *Answer* any time before you finish your divorce it will still count. The answer period may or may not fall within the 61 day waiting period. **Note:** If your spouse was served by Posting, he or she must have at least 27 days plus the next Monday at 10 a.m. to file an *Answer*.

10 + day waiting period (*default cases only*) If you gave your spouse legal notice by Official Service of Process, Posting or Publication, the constable, sheriff, private process server or clerk will complete a *Return of Service* form stating when your spouse was served. The *Return of Service* form on file with the court for at least 10 days before you can finish your case. **Important:** When counting the 10 day waiting period, do not count the day the *Return of Service* is filed with the court and do not count the day you go to court to finish your case.

Step 10: Confirm your case is uncontested & get ready for court.

- Your divorce is **UNCONTESTED** when it is:
 - ✓ AGREED – you and your spouse agree about all the issues in your case or
 - ✓ DEFAULT – you gave your spouse legal notice of the divorce by Official Service of Process, Posting or Publication and your spouse did not file an *Answer* or *Waiver of Service* (or any other written response) with the Court or appear at a hearing.
- If your divorce is **AGREED**:
 - Ask your spouse to review and sign the completed *Final Decree of Divorce*.
 - Make sure the *Decree* is completely filled out *before* your spouse signs it.
 - If your spouse will not sign the *Final Decree of Divorce* your divorce is **CONTESTED**.
- If your divorce is a **DEFAULT**:
 - Your spouse does not need to sign the *Final Decree of Divorce*.
 - Fill out these additional final forms. Get them at www.TexasLawHelp.org.
 - *Certificate of Last Known Address*
 - *Military Status Declaration*
 - *Statement of Evidence* (only if your spouse was served by Posting or Publication.)
- Your divorce is **CONTESTED** if your spouse filed a *Waiver of Service* or *Answer* and will not sign the *Final Decree of Divorce*. To finish your divorce, you must set your case for a contested final hearing and give your spouse at least 45 days' notice of the final hearing. **Remember:** It's always best to have a lawyer if your case is contested.

Step 11: Go to court to finish your divorce.

- If your case is **uncontested** (agreed or default) and the waiting periods have passed, call the clerk to find out when and where the court hears uncontested divorce cases.
- You will need to give testimony to the judge when you go to court. Find sample scripts – called “prove up” testimony – at www.TexasLawHelp.org. Read the script ahead of time. Make sure everything in the script is true for you. If not, don’t read it in court. Remember, everything you say in court must be true and correct. You can be prosecuted for lying in court.



- Bring the following with you to the courthouse on the day you plan to finish your divorce:

*If your divorce is **AGREED**:*

- ✓ file-stamped copy of your *Original Petition for Divorce*
- ✓ *Waiver of Service (or Answer)* signed by your spouse
- ✓ completed *Final Decree of Divorce* signed by both you & your spouse
- ✓ completed *Income Withholding Order for Support* if child support will be ordered
- ✓ sample prove-up testimony
- ✓ any additional documents needed for your specific case, such as a QDRO if you are dividing a retirement account

*If your divorce is a **DEFAULT** bring:*

- ✓ file-stamped copy of your *Original Petition for Divorce*
- ✓ file-stamped copy of the *Return of Service*
- ✓ completed *Final Decree of Divorce* signed by you
- ✓ completed *Income Withholding Order for Support* if child support will be ordered
- ✓ completed *Certificate of Last Known Address*
- ✓ completed *Declaration of Military Status*
- ✓ sample prove-up testimony
- ✓ any additional documents needed for your specific case, such as a QDRO if you are dividing a retirement account

- Go to the clerk’s office.
 - Ask if you need the court file or docket sheet (list of what has been filed).
 - If your case is a default, file the *Certificate of Last Known Address* and the *Declaration of Military Status* in the clerk’s office before you go to court. Bring a file-stamped copy of each form with you to court.
- Go to the courtroom.
 - Tell the clerk you are present and give your paperwork to him or her.
 - Read “Tips for the Courtroom” on the next page for more information.
- **After the judge signs your *Final Decree of Divorce*, turn it in to the clerk’s office.**
Your divorce is NOT final until you do so. Get a certified copy of your *Final Decree of Divorce* from the clerk while you are there. The clerk may charge a fee for the certified copy. If child support was ordered, ask the clerk what you need to do to set up a child support account.

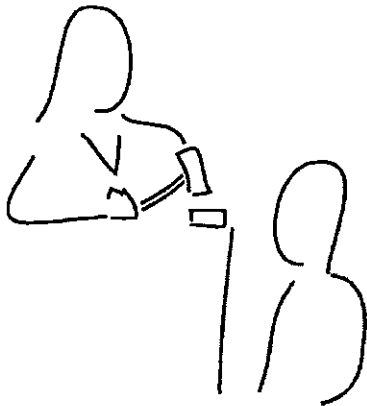
- **NOTES:**

- You cannot get married to someone else for 30 days after your *Final Decree of Divorce* is signed by the judge.
- After your divorce is final, remember to sign documents to change car titles, revise your will and life insurance policies, file deeds at the property records office in the county where the property is located, and send a certified copy of any QDROs signed by the court to the retirement plan administrator.

Tips for the Courtroom

Be prepared:

- Get to the courthouse at least 30 minutes early to find parking and your courtroom.
- Bring change for the parking meter.
- Dress neatly. Do not wear shorts, tank tops or hats.
- Do not bring children. Most courtrooms do not allow children.



When you are in court:

- When the courtroom opens, go in and tell the clerk or officer you are present. The clerk usually sits next to the judge's bench.
- Be calm and polite to everyone.
- Turn off your cell phone.
- Do not chew gum or bring food or drinks into the courtroom.
- Stand up when the judge enters or exits the courtroom. Stand up when you talk to the judge, unless you're in the witness stand.
- 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.

When the judge calls your case:

- The judge will have you raise your right hand and swear to tell the truth.
- You will need to give testimony to finish your divorce. Some judges will ask you questions. Other judges will want you to read a "script" of testimony. You can find sample scripts – called "prove up testimony" – at www.TexasLawHelp.org. Read the script ahead of time. Make sure everything in the script is true for you.
- When talking to a judge, call the judge "Your Honor."
- If the judge asks you questions, wait until she or he finishes speaking before you speak.
- Tell the truth and don't exaggerate. Give complete answers.
- Say "yes" or "no" out loud. It's not enough to nod or shake your head.
- If you do not understand a question, say, "I don't understand." If you do not know an answer, say, "I don't know."
- 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*.

Special Instructions for Collin County Residents

WARNING: The forms in this packet do not include provisions for spousal maintenance. If you need spousal maintenance, please talk to an attorney.

- File all forms in the District Clerk's office at 2100 Bloomdale Rd, (first floor) McKinney, TX 75071.
- You will need to fill out the "Case Information Sheet" and file it with the Petition. You can find this form in front of the Petition.
- If the other party files an "answer," you will need to set a hearing date. Fill out the top part of the "Order Setting Hearing Date" form and give it to the District Clerk. She will arrange to get a hearing date for you. Once the hearing date is set, send a copy to the other party by one of the methods on the form.
- If there are children, and child support is being paid, you will need to fill out the "Child Support Account Set Up Form" and submit it with the final Decree or Order (when you appear before the judge). You can find this form following the "Income Withholding Order" or IWO (at the back of this packet).
- You need to fill out the "Information on Suit Affecting the Family Relationship" submit it with the Decree or Final Order. You can find this form on the last page of this packet.

CIVIL CASE INFORMATION SHEET

CAUSE NUMBER (FOR CLERK USE ONLY): _____ COURT (FOR CLERK USE ONLY): _____

STYLED _____
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. This sheet, approved by the Texas Judicial Council, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case information sheet: Name: _____ Email: _____ Address: _____ Telephone: _____ City/State/Zip: _____ Fax: _____ Signature: _____ State Bar No: _____		Names of parties in case: Plaintiff(s)/Petitioner(s): _____ Defendant(s)/Respondent(s): _____ [Attach additional page as necessary to list all parties]		Person or entity completing sheet is: ☐ Attorney for Plaintiff/Petitioner ☐ Pro Se Plaintiff/Petitioner ☐ Title IV-D Agency ☐ Other: _____
				Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____
2. Indicate case type, or identify the most important issue in the case (select only 1):				
Civil			Family Law	
Contract <i>Debt/Contract</i> ☐ Consumer/DTPA ☐ Debt/Contract ☐ Fraud/Misrepresentation ☐ Other Debt/Contract: _____ <i>Foreclosure</i> ☐ Home Equity—Expedited ☐ Other Foreclosure ☐ Franchise ☐ Insurance ☐ Landlord/Tenant ☐ Non-Competition ☐ Partnership ☐ Other Contract: _____	Injury or Damage ☐ Assault/Battery ☐ Construction ☐ Defamation <i>Malpractice</i> ☐ Accounting ☐ Legal ☐ Medical ☐ Other Professional Liability: ☐ Motor Vehicle Accident ☐ Premises <i>Product Liability</i> ☐ Asbestos/Silica ☐ Other Product Liability List Product: _____ ☐ Other Injury or Damage: _____	Real Property ☐ Eminent Domain/Condemnation ☐ Partition ☐ Quiet Title ☐ Trespass to Try Title ☐ Other Property: _____ Related to Criminal Matters ☐ Expunction ☐ Judgment Nisi ☐ Non-Disclosure ☐ Seizure/Forfeiture ☐ Writ of Habeas Corpus—Pre-indictment ☐ Other: _____	Marriage Relationship ☐ Annulment ☐ Declare Marriage Void <i>Divorce</i> ☐ With Children ☐ No Children Other Family Law ☐ Enforce Foreign Judgment ☐ Habeas Corpus ☐ Name Change ☐ Protective Order ☐ Removal of Disabilities of Minority ☐ Other: _____	Post-judgment Actions (non-Title IV-D) ☐ Enforcement ☐ Modification—Custody ☐ Modification—Other Title IV-D ☐ Enforcement/Modification ☐ Paternity ☐ Reciprocity (UIFSA) ☐ Support Order
Employment ☐ Discrimination ☐ Retaliation ☐ Termination ☐ Workers' Compensation ☐ Other Employment: _____	Other Civil ☐ Administrative Appeal ☐ Antitrust/Unfair Competition ☐ Code Violations ☐ Foreign Judgment ☐ Intellectual Property ☐ Lawyer Discipline ☐ Perpetuate Testimony ☐ Securities/Stock ☐ Tortious Interference ☐ Other: _____		Parent-Child Relationship ☐ Adoption/Adoption with Termination ☐ Child Protection ☐ Child Support ☐ Custody or Visitation ☐ Gestational Parenting ☐ Grandparent Access ☐ Parentage/Paternity ☐ Termination of Parental Rights ☐ Other Parent-Child: _____	
Tax ☐ Tax Appraisal ☐ Tax Delinquency ☐ Other Tax: _____	Probate & Mental Health <i>Probate/Wills/Intestate Administration</i> ☐ Dependent Administration ☐ Independent Administration ☐ Other Estate Proceedings ☐ Guardianship—Adult ☐ Guardianship—Minor ☐ Mental Health ☐ Other: _____			
3. Indicate procedure or remedy, if applicable (may select more than 1):				
☐ Appeal from Municipal or Justice Court ☐ Arbitration-related ☐ Attachment ☐ Bill of Review ☐ Certiorari ☐ Class Action		☐ Declaratory Judgment ☐ Garnishment ☐ Interpleader ☐ License ☐ Mandamus ☐ Post-judgment		☐ Prejudgment Remedy ☐ Protective Order ☐ Receiver ☐ Sequestration ☐ Temporary Restraining Order/Injunction ☐ Turnover

Cause Number: _____

(The Clerk's office will fill in the Cause Number and Court Number when you file this form.)

In the Matter of the Marriage of

Petitioner: _____

Print first, middle and last name of the spouse filing for divorce.

And

Respondent: _____

Print first, middle and last name of other spouse.

In the _____

(Court Number)

☐ District Court

☐ County Court at Law

_____ County, Texas

Original Petition for Divorce

Print your answers.

My name is: _____

First

Middle

Last

I am the **Petitioner**, the person asking for a divorce.

The last three numbers of my driver's license number are: _____. My driver's license was issued in (State) _____.

or ☐ I do not have a driver's license number.

The last three numbers of my social security number are: _____.

or ☐ I do not have a social security number.

My spouse's name is: _____

First

Middle

Last

My spouse is the Respondent.

1. Discovery

The discovery level in this case, if needed, is: (Check one box.)

☐ Level 1. (Check here if you and your spouse have less than \$250,000 in property.)

☐ Level 2. (All other couples check here.)

2. Legal Notice (Check one box.)

☐ I think my spouse will sign a Waiver of Service (or Answer). Do not send a sheriff, constable, or process server to serve my spouse with a copy of this Petition for Divorce at this time.

☐ I will have a sheriff, constable, process server or clerk serve my spouse with this Petition for Divorce here:

_____ Street Address

_____ City

_____ State

_____ Zip

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

I ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse by "Official Service of Process"). I understand that I will need to **pay the fee** (or file a Statement of Inability to Afford Payment of Court Costs if am unable to pay the fee) and **arrange for service**.

- ☐ I cannot find my spouse. I ask that my spouse be served by posting or publication. I understand I must file an Affidavit for Citation by Posting or Affidavit for Citation by Publication depending on my case. If my spouse and I have property, I understand I must also hire a lawyer to serve as attorney ad litem for my spouse.

3. Jurisdiction

3A. County Residence Requirement

(Check all boxes that apply.)

- ☐ I have lived in this county for the last 90 days.
- ☐ My spouse has lived in this county for the last 90 days.
- ☐ I am serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.
- ☐ I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days.

Note: You cannot file for divorce in Texas until you **or** your spouse has lived in the county where you are asking for a divorce for at least the last 90 days and in Texas for at least the last six months.

There are special rules for military families and others who are absent from the state due to government service.

Get more information at
www.TexasLawHelp.org.

3B. Texas Residence Requirement

(Check all boxes that apply.)

- ☐ I have lived in Texas for the last six months.
- ☐ My spouse has lived in Texas for the last six months.
- ☐ I am serving in the armed forces or other government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.
- ☐ I have accompanied my spouse who is serving in the armed forces or other government service outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months.

3C. Personal Jurisdiction over Spouse

(Check one box.)

- ☐ My spouse lives in Texas.
- ☐ My spouse does not live in Texas.

(If your spouse does not live in Texas, check any boxes that apply below.)

- ☐ My spouse agrees that a Texas court can make orders in this divorce, including orders dividing our property and debts. My spouse will file a Waiver of Service (or Answer).
- ☐ Texas is the last state where we lived together as a married couple. This Petition for Divorce is filed less than two years after we separated.

4. Dates of Marriage and Separation

My spouse and I got married on or about: _____
Month Day Year

We stopped living together as spouses on or about: _____
Month Day Year

5. Grounds for Divorce

I ask the Court to grant me a divorce. 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.

6. No Children Together

My spouse and I **do not** have any biological or adopted children together who are under 18 years old or still in high school.

Note: Talk to a lawyer if you have an adult disabled child who is not capable of supporting him or herself because of the disability. You or your spouse could be entitled to receive child support.

7. Is the Wife Pregnant?

(Check one box.)

- ☐ The wife in this marriage **is not** pregnant.
- ☐ The wife in this marriage **is** pregnant. I understand that I cannot finish the divorce until after the child is born.

(If the wife is pregnant, also check one box below.)

- ☐ The husband **is** the father of this child. I ask the court to include orders for custody, visitation, child support and medical support for the child in the Final Decree of Divorce.
- ☐ The husband **is not** the father of this child. I understand that paternity of the child must be established before I can finish the divorce. (Get information about establishing paternity at www.TexasLawHelp.org.)

8. Did the Wife Have a Child with Another Partner while Married to the Husband?

(Check one box. Fill in the requested information, if applicable.)

- ☐ The wife **did not** have a child with another man while married to the husband.
- ☐ The wife **did** have a child with another man while married to the husband. All of the children born during the marriage that are not the Husband's adopted or biological children are named below:

	Child's name	Age	Date of Birth	Sex
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

(If the wife had a child or children with another man during the marriage, check one box below.)

- ☐ Paternity of the child(ren) named above **has not** been established. I understand that paternity of the child(ren) must be established before I can finish my divorce. (Get information about establishing paternity at www.TexasLawHelp.org.)
- ☐ Paternity of the child(ren) named above **has** been established: (Check one box.)
- ☐ A court order has established that another man is the biological father and/or the Husband is not the biological father of the child(ren) listed above. I understand I must attach a file-stamped copy of the court order to my Final Decree of Divorce.
- ☐ An Acknowledgement of Paternity was signed by the biological father and a Denial of Paternity was signed by the Husband for the child(ren) listed above. I understand I must attach a copy of these documents to my Final Decree of Divorce.

9. Protective Order Statement (Check the appropriate boxes below. Fill in the requested information.)

Note: You **must** provide information about any protective order or pending application for protective order involving you and your spouse or a child of either you or your spouse. This includes information about any: (1) family violence protective order, (2) sexual assault, sexual abuse, trafficking or stalking protective order; or (3) emergency protective order issued after an arrest. You **must also** attach to this petition a copy of any protective order (even if it's expired) in which one spouse or child of either spouse was the applicant or victim and the other spouse was the respondent or defendant. If your divorce petition does not accurately reflect whether there is a protective order against either spouse, the Court may require you to file an amended petition.

9A. No Protective Order

- ☐ I **do not** have a protective order against my spouse and I have not asked for one.
- ☐ My spouse **does not** have a protective order against me and has not asked for one.

9B. Pending Protective Order

- ☐ I **have** filed paperwork at the courthouse asking for a protective order against my spouse, but a judge has not decided if I should get it. I asked for a protective order on _____ Date Filed
in _____ County, _____. The cause number is _____.
County State Cause Number
If I get a protective order, I will file a copy of it before any hearings in this divorce.
- ☐ My spouse **has** filed paperwork asking for a protective order against me, but a judge has not decided if my spouse will get it. My spouse asked for a protective order on _____ Date Filed
in _____ County, _____. The cause number is _____.
County State Cause Number
If my spouse gets a protective order, I will file a copy of it before any hearings in this divorce.

9C. Protective Order in Place

- ☐ I **do have** a protective order against my spouse. I got the protective order in _____ County, _____ State on _____ Date Ordered.
County State Date Ordered
The cause number for the protective order is _____.
Cause Number
Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.
- ☐ My spouse **does have** a protective order against me. The protective order was made in _____ County, _____ State on _____ Date Ordered.
County State Date Ordered
The cause number for the protective order is _____.
Cause Number
Either I have attached a copy of the protective order to this petition or I will file a copy of it with the court before any hearings in this divorce.

Note: You **MUST** attach a copy of **any** protective order issued for you against your spouse **or** issued for your spouse against you, no matter when the protective order was issued.

10. Waiver of Waiting Period Based on Family Violence (Check only if applicable.)

- ☐ I ask the Court to waive the 60-day waiting period for divorce because: (Check one box.)
- ☐ My spouse has been convicted of or received deferred adjudication for a crime involving family violence against me or a member of my household.
- ☐ I have an active protective order or an active magistrate's order for emergency protection against my spouse because of family violence during our marriage. The order includes a finding that my spouse committed family violence.

11. Property and Debt

Note: It is very important to talk with a lawyer if you or your spouse has a house, land, business, retirement funds, other valuable property, or debt. Getting advice from a lawyer now can save you time and money in the long run.

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

About separate property: Property owned by a spouse before the marriage is that spouse's separate property. In addition, if either spouse receives a gift, an inheritance, or a recovery for personal injuries that occurred during the marriage (not including a recovery for lost wages or medical expenses); it is that spouse's separate property. There are exceptions to these general rules. If you have questions talk to a lawyer.

About retirement: Retirement funds (such as 401k, pension, profit sharing, stock option plans, and IRAs) earned by either spouse during the marriage are usually considered to be community property that can be divided by the court. This is true even if you or your spouse has not yet retired. If you want the Court to divide retirement funds (other than an IRA), you will need to have the Court sign an additional form, usually called a "Qualified Domestic Relations Order" (QDRO), to make the division effective. You should have the QDRO prepared before you go to court, so the judge can sign it when you finish your divorce. A QDRO form is not included with this divorce set. You may be able to get a sample QDRO form from the employer or retirement fund administrator. If not, you should hire a lawyer to draft the QDRO form. If you use the employer or retirement fund administrator's QDRO form, you should still have a lawyer review it to make sure you are not giving up important benefits. **Note:** If you and your spouse plan to keep your own retirement funds or do not have retirement funds, you do not need a QDRO.

About debt: A creditor's right to collect a debt is not affected by a divorce decree. So, if the Court orders your spouse to pay a debt (such as a mortgage) that is in both of your names but your spouse doesn't pay it, the creditor can still seek payment from you. Ask a lawyer how to protect yourself in this situation.

11A. Community Property and Debt

If my spouse and I can agree about how to divide the property and debts we got during our marriage, I ask the Court to approve our agreement. If we cannot agree, I ask the Court to divide our community property and debts according to Texas law.

11B. Separate Property

I own the following separate property. I owned this property before I was married or I received this property as a gift or inheritance during my marriage or I received this property as recovery for personal injuries that occurred during the marriage (not including any recovery for lost wages or medical expenses). I ask the Court to confirm this property as my separate property.

(Fill in all lines. If you have no property to list in a particular category, write "none.")

House or land located at

Street Address	City	State	Zip
----------------	------	-------	-----

Cars, trucks, motorcycles, or other vehicles

Year	Make	Model	Vehicle Identification No. [VIN]-
_____	_____	_____	_____
_____	_____	_____	_____

Other money or personal property that I owned before I was married, received as a gift or inheritance during my marriage or property I purchased during my marriage with separate property funds:

Money I received as recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses:

12. Name Change

(Check one box.)

Note: You cannot use this form to change your name to anything other than a name you used before you got married.

- ☐ I am NOT asking the Court to change my name.
- ☐ I ask the Court to change my name back to a name I used before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors. I ask that my name be changed to:

First Middle Last

13. Request for Judgment

I ask the Court to grant my divorce. I also ask the Court to make the other orders I have asked for in this Petition and any other orders to which I am entitled.

Petitioner's Name _____ Date _____
→
Petitioner's Signature _____ Phone _____
Mailing Address _____ City _____ State _____ Zip _____
Email Address: _____ Fax (if any) _____

I understand that I must notify the Court and my spouse's attorney (or my spouse if my spouse does not have an attorney) in writing if my mailing address or email address changes during these divorce proceedings. If I don't, any notices about this case including the dates and times of hearings will be sent to me at the mailing address or email address above.

Note: For a referral to a lawyer call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 800-252-9690.

For information about free and low-cost legal help in your county go to www.TexasLawHelp.org or call the Legal Aid office serving your area:

Legal Aid of Northwest Texas 888-529-5277 (serves Dallas / Ft. Worth area, and Northwest Texas)

Lone Star Legal Aid 800-733-8394 (serves Houston area & East Texas)

Texas Rio Grande Legal Aid 888-988-9996 (serves Austin / San Antonio area, El Paso area, and South Texas)

If you have been the victim of family violence, or if at any time you feel unsafe, get help by calling the:

National Domestic Violence Hotline at 800-799-SAFE (7233) or

Texas Family Violence Legal Line at 800-374-HOPE (4673) or

Crime Victims at 888-343-4414.

WARNING: By signing this form, you give up all your legal rights in this case. Do not sign it if you want to know what the court will order in your divorce. You can waive your right to be served, but keep your other rights, by filing an *Answer* instead. You can find an *Answer* form at www.FreeTexasForms.org with the Divorce – No Children forms.

Instructions: If you decide to use this *Waiver of Service* form:

- Make sure the Petitioner has already filed a *Petition for Divorce* with the court. Do not sign this *Waiver of Service* until after the *Petition* is filed and you have been given a copy. If you sign it before the *Petition* is filed, it must be redone. The official court stamp on the *Petition* will tell you when it was filed.
- Fill out the *Waiver of Service* completely. You **MUST** include your address.
- Sign the *Waiver of Service* in front of a notary.
- Give the *Waiver of Service* to the Petitioner or file it in the clerk's office.

Print court information exactly as it appears on your *Petition*.

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

In the: (Check one.)

Petitioner: _____
(Print first, middle and last name of the spouse filing for divorce.)

_____ ☐ District Court ☐ County Court of:
(court number)

And

Respondent: _____
(Print first, middle and last name of other spouse.) _____ County, Texas

Waiver of Service – Divorce (No Children)

The person who signed this affidavit appeared, in person, before me, the undersigned notary, and stated under oath:

"I am the Respondent in this case.

"My name is: _____
First Middle Last

"My mailing address is: _____
Mailing Address City State Zip

"My phone number is: (_____) _____

"The last three numbers of my driver's license number are: _____. My driver's license was issued in (State): _____.

Or ☐ I do not have a driver's license number.

"The last three numbers of my social security number are: _____.
Or ☐ I do not have a social security number.

"I have been given a copy of the *Petition for Divorce* filed in this case. I have read the *Petition for Divorce* and understand what it says.

"I understand that I have the right to be given a copy of the *Petition for Divorce* and official notice of this case by a constable, sheriff or other official process server. This process is called *issuance and service of citation*. I do not want to be given official notice. I give up my right to *issuance and service of citation* in this case and enter my appearance in this case for all purposes.

"I also give up my right to be notified of any and all hearings in this case.

"I agree that a Judge or Associate Judge in the county and state where this case is filed may make decisions about my divorce, even if the divorce should have been filed in another county. I do not want a court reporter to make a record of the testimony in this case.

"I understand that I must let the Court, my spouse and my spouse's attorney(if my spouse has an attorney) know in writing if my mailing address or phone number changes during this case

"If I am in the military, I waive all rights, privileges, and exemptions I may have under the Servicemembers Civil Relief Act in this case, including having a lawyer appointed to represent me.

"I agree that the judge may make decisions about my divorce without further notice to me."

(Check only one):

☐ I am NOT asking the court to change my name."

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

First Middle Last

Do not sign until you are in front of a Notary

▶ _____
Respondent's signature

Notary fills out below

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

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

by _____
(Print the first and last names of the Respondent who is signing this affidavit.)

I, the Notary Public, who signature appears below, certify that I am not an attorney in this case.

(Notary's seal here)

→ _____
Notary's signature

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause No. _____

Print court information exactly as it appears on the Original Petition for Divorce

In the Matter of the Marriage of _____

In the _____

(Court Number)

Petitioner: _____

Print first, middle, and last name of spouse filing divorce.

and

☐ District Court

☐ County Court at Law

Respondent: _____

Print first, middle, and last name of other spouse.

County,
Texas

Respondent's Original Answer

WARNING to Respondent: Without the advice and help of a lawyer, you may be putting yourself, your property and your money at risk. For a referral to a lawyer or free legal aid office, call the State Bar of Texas Lawyer Referral Information Service at 800-252-9690. If you are a victim of family violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 800-799-7233, or legal help from the Texas Advocacy Project Family Violence Legal Line at 800-374-4673.

WARNING to Out-of-State Respondent: Filing an Answer with the Court enters your appearance in this case. Talk to a lawyer before filing an Answer if you **1) do not live in Texas** and **2) do not want a Texas court to have the power to make orders that would impose a personal obligation on you.** Such orders could include orders dividing your property and debts and (if requested by your spouse) ordering you to pay spousal support, court costs, and attorney's fees. If you file an Answer (or any pleading) before filing a Special Appearance, you will give up your right to argue that Texas can't make such orders because you live out of state. Ask a Texas attorney to help you determine if Texas has personal jurisdiction over you.

INSTRUCTIONS to Respondent: If you decide to use this form:

- Do not sign it until **at least one day after** the Original Petition for Divorce has been filed (turned in to the court). Your spouse should have given you a copy of the Original Petition for Divorce. The official court stamp on your copy will tell you when it was filed.
- Fill out this form completely.
- File (turn in) the original signed form to the court where your spouse filed the Original Petition for Divorce. Keep a copy for your records. Give a copy to your spouse.
- Get additional information about divorce at www.TexasLawHelp.org.

Print your answers.

My name is: _____
First Middle Last

I am the **Respondent** in this divorce case.

The last three numbers of my driver's license number are: _____. My driver's license was issued in (State) _____.
or ☐ I do not have a driver's license number.

The last three numbers of my social security number are: _____.
or ☐ I do not have a social security number

1. General Denial

I enter a general denial. I want to be notified of all hearings in this case.

But, if my spouse and I reach an agreement and I sign a Final Decree of Divorce, I agree that the Judge can finalize this case without my getting notice of the hearing and without my coming to Court.

2. Contact Information

My mailing address is: _____
Mailing Address City State Zip

My email address is: _____

My phone number is: _____

I understand that I must notify the Court and my spouse's attorney or my spouse (if my spouse does not have an attorney) in writing if my mailing address or email address changes during these divorce proceedings.

I understand that, unless I notify the Court, my spouse's attorney or my spouse (if my spouse does not have an attorney) in writing of changes to my mailing address and email address, all information about this case, including the date and time of hearings, will be sent to me at the mailing address or email address on this form.

3. Discovery level

The discovery level in this case, if needed, is: (Check one box.)

☐ Level 1. (Check here if you and your spouse have more than \$0 and less than \$250,000 in property.)

☐ Level 2. (All **other** couples check here.)

Check only if applicable.

☐ This is an action involving domestic violence and is exempt from the initial disclosure requirement under Texas Rule of Civil Procedure 193.2(d)(7).

4. Separate Property

I own the following separate property. I owned this property before I was married, or I received this property as a gift or inheritance during my marriage, or I received this property as recovery for personal injuries sustained during my marriage (not including any recovery for loss of earning capacity during my marriage). I ask the Court to confirm this property as my separate property in my Final Decree of Divorce.

1. House or land located at: _____
street address city state ZIP

2. Cars, trucks, motorcycles, mobile homes or other vehicles

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____

3. Other property I owned before I was married or received as a gift or inheritance during my marriage (describe): _____

4. Money I received as recovery for personal injuries sustained during my marriage (not including any recovery for loss of earning capacity during my marriage) (describe): _____

5. Name Change

(Check one.)

- ☐ I am NOT asking the court to change my name.
- ☐ I ask the Court to change my name back to:

First Middle Last

This is a name I have used before.

I am not asking the court to change my name to avoid criminal prosecution or to avoid payment of debt.

6. Request for Judgment

I ask the Court for general relief.

Complete the information below.

→ _____
Respondent's Signature Date

Respondent's Printed Name Phone Number

Mailing Address City State ZIP

Email Address Fax number (if available)

7. Certificate of Service

I will give a copy of this document to my spouse's attorney or my spouse (if my spouse does not have an attorney) on the same day this document is filed with (turned in to) the Court as follows:

If I file this document electronically, I will send a copy of it to my spouse or my spouse's attorney through the electronic file manager if possible. If not possible, I will give a copy to my spouse or my spouse's attorney in person, by mail, by commercial delivery service, by fax, or by email.

If I file a paper copy of this document, I will give a copy of it to my spouse or my spouse's attorney in person, by mail, by commercial delivery service, by fax, or by email.

→

Respondent's Signature

Date

Case No. _____

In the Matter of
The Marriage of

[Petitioner's name]

And

[Respondent's name]

In the District Court

Collin County, Texas

Judicial District

ORDER SETTING HEARING DATE

IT IS ORDERED that the hearing on the Petition be set for _____ o'clock on
the _____ day of _____, 20__ in the courtroom of the _____
Judicial District Court, in the County of Collin in McKinney, Texas.

SIGNED this the _____ day of _____.

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I certify that a true copy of the above _____
[title of motion or petition] has this day been:

_____ delivered by courier with receipted delivery
_____ sent by certified mail, return receipt requested
_____ sent via facsimile with confirmation

To:

_____ [name of other party]
at: _____

[address of other party].

On this _____ day of _____.

[Signature]

[Typed or Printed Name]

[Address and Telephone No.]

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number: _____
Print cause number and other court information exactly as the court assigned.

In the Matter of the Marriage of

Petitioner: _____
Print first, middle and last name of the spouse filing for divorce.

And

In the _____
(Court Number)

- ☐ District Court
☐ County Court at Law

Respondent: _____
Print first, middle and last name of other spouse.

County,
Texas

Final Decree of Divorce

A hearing took place on _____
Date

There was no jury. Neither the husband nor wife asked for a jury.

1. Appearances

Petitioner

The Petitioner's name is: _____
First Middle Last

The Petitioner is the: (Check one box.) ☐ husband. ☐ wife.

(Check one box.)

- ☐ The Petitioner **was present**, self-represented, and announced ready for trial.
☐ The Petitioner **was present**, self-represented, and agreed to the terms of this Final Decree of Divorce (called "Decree" throughout this document).
☐ The Petitioner **was not present** but has signed on page 9 agreeing to the terms of this Decree.

Respondent

The Respondent's name is: _____
First Middle Last

The Respondent is the: (Check one box.) ☐ husband. ☐ wife.

(Check one box.)

- ☐ The Respondent **was present**, self-represented, and announced ready for trial.
☐ The Respondent **was present**, self-represented, and agreed to the terms of this Decree.
☐ The Respondent **was not present**, but filed an Answer or Waiver of Service and has signed on page 9 agreeing to the terms of this Decree.
☐ The Respondent **was not present**, but filed a Global Waiver that waived Respondent's right to notice of this hearing and did not otherwise appear.
☐ The Respondent **was not present**, but was served and has defaulted. The Petitioner has filed a Certificate of Last Known Address and a Military Status Affidavit.

2. Record (The Court fills out this section.)

- ☐ A Court reporter recorded today's hearing.
- ☐ A Court reporter did not record today's hearing because the parties agreed not to make a record.
- ☐ A Statement of the Evidence was signed by the Court.

3. Jurisdiction

The Court heard evidence and finds that it has jurisdiction over this case and the parties, that the residency and notice requirements have been met, and the Petition for Divorce meets all legal requirements. The Court further finds that: (Check one box.)

- ☐ it has been at least 60 days since the Petition for Divorce was filed.
- ☐ the 60 day waiting period is not required because: (Check one box.)
 - ☐ 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 17.292 of the Texas Code of Criminal Procedure against Respondent because Respondent committed family violence during the marriage.
 - ☐ Respondent has a final conviction or has received deferred adjudication for a crime involving family violence against Petitioner or a member of Petitioner's household.

4. Family Violence Statement

It has been represented to the Court that: (Check ONLY the option that applies to the situation.)

- ☐ There has been no pattern of child neglect or family violence by any party to this case within two years preceding the filing of this case or during the pendency of this case.

Or

- ☐ There has been family violence (Check all that apply.):
 - ☐ while the divorce was pending
 - ☐ during the two years prior to the filing of this lawsuit.

5. Dates of Marriage and Separation (Check ONLY the option that applies to the situation.):

- ☐ The date of marriage was on or about: _____
Month Day Year
- ☐ This was an informal (common law) marriage.

6. Divorce

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

7. Children

7A. No Children Together

The Court finds that the spouses **do not** have any biological or adopted children together who are under 18 years old, or over 18 years old and still in high school.

7B. Wife Not Pregnant

The Court finds that the wife is not pregnant.

7C. Did the wife have a child with another man while married to the husband?

(Check one box.)

- ☐ The Court finds that the wife **did not** have children with another man while married to the husband.
- ☐ The Court finds that the wife **did** have a child or children with another man while married to the husband. All of the children born during the marriage that are not the husband's adopted or biological children are named below:

	Child's name	Sex	Date of Birth
1			
2			
3			
4			
5			

If the wife had a child with another man while married to the husband, check one box below and attach copy of court order or Acknowledgement and Denial of Paternity for each child.

The Court further finds that paternity of each child listed above **has** been established,

- ☐ A court order has established that another man is the biological father and/or the husband is not the biological father of the child(ren) listed above. A copy of the court order is attached to this Decree as Exhibit ____.
- ☐ An Acknowledgement of Paternity was signed by the biological father and a Denial of Paternity was signed by the husband for the child(ren) listed above. A copy of each Acknowledgment and Denial of Paternity is attached to this Decree as Exhibit(s) _____.

8. Property and Debt

(Fill in all lines. If there is no property to declare in a particular category, write "none".)

The Court finds that the following is a just and right division of the parties' property and debt.

8A. Husband's Separate Property

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

- House or Land** located at: _____
Street Address City State Zip
☐ Husband owned this property before marriage.
☐ Husband received this property as a gift or inheritance.
- Cars, trucks, motorcycles or other vehicles** Husband owned these vehicles *before* marriage or received them as a gift or inheritance during the marriage:
Vehicle Identification No. [VIN]
Year Make Model

- Other Money or Property Confirmed as Husband's Separate Property**
Husband owned the following money or property before the marriage or inherited or received the money or property as a gift during the marriage:

Husband received the following money recovery for personal injuries that occurred during the marriage that is not for lost wages or medical expenses: _____

8B. Husband's Community Property

The Court ORDERS that the husband is awarded the following community property as his sole and separate property and wife is divested of (loses) all right, title, interest and claim in and to that property. wife is ORDERED to sign any deeds or documents needed to transfer any property listed below to the husband. Husband is responsible for preparing the documents.

1. All property in husband's care, custody or control, or in husband's name, that this Decree does not give to the wife.

2. House or land located at: _____

Street Address

City

State

Zip

Legal Description: _____

Note: The legal description is on the deed you received when you became an owner of the house or land. It is also available at the county clerk's office in the county where the house or land is located. Do NOT use the legal description listed on your property tax bill because it is usually incomplete. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.

3. All cash and money in any bank or other financial institution listed in husband's name alone.

4. Any insurance policy that covers husband's life.

5. Husband's cars, trucks, motorcycles or other vehicles listed below:

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____

6. Husband will also keep the following property: _____

8C. Wife's Separate Property

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

1. **House or Land** located at: _____

Street Address

City

State

Zip

☐ Wife owned this property before marriage.

☐ Wife received this property as a gift or inheritance.

2. **Cars, trucks, motorcycles or other vehicles** Wife owned these vehicles before marriage or received them as a gift or inheritance during the marriage:

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____

3. Other Money or Property Confirmed as Wife's Separate Property

Wife owned the following money or personal property before the marriage or inherited or received the money or property as a gift during the marriage:

Wife received the following money recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses:

8D. Wife's Community Property

The Court ORDERS that the wife is awarded the following property as her sole and separate property and Husband is divested of (loses) all right, title, interest and claim in and to that property. 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 Decree does not give to the Husband.

2. House or land located at: _____
Street Address City State Zip

Legal Description: _____

Note: The legal description is on the deed you received when you became an owner of the house or land. It is also available at the county clerk's office in the county where the house or land is located. Do NOT use the legal description listed on your property tax bill because it is usually incomplete. IT IS VERY IMPORTANT THAT THIS INFORMATION IS CORRECT. If you are not absolutely sure, talk to a lawyer.

3. All cash and money in any bank or other financial institution listed in wife's name alone.

4. Any insurance policy that covers wife's life.

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

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____

6. Wife will also keep the following property: _____

8E. Retirement Funds in Husband's Name

(For example: pension, retirement, 401(k), 403(b), employee stock ownership, profit sharing, thrift, Keogh, and stock option plans, as well as individual retirement accounts (IRAs), annuities and variable annuity life insurance benefits.)

The Court makes the following orders regarding retirement funds in husband's name.

(Check 8E(1) or 8E(2).)

8E(1) ☐ Husband is awarded **100%** of all retirement funds in husband's name alone, including but not limited to all rights to any pension, retirement, military retirement, 401(k), 403(b), employee stock ownership, profit sharing, thrift, Keogh, and stock option plans in husband's name alone, along with 100% of any individual retirement accounts (IRAs), annuities, and variable annuity life insurance in husband's name alone.

8E(2) ☐ The following retirement funds in husband's name are divided between husband and wife:
(It is very important to list the exact name and account number of any retirement fund the Court is dividing.)

Formal Name of Retirement Fund	Account Number

The Court **ORDERS** that the portion of each retirement fund listed above accrued between the date of the marriage ____/____/____ and the date this Final Decree of Divorce is signed by the Court: (Check one.)

☐ is awarded **50%** to husband and **50%** to wife and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

☐ is awarded ____% to husband and ____% to wife and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

☐ is awarded \$ _____ to wife and the remainder to husband and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

☐ other: _____

The Court **ORDERS** that husband is awarded all retirement funds in husband's name alone that are not specifically awarded to wife above.

The Court checks this box, if applicable.

☐ A **Qualified Domestic Relations Order** was signed by the Court on the same day this Final Decree of Divorce was signed by the Court.

8F. Retirement Funds in Wife's Name

(For example: pension, retirement, 401(k), 403(b), employee stock ownership, profit sharing, thrift, Keogh, and stock option plans, as well as individual retirement accounts (IRAs), annuities and variable annuity life insurance benefits.)

The Court makes the following orders regarding retirement funds in wife's name.

(Check 8F(1) or 8F(2).)

8F(1) ☐ Wife is awarded **100%** of all retirement funds in wife's name alone, including all rights to any pension, retirement, military retirement, 401(k), 403(b), employee stock ownership, profit sharing, thrift, Keogh, and stock option plans in wife's name alone, along with 100% of any individual retirement accounts (IRAs), annuities, and variable annuity life insurance in wife's name alone.

8F(2) ☐ The following retirement funds in wife's name are divided between husband and wife:
(It is very important to list the exact name and account number of any retirement fund the Court is dividing.)

Formal Name of Retirement Fund	Account Number

The Court **ORDERS** that the portion of each retirement fund listed above accrued between the date of the marriage ____/____/____ and the date this Final Decree of Divorce is signed by the Court: (Check one.)

☐ is awarded **50%** to wife and **50%** to husband and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

☐ is awarded ____% to wife and ____% to husband and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

☐ is awarded \$ _____ to husband and the remainder to wife and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

☐ other: _____

The Court **ORDERS** that wife is awarded all retirement funds in wife's name alone that are not specifically awarded to husband above.

The Court checks this box, if applicable.

☐ A **Qualified Domestic Relations Order** was signed by the Court on the same day this Final Decree of Divorce was signed by the Court.

8G. Debts to Husband

The Court ORDERS husband to pay the debts listed below:

1. All debts, taxes, bills, liens, and other charges, past, present and future, that are in husband's name alone unless this Decree 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 (house or land) that this Decree gives to husband alone.
4. The balance due on any loan for any vehicles that this Decree gives to 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)

8H. Debts to Wife

The Court ORDERS wife to pay the debts listed below:

1. All debts, taxes, bills, liens, and other charges, present and future, that are in wife's name alone unless this Decree requires otherwise.
2. Any debt wife incurred after separation. Date of separation: _____
Month Day Year
3. The balance due on any loan or mortgage for the real property that this Decree gives to wife alone.
4. The balance due on any loan for any vehicles that this Decree gives to 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)

9. Muniment of Title

This Decree shall serve as a muniment of title to transfer ownership of all property awarded to any party in this Final Decree of Divorce. (A "muniment of title" creates an official record of ownership transfer.)

10. Name Change

The Court ORDERS the name of the: (Check all boxes that apply.)

- ☐ Husband changed back to a name used before marriage, as it appears below:

First Middle Last

- ☐ Wife changed back to a name used before marriage, as it appears below:

First Middle Last

11. Court Costs

The costs of court shall be paid by the spouse who incurred them to the extent the party is required to pay such costs. A spouse who filed a Statement of Inability to Afford Payment of Court Costs or Affidavit of Indigency or Declaration of Indigency that was not successfully contested is not required to pay court costs.

12. Other Orders

The court has the right to make other orders, if needed, to clarify or enforce the orders above.

13. Final Orders

Any orders requested that do not appear above are denied.

This Decree is a final judgment that disposes of all claims and all parties and is appealable.

Date of Judgment

Judge's Signature

Judge's Printed Name

By signing below, the Petitioner agrees to this Final Decree of Divorce in form and substance.

Petitioner's Signature

Phone number

Petitioner's Name (print)

Date

Mailing
Address: _____

Email: _____

Fax (if available) _____

By signing below, the Respondent agrees to this Final Decree of Divorce in form and substance.

Respondent's Signature

Phone number

Respondent's Name (print)

Date

Mailing
Address: _____

Email: _____

Fax: (if available) _____