

Set D Divorce Forms – Divorce without Children (Same Sex Divorce)

Use these instructions & forms if:

- You and your spouse do not have any minor children and you and your spouse AGREE about all the issues and will sign the necessary court forms

This packet includes:

1. Instructions for an Agreed Divorce without Children
2. Original Petition for Divorce (SET D)
3. Civil Case Information Sheet
4. Information in Suit Affecting the Parent-Child Relationship
5. Statement of Inability to Afford Payment of Court Costs
6. Waiver of Service Only (Specific Waiver)
7. Respondent's Original Answer
8. Final Decree of Divorce
9. Notice of Current Address
10. Affidavit for Prove-Up of Agreed Divorce Without Children

Note: You may not need all of the forms listed or you may need additional forms. Get more information at www.TexasLawHelp.org. Talk to a lawyer if you have questions.

Instructions & Forms for an Agreed Divorce without Children

These instructions explain the basic steps in an **agreed** divorce without children. **Each step includes a link to the form or forms needed for that step.** Click on the step to expand it with more information.

Use these instructions if:

- you and your spouse do not have any minor children together, - and -
- you and your spouse agree about all the issues and will both sign the necessary court forms.

Have you read the Frequently Asked Questions and related Articles?

These instructions are part of this TexasLawHelp.org Toolkit: **[I need a divorce. We do not have minor children](https://texaslawhelp.org/family-divorce-children/divorce/toolkit/i-need-divorce-we-do-not-have-minor-children)** (<https://texaslawhelp.org/family-divorce-children/divorce/toolkit/i-need-divorce-we-do-not-have-minor-children>) [1]. Before getting started, it's important to read the **Frequently Asked Questions** and **Articles** included in the Toolkit.

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

You can print these instructions to use as a checklist.

To print out both instructions and forms, **click here** (<http://www.harriscountylibrary.org/divorce-set-a-agreed>) [2] (for opposite-sex couples) or **here** (<http://www.harriscountylibrary.org/divorce-set-d-agreed>) [3] (for same-sex couples).

Step 1: Determine where to file your divorce.

It's important to file for divorce in the correct county. If you file in the wrong county, your case will be dismissed.

You can file for divorce in the county where you live or the county where your spouse lives as long as you or your spouse meets these **residency requirements**:

- You can file for divorce in the county where you live as long as:
 - you have lived in that county for at least the last 90 days - **and** -
 - you have lived in Texas for at least the last 6 months.
- Or, you can file for divorce in the county where your spouse lives as long as:
 - your spouse has lived in that county for at least the last 90 days - **and** -
 - your spouse has lived in Texas for at least the last 6 months.

If neither you nor your spouse meet the residency requirements, talk with a lawyer.

Read the Frequently Asked Questions, **[FAQs: Filing a Divorce without Children](https://texaslawhelp.org/article/faqs-filing-divorce-without-children)** (<https://texaslawhelp.org/article/faqs-filing-divorce-without-children>) [4], for more information.

Step 2: Fill out the starting forms.

Fill out an Original Petition for Divorce form (called the Petition for short)

- Use this version if you have an opposite-sex marriage: **[Original Petition for Divorce \(Set A\)](https://texaslawhelp.org/sites/default/files/fm-diva-100_div_no_kids_petition_engilsh_-_petitioner_2.pdf)** (https://texaslawhelp.org/sites/default/files/fm-diva-100_div_no_kids_petition_engilsh_-_petitioner_2.pdf) [5]
- Use this version if you have a same-sex marriage: **[Original Petition for Divorce \(Set D\)](https://texaslawhelp.org/sites/default/files/fm-divd-100_div_same_sex_no_kids_petition_4.pdf)** (https://texaslawhelp.org/sites/default/files/fm-divd-100_div_same_sex_no_kids_petition_4.pdf) [6]

You will file (turn in) the Petition at the courthouse to start your divorce case. The Petition tells the judge and your spouse that you want a divorce and states what you want the judge to order in the Final Decree of Divorce. The **Frequently Asked Questions** and related **Articles** included with these instructions will help you understand your options.

When you fill out the Petition:

- Print your answers neatly in blue or black ink. Do not leave blanks.

- You are the “petitioner” and your spouse is the “respondent.”
- Talk to a lawyer if you have questions or need help.

Note: The Petition asks for your address. Your spouse will get a copy of the Petition. If you are concerned about your spouse knowing your address, call the Family Violence Legal Line at 800-374-4673 for free advice.

Fill out these additional **starting forms** if required for your case:

- **Civil Case Information Sheet** (https://texaslawhelp.org/sites/default/files/pr-gen-116_civil_case_information_sheet.pdf) [7] (NOTE: the Texas Supreme Court has repealed the rule requiring the civil case information sheet (<https://www.txcourts.gov/media/1442977/189163.pdf>) [8], so you may not need this form. If you are filing paper documents in person at the clerk’s office, you should complete it and bring it anyway, however.).
- **Information on Suit Affecting the Family Relationship** (<https://www.dshs.texas.gov/vs/sapcr/docs/Vs-165-REV-07-2017.pdf>) [9] (required for all cases)
- **Statement of Inability to Afford Payment of Court Costs** (https://texaslawhelp.org/sites/default/files/tx-pr-pay-112_scot_statement_of_inability_to_pay_court_costs.pdf) [10] (use **only** if you cannot afford to pay the filing fee for your case) Call the clerk’s office to learn the filing fee for your case. Learn more here: **Court Fees and Fee Waivers** (<https://texaslawhelp.org/article/court-fees-fee-waivers>) [11].

Make two copies of these completed starting forms:

- Original Petition for Divorce
- Statement of Inability to Afford Payment of Court Courts (**only** if you are asking the court to waive court costs)

Step 3: File (turn in) your starting forms.

File (turn-in) your completed *Petition* and additional starting forms with the court.

- To file your forms online, go to **E-File Texas** (<https://efile.txcourts.gov/ofswab>) [12] and follow the instructions.
- To file your forms in person, take your *Petition* and additional starting forms (and copies) to the district clerk’s office in the county you determined is the correct county to file for divorce.

At the clerk’s office:

- Turn in your *Petition* and other starting forms (and copies).
- Pay the filing fee (or file your completed *Statement of Inability to Afford Payment of Court Costs* if you cannot afford the fee). You can call the clerk’s office ahead of time to learn the filing fee for your case.
- Ask the clerk if there is a local standing order that you need to follow or attach to any of your documents.
- Ask the clerk if there are local rules or procedures you need to know about for your divorce.
- The clerk will write your “Cause Number” and “Court Number” at the top of the first page of your *Petition*. Write these numbers at the top of any document you file in your divorce case.)
- The clerk will **“file stamp”** your copies with the date and time. The clerk will keep the original and give you back your copies. One copy is for you and one copy is for your spouse.

Step 4: Ask your spouse to sign an Answer or Waiver of Service form.

Give your spouse:

- a **file-stamped** copy of your *Original Petition for Divorce*, and
- a blank ***Waiver of Service Only (Set A or D)*** (https://texaslawhelp.org/sites/default/files/fm_divad_103_div_no_kids_waiver.pdf) [13] form OR a blank ***Respondent's Original Answer (Set A or D)*** (https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer.pdf) [14] form. (https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer_0.pdf) [15]

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. You can have your spouse served instead. If you decide to have your spouse served, use these instructions: ***Instructions & Forms for a Default Divorce without Children*** (<https://texaslawhelp.org/checklist/instructions-forms-default-divorce-with-children>) [16].

Ask your spouse to:

- **fill out and sign** the *Waiver of Service Only (Set A or D)* form **OR** the *Respondent's Original Answer (Set A or D)* form.

Your spouse can fill out and sign **either** form.

The *Waiver of Service Only* form must be signed in front of a notary. If your spouse plans to sign the *Waiver of Service Only* form, tell your spouse 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.

The *Respondent's Original Answer* form does not have to be signed in front of a notary.

- **return** the signed form to you.

TIP: If your divorce is agreed, your spouse must also sign a **completed** *Final Decree of Divorce* form. It may save you time to fill out the *Final Decree of Divorce* form now and send it to your spouse with the *Waiver of Service* or *Answer* form. Read **Step 5** for information about filling out the *Decree*.

□ **Step 5: Fill out the Final Decree of Divorce form.**

Fill out the Final Decree of Divorce form.

- Use this form if you have an opposite-sex marriage: ***Final Decree of Divorce (Set A)*** (https://texaslawhelp.org/sites/default/files/fm_diva_201_div_no_kids_decree_english_petitioner_0.pdf) [17]
- Use this form if you have a same-sex marriage: ***Final Decree of Divorce (Set D)*** (<https://texaslawhelp.org/form/final-decree-divorce-divorce-set-d>) [18]

You will ask the judge to sign the Final Decree of Divorce form when it's time to finish your divorce. When signed by the judge, the Final Decree of Divorce ends your marriage and makes orders about your property and debt. It may include other orders depending on your case.

The Final Decree of Divorce form must be completely filled out (except for the judge's signature) **before** you go to court. You and your spouse may want to fill out the Final Decree of Divorce form together.

When you fill out the Final Decree of Divorce:

- Print your answers using blue or black ink. Do not leave blanks.
- You are the petitioner and your spouse is the respondent.
- Talk to a lawyer if you have questions or need help.

If you or your spouse wants a name change (back to a name used before the marriage, also fill out this form:

- ***Order Restoring Name Used Before Marriage*** (https://texaslawhelp.org/sites/default/files/fm_nc_215_restoring_name_dnc.pdf) [19]

Note about retirement benefits: If you are dividing retirement benefits (other than an IRA), you must also complete a form called a Qualified Domestic Relations Order (QDRO). TexasLawHelp.org does not provide QDRO forms. 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. You should have the QDRO prepared before you go to court, so the judge can sign it when you finish your divorce. Learn more here: **Dividing Retirement Benefits Upon Divorce** (<https://texaslawhelp.org/article/dividing-retirement-benefits-upon-divorce-fact-sheet>) [20].

□ **Step 6: Have your Final Decree of Divorce form reviewed (if possible).**

Some counties require this document to be reviewed by an attorney, while others do not. You should speak with the district clerk's office in your county regarding local requirements. Even if it's not required, it's a good idea to have a family law lawyer review your completed *Final Decree of Divorce* form. Family law lawyers specialize in cases involving families, such as divorce cases.

You can hire a family law lawyer **just** to review your forms. This is called "limited scope representation." You may also be able to talk with a lawyer for free at a legal clinic. If you need help finding a lawyer, you can:

- Use our **Legal Help Finder** (<https://texaslawhelp.org/legal-help/legal-help-finder>) [21] to search for a lawyer referral service, legal aid office or self-help center in your area.
- Check our **Legal Clinic Calendar** (<https://texaslawhelp.org/legal-clinic-calendar>) [22] for free legal clinics in your area.
- Use **Ask a Question** (<https://texaslawhelp.org/ask-question>) [23] to chat online with a lawyer or law student.

□ **Step 7: Ask your spouse to sign the Final Decree of Divorce form.**

Ask your spouse to:

- **review and sign** your completed *Final Decree of Divorce* form, **and**
- **return** the signed *Final Decree of Divorce* form to you.

Note: Make sure the *Final Decree of Divorce* form is completely filled out **before** your spouse signs it. You CANNOT make changes to the *Decree* once it has been signed by your spouse, unless your spouse initials each change.

You will then:

- sign the *Final Decree of Divorce* form, **and**
- keep the signed *Final Decree of Divorce* form until it is time to finish your case.

Note: If your spouse filed an answer or waiver of service only but will not sign the *Final Decree of Divorce* form, your divorce is contested. To finish a contested divorce, you must set a contested final hearing. You must give your spouse at least 45 days' notice of the final hearing. Read this article to learn more: **How to Set a Contested Final Hearing (Family Law)** (<https://texaslawhelp.org/article/how-set-contested-hearing-family-law-case>) [24]. It's always best to have a lawyer if your case is contested.

□ **Step 8: Wait the 60-day waiting period.**

In almost all cases, you must wait at least 60 days before you can finish your divorce in court. You can always wait longer than 60 days, but your divorce cannot be finished in fewer than 60 days.

When counting the 60 days, find the day you filed your *Original Petition for Divorce* on a calendar, and then count out 60 more days (including weekends and holidays). If the 60th day falls on a weekend or holiday, go to the next business day. **Note:** When counting the 60 day waiting period, don't count the day you filed your *Original Petition for Divorce*. Day 1 is the next day.

There are **only** two exceptions to the 60-day waiting period.

1. If your spouse has been convicted of or received deferred adjudication for a crime involving family violence against you or a member of your household, the 60-day waiting period is waived.
2. If you have an active protective order or an active magistrate's order for emergency protection against your spouse because of family violence during your marriage, the 60-day waiting period is waived.

Step 9: Get ready for court.

Call the clerk's office to learn when and where the court hears uncontested cases.

Print and read through the sample testimony (found below). You must read this testimony to the judge when you go to court to finish your divorce. Make sure everything in the sample testimony is true for you. If not, talk to a lawyer. Remember, everything you say in court must be true and correct. You can be charged with a crime for lying in court.

- Use this form if you have an opposite-sex marriage: **Sample Testimony Divorce without Children (Set A)** (https://texaslawhelp.org/sites/default/files/fm_diva_test_div_no_kids_sample_testimony_for_divorce.pdf) [25]
- Use this form if you have a same-sex marriage: **Sample Testimony Divorce without Children (Set D)** (https://texaslawhelp.org/sites/default/files/fm_divd_test_div_same_sex_no_kids_testimony.pdf) [26]

Read the article **Tips for the Courtroom** (<https://texaslawhelp.org/article/tips-courtroom>) [27] for more information about going to court.

Print and complete the **Information on Suit Affecting the Family Relationship** (https://texaslawhelp.org/sites/default/files/vs_165_rev_07-2017.pdf) [28] form (also known as the "Austin" form) on one sheet of paper, printed on the front and back of the page.

Step 10: Go to court to finish your divorce.

Bring these papers with you to the courthouse on the day you plan to finish your case:

- file-stamped copy of your Original Petition for Divorce; **and**
- Waiver of Service or Answer form filled out and signed by your spouse; **and**
- Final Decree of Divorce form completely filled out and **signed by both you and your spouse**; **and**
- Sample Testimony for Divorce without Children; **and**
- Any additional documents needed for your specific case, such as a Qualified Domestic Relations Order (QDRO) **signed by both you and your spouse** if you are dividing a retirement account.

When you get to the courthouse, go to the clerk's office.

- File (turn in) the Respondent's Original Answer **or** Waiver of Service Only form that was filled out and signed by the other parent. Ask the clerk to file stamp your copy. Bring your file-stamped copy with you to court
- Ask if you need the court file or docket sheet (list of what has been filed in your case).

When you get to the courtroom, tell the clerk you are there and give the clerk your paperwork. Sit down until the judge calls your case.

When the judge calls your case, walk to the front of the courtroom and stand in front of the judge's bench. The judge will have you raise your right hand and swear to tell the truth. The judge may ask you questions or may ask you to read your testimony. Have your Sample Testimony for Divorce without Children ready. 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.

Step 11: File the signed Final Decree of Divorce.

After the judge signs your Final Decree of Divorce, go back to the clerk's office.

- File (turn in) the Final Decree of Divorce and any other orders signed by the judge. **Your divorce is NOT final until you do so.**
- Get a certified copy of your Final Decree of Divorce and any other orders signed by the judge from the clerk while you are there. The clerk may charge a fee for the certified copies.
- File the completed **Information on Suit Affecting the Family Relationship** (https://texaslawhelp.org/sites/default/files/vs_165_rev_07-2017.pdf) [28] form (also known as the "Austin" form), which must be printed on one sheet of paper on the front and back of the page.

Step 12: After your divorce is finished.

Send a file-stamped copy of your *Final Decree of Divorce* and any other orders signed by the judge to your spouse.

Follow these additional steps if they apply:

- If your name was changed, take a certified copy of your *Final Decree of Divorce* to the following agencies:
 - Your local Social Security Administration (SSA) office to change your social security card.
 - Your local Department of Public Safety (DPS) office to change your driver's license or state identification card.
 - Your County Voter Registrar to change your voter registration card. (For more information, contact the **Texas Secretary of State** (<http://www.sos.state.tx.us/elections/pamphlets/largepamp.shtml>) [29].)
 - Contact the **U.S. State Department** (<https://travel.state.gov/content/passports/en/passports.html>) [30] to change your name on your passport.
- Transfer car titles. If a vehicle (not already in your name alone) was awarded to you, give a certified copy of the *Final Decree of Divorce* to your county tax office and apply for title. The vehicle identification number (VIN) must be listed in your *Final Decree of Divorce*.
- File deeds to transfer title to real property (house or land) at the real property records office in the county where the property is located.
- If the judge signed a QDRO dividing a retirement account, send a certified copy of the QDRO to the administrator of the retirement plan by certified mail return receipt requested. **If this isn't done, you won't get your share of the retirement funds.**
- Revise your will, insurance policies and all financial account beneficiary designations as needed.

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Links

[1] <https://texaslawhelp.org/family-divorce-children/divorce/toolkit/i-need-divorce-we-do-not-have-minor-children>

[2] <http://www.harriscountylawlibrary.org/divorce-set-a-agreed>

[3] <http://www.harriscountylawlibrary.org/divorce-set-d-agreed>

[4] <https://texaslawhelp.org/article/faqs-filing-divorce-without-children>

[5] https://texaslawhelp.org/sites/default/files/fm-diva-100_div_no_kids_petition_engilsh_-_petitioner_2.pdf

[6] https://texaslawhelp.org/sites/default/files/fm-divd-100_div_same_sex_no_kids_petition_4.pdf

[7] https://texaslawhelp.org/sites/default/files/pr-gen-116_civil_case_information_sheet.pdf

[8] <https://www.txcourts.gov/media/1442977/189163.pdf>

[9] <https://www.dshs.texas.gov/vs/sapcr/docs/VS-165-REV-07-2017.pdf>

[10] https://texaslawhelp.org/sites/default/files/tx-pr-pay-112_scot_statement_of_inability_to_pay_court_costs.pdf

[11] <https://texaslawhelp.org/article/court-fees-fee-waivers>

- [12] <https://efile.txcourts.gov/ofswab>
- [13] https://texaslawhelp.org/sites/default/files/fm_divad_103_div_no_kids_waiver.pdf
- [14] https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer.pdf
- [15] https://texaslawhelp.org/sites/default/files/fm_divad_102_div_no_kids_answer_0.pdf
- [16] <https://texaslawhelp.org/checklist/instructions-forms-default-divorce-with-children>
- [17] https://texaslawhelp.org/sites/default/files/fm_diva_201_div_no_kids_decree_english_petitioner_0.pdf
- [18] <https://texaslawhelp.org/form/final-decree-divorce-divorce-set-d>
- [19] https://texaslawhelp.org/sites/default/files/fm_nc_215_restoring_name_dnc.pdf
- [20] <https://texaslawhelp.org/article/dividing-retirement-benefits-upon-divorce-fact-sheet>
- [21] <https://texaslawhelp.org/legal-help/legal-help-finder>
- [22] <https://texaslawhelp.org/legal-clinic-calendar>
- [23] <https://texaslawhelp.org/ask-question>
- [24] <https://texaslawhelp.org/article/how-set-contested-hearing-family-law-case>
- [25] https://texaslawhelp.org/sites/default/files/fm_diva_test_div_no_kids_sample_testimony_for_divorce.pdf
- [26] https://texaslawhelp.org/sites/default/files/fm_divd_test_div_same_sex_no_kids_testimony.pdf
- [27] <https://texaslawhelp.org/article/tips-courtroom>
- [28] https://texaslawhelp.org/sites/default/files/vs_165_rev_07-2017.pdf
- [29] <http://www.sos.state.tx.us/elections/pamphlets/largepamp.shtml>
- [30] <https://travel.state.gov/content/passports/en/passports.html>

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 Level

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

- Level 1. Check here if you and your spouse have less than \$50,000 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* if I 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.

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 Minor Children

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

My spouse and I **did not** jointly adopt any children who are under 18 or still in high school.

7. Is either spouse pregnant or expecting a child?

(Check one box.)

No. Neither spouse is pregnant and no children are expected.

Yes. I am pregnant or expecting a child.

(If you are pregnant or expecting a child, check one box below.)

The other spouse **is** the legal parent 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 other spouse **is not** the legal parent of this child, nor do I wish them to be.

Yes. My spouse is pregnant or expecting a child.

(If your spouse is pregnant or expecting a child, check one box below.)

I **am** or want to be the legal parent 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*.

I am **not** the legal parent of this child, nor do I wish to be.

Note: Talk to a LGBT family law lawyer if you or your spouse is pregnant or expecting a child.

8. Has either spouse given birth during this marriage to a child who is now under 18 or still in high school?

(Check one box.)

No. Neither spouse has given birth during this marriage to a child who is now under 18 or still in high school.

Yes. **Petitioner** gave birth to the following child/ren during this marriage but **Respondent** is not the legal parent of the child/ren:

	Child's name	Sex	Date of Birth
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____

Yes. **Respondent** gave birth to the following child/ren during this marriage but **Petitioner** is not the legal parent of the child/ren:

	Child's name	Sex	Date of Birth
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____

Note: Parentage of a child born during the marriage may need to be established before you can finish your divorce. Talk to a LGBT family law lawyer if either spouse gave birth to a child during the marriage.

9. Protective Order Statement (Check the appropriate boxes. 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 and/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.

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 County, _____ on _____.
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 County, _____ on _____.
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.

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 important to talk with 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 an LGBT family 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 located _____
Street Address City State Zip

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 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.)

- 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. 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

Note: You cannot use this form to change your name to anything other than a name that you previously used.

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 available) _____

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 information about the civil rights of lesbians, gay men, bisexuals and transgender people go to www.lambdalegal.org or call the Lambda Legal Help Desk at 1-866-542-8336.

For a referral to a lawyer call your local lawyer referral service
or the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.

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 1-888-529-5277 (serves Dallas / Ft. Worth area & Northwest Texas)

Lone Star Legal Aid 1-800-733-8394 (serves Houston area & East Texas)

Texas Rio Grande Legal Aid 1-888-988-9996 (serves Austin / San Antonio area, El Paso area & 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 1-800-799-SAFE (7233) or

Texas Advocacy Project Hope Line at 1-800-374-HOPE (4673) or

Advocates for Victims of Crime (AVOICE): at 1-888-343-4414.

**INFORMATION ON SUIT AFFECTING THE FAMILY RELATIONSHIP
(EXCLUDING ADOPTIONS)**

SECTION I GENERAL INFORMATION (REQUIRED)

STATE FILE NUMBER

1a. COUNTY _____ 1b. COURT NO. _____
1c. CAUSE NO. _____ 1d. DATE OF ORDER (mm/dd/yyyy) _____

2. TYPE OF ORDER (CHECK ALL THAT APPLY):

DIVORCE/ANNULMENT WITH CHILDREN (Sec. 1,2 AND 3) DIVORCE/ANNULMENT WITHOUT CHILDREN (Sec 1 AND 2)

ESTABLISHMENT OF COURT OF CONTINUING JURISDICTION (SEC 1 AND 3)
(Court Order Establishing Paternity, Conservatorship, Child Support or Termination of Parental Rights)

CHANGE IN THE NAME OF THE CHILD (SEC 1 AND 3)
(PROVIDE PRIOR AND NEW NAME OF CHILD IN SECTION 3)

TRANSFER OF COURT OR CONTINUING JURISDICTION (SEC1,3 AND INFORMATION BELOW)

TRANSFER TO: COUNTY _____ COURT NO. _____ STATE COURT ID# _____

3a. NAME OF ATTORNEY FOR PETITIONER	3b. TELEPHONE NUMBER (including area code)
3c. CURRENT MAILING ADDRESS (STREET AND NUMBER OR P.O BOX, CITY, STATE, ZIP)	

SECTION 2 (IF APPLICABLE) REPORT OF DIVORCE OR ANNULMENT OF MARRIAGE

PETITIONER	4. NAME (FIRST MIDDLE LAST SUFFIX)		5. MAIDEN LAST NAME (NAME BEFORE 1 ST MARRIAGE)	
	6. PLACE OF BIRTH (CITY AND STATE OR FOREIGN COUNTRY)		7. RACE	8. DATE OF BIRTH (mm/dd/yyyy)
	9. USUAL RESIDENCE	STREET NAME & NUMBER	CITY	STATE
RESPONDENT	10. NAME (FIRST MIDDLE LAST SUFFIX)		11. MAIDEN LAST NAME (NAME BEFORE 1 ST MARRIAGE)	
	12. PLACE OF BIRTH (CITY AND STATE OR FOREIGN COUNTRY)		13. RACE	14. DATE OF BIRTH (mm/dd/yyyy)
	15. USUAL RESIDENCE (STREET AND NUMBER CITY, STATE, ZIP)			
16. NUMBER OF MINOR CHILDREN		17. DATE OF MARRIAGE (mm/dd/yyyy)		18. PLACE OF MARRIAGE (CITY AND STATE OR FOREIGN COUNTRY)

SECTION 3 (IF APPLICABLE) CHILDREN AFFECTED BY THIS SUIT

CHILD 1	19a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)			
	19b. DATE OF BIRTH (mm/dd/yyyy)	19c. SEX	19d. BIRTHPLACE (CITY, COUNTY AND STATE)	
	19e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE			
CHILD 2	20a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)			
	20b. DATE OF BIRTH (mm/dd/yyyy)	20c. SEX	20d. BIRTHPLACE (CITY, COUNTY AND STATE)	
	20e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE			
CHILD 3	21a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)			
	21b. DATE OF BIRTH (mm/dd/yyyy)	21c. SEX	21d. BIRTHPLACE (CITY, COUNTY AND STATE)	
	21e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE			

ADDITIONAL CHILDREN LISTED ON BACK OF THE FORM.

I CERTIFY THAT THE ABOVE ORDER WAS GRANTED ON THE DATE AND PLACE AS STATED. _____
SIGNATURE OF THE CLERK OF THE COURT

WARNING: This is a governmental document. Texas Penal Code, Section 37.10, specifies penalties for making false entries or providing false information in this document. VS-165 REV 07/2017

ADDITIONAL CHILDREN AFFECTED BY THIS SUIT FROM SECTION 3 (IF APPLICABLE)

CHILD 4	23a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	23b. DATE OF BIRTH (mm/dd/yyyy)	23c. SEX	23d. BIRTHPLACE (CITY, COUNTY AND STATE)
	23e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		
CHILD 5	24a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	24b. DATE OF BIRTH (mm/dd/yyyy)	24c. SEX	24d. BIRTHPLACE (CITY, COUNTY AND STATE)
	24e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		
CHILD 6	25a. CHILD CURRENT NAME (FIRST MIDDLE LAST SUFFIX)		
	25b. DATE OF BIRTH (mm/dd/yyyy)	25c. SEX	25d. BIRTHPLACE (CITY, COUNTY AND STATE)
	25e. PRIOR NAME OF CHILD (FIRST MIDDLE LAST SUFFIX) – IF APPLICABLE		

Instructions for Completing the Suit Affecting Parent Child Relationship Form**GENERAL REQUIREMENT:**

All divorces/annulments (with or without children) and all suits affecting the parent-child relationship must be reported through the clerk of the court to the State Vital Statistics Unit (VSU).

Consolidated reporting by petitioners, attorneys, and the courts is designed to make mandatory reporting more efficient, timely, and improve the quality of reporting. However, this reporting system is only as good or timely as you make it; therefore, your attention in completing and filing this report is critical.

Legal basis for this reporting is contained in Health and Safety Code §194.002 and Texas Family Code §§108.001-.002 and 108.004.

For information concerning reporting or questions about this form, contact field services at fieldservices@dshs.texas.gov or by phone at 512-776-3010.

The VSU-165 form must be printed double-sided (one sheet not two).

For information on the court of continuing jurisdiction of a child, contact VSU at (888) 963-7111 ext. 2529. Inquiries should be addressed to VSU, 1100 West 49th Street, Austin, Texas, 78756-3191; inquiries may also be faxed to (512) 776-7164 .

SECTION 1 GENERAL INFORMATION (REQUIRED)

This section must be completed for each report filed.

- 1a – d. Enter the required information to identify the court proceeding.
- 2. Check the type of suit being reported. This determines also which sections of the form must be completed. If more than one type of order applies, check all that apply. Transfers from one jurisdiction to another must be reported in this section (if court number is unknown, specify "unknown").
- 3a – c. Complete the attorney information to assist in questions or follow up. If case was pro se, please enter the information of the person completing this form.

SECTION 2 (IF APPLICABLE) REPORT OF DIVORCE OR ANNULMENT OF MARRIAGE

All divorces/annulments must be reported, even if there were no minor children. All information is required.

- 4-9. Report the Petitioner's information including maiden name (if applicable).
- 10-15. Report the Respondent's information, including maiden name (if applicable).
- 16. Report the number of minor children affected by this divorce; if none, record "0." This number must correspond to the listing of children in Section 3.
- 17-18. Enter the date and place of the marriage being dissolved.

SECTION 3 (IF APPLICABLE) CHILDREN AFFECTED BY THIS SUIT

Every child affected by the suit being reported must be listed, and all items concerning that child must be completed. If more than three children are affected, check the "additional children listed on back of form" box, and continue to list the additional children. If more than 6 children complete section 3 on another form, label it "continuation" and attached the continuation form to the original form.

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA



Cause Number: _____
(The Clerk's office will fill in the Cause Number when you file this form)

Plaintiff: _____
(Print first and last name of the person filing the lawsuit.)

And

In the *(check one):*
_____ District Court
Court _____ County Court / County Court at Law
Number _____ Justice Court

Defendant: _____ Texas
(Print first and last name of the person being sued.) _____
County

Statement of Inability to Afford Payment of Court Costs or an Appeal Bond

1. Your Information

My full legal name is: _____ My date of birth is: ____ / ____ / ____
First Middle Last Month/Day/Year

My address is: *(Home)* _____
(Mailing) _____

My phone number: _____ My email: _____

About my **dependents**: "The people who depend on me financially are listed below."

<i>Name</i>	<i>Age</i>	<i>Relationship to Me</i>
1 _____	_____	_____
2 _____	_____	_____
3 _____	_____	_____
4 _____	_____	_____
5 _____	_____	_____
6 _____	_____	_____

2. Are you represented by Legal Aid?

I am being represented in this case for free by an attorney who works for a legal aid provider or who received my case through a legal aid provider. I have attached the certificate the legal aid provider gave me as 'Exhibit: Legal Aid Certificate.

-or-

I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case. I have attached documentation from legal aid stating this.

or-

I am not represented by legal aid. I did not apply for representation by legal aid.

3. Do you receive public benefits?

I do not receive needs-based public benefits. - or -

I receive these **public benefits/government entitlements** that are based on indigency:

(Check ALL boxes that apply and attach proof to this form, such as a copy of an eligibility form or check.)

- Food stamps/SNAP TANF Medicaid CHIP SSI WIC AABD
- Public Housing or Section 8 Housing Low-Income Energy Assistance Emergency Assistance
- Telephone Lifeline Community Care via DADS LIS in Medicare ("Extra Help")
- Needs-based VA Pension Child Care Assistance under Child Care and Development Block Grant
- County Assistance, County Health Care, or General Assistance (GA)
- Other: _____

4. What is your monthly income and income sources?

"I get this monthly income:

\$ _____ in monthly wages. I work as a _____ for _____.
Your job title Your employer

\$ _____ in monthly unemployment. I have been unemployed since (date) _____.

\$ _____ in public benefits per month.

\$ _____ from other people in my household each month: (List only if other members contribute to your household income.)

\$ _____ from Retirement/Pension Tips, bonuses Disability Worker's Comp
 Social Security Military Housing Dividends, interest, royalties
 Child/spousal support
 My spouse's income or income from another member of my household (If available)

\$ _____ from other jobs/sources of income. (Describe) _____

\$ _____ is my **total monthly** income.

5. What is the value of your property?

"My property includes:	Value*
Cash	\$ _____
Bank accounts, other financial assets	\$ _____
_____	\$ _____
_____	\$ _____
Vehicles (cars, boats) <small>(make and year)</small>	\$ _____
_____	\$ _____
_____	\$ _____
Other property (like jewelry, stocks, land, another house, etc.)	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total value of property	→ \$ _____

6. What are your monthly expenses?

"My monthly expenses are:	Amount
Rent/house payments/maintenance	\$ _____
Food and household supplies	\$ _____
Utilities and telephone	\$ _____
Clothing and laundry	\$ _____
Medical and dental expenses	\$ _____
Insurance (life, health, auto, etc.)	\$ _____
School and child care	\$ _____
Transportation, auto repair, gas	\$ _____
Child / spousal support	\$ _____
Wages withheld by court order	\$ _____
Debt payments paid to: <small>(List)</small>	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Total Monthly Expenses	→ \$ _____

*The value is the amount the item would sell for less the amount you still owe on it, if anything.

7. Are there debts or other facts explaining your financial situation?

"My **debts** include: (List debt and amount owed) _____

(If you want the court to consider other facts, such as unusual medical expenses, family emergencies, etc., attach another page to this form labeled "Exhibit: Additional Supporting Facts.") Check here if you attach another page.


8. Declaration

I declare under penalty of perjury that the foregoing is true and correct. I further swear:

- I cannot afford to pay court costs.
- I cannot furnish an appeal bond or pay a cash deposit to appeal a justice court decision.

My name is _____ . My date of birth is : ____ / ____ / ____.

My address is _____
Street City State Zip Code Country

 _____ signed on ____ / ____ / ____ in _____ County, _____
Signature Month/Day/Year county name State

Cause Number: _____

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

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

Waiver of Service Only (Specific Waiver)

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, call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. For information about free and low-cost legal help in your county go to www.texasbar.com/ReferralDirectory or call the Legal Aid office serving your area.

If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

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). If you sign this form before then, you will have to redo it. 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. You **MUST** include your mailing address.
- **Sign this form in front of a notary.** Do not sign until you are standing in front of the notary.
- 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.

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: (_____) _____ - _____.

"My email address is: _____.

"My fax number (if available) 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 *Original Petition for Divorce* filed in this case. I have read the *Original Petition for Divorce* and understand what it says. I do not give up my right to review a different *Petition for Divorce* if it gets changed (amended).

"I understand that I have the right to be given a copy of the *Original Petition for Divorce* by a constable, sheriff or other official process server (legal notice). I do not want to be given legal notice. I give up my right to legal notice.

"I ask that the Court not enter any orders in this case unless the order is signed by me or unless I have received prior written notice of the date, time, and place of hearing.

"If I reach an agreement and sign a *Final Decree of Divorce*, the court can enter the *Decree* without me being present and without giving me notice. If I sign an agreed *Final Decree of Divorce*, I do not want a court reporter to make a record of the testimony.

"I understand that by signing this form I am entering an appearance 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 understand that I must let the Court and my spouse's attorney (or my spouse if s/he is not represented by an attorney) know in writing if my mailing address or email address changes during this case. If I don't, then I understand that any notices about this case will be sent to me at the mailing address or email address on this form.

Military Status (Check one box.)

I am not in the military.

I am in the military. I agree to the provisions stated above and I waive only the rights, privileges, and exemptions I have under the Servicemember's Civil Relief Act that are contrary to those provisions.

Name Change (Check one box.)

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. I am not asking the court to change my name to avoid criminal prosecution or creditors."

First

Middle

Last

▶ _____
Signature of Respondent (Do NOT sign until you are in front of a notary.)

Date

Notary fills out below.

State of _____
(Print name of state where this Affidavit is notarized)

County of _____
(Print the name of the county where this Affidavit is notarized)

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

at _____ a.m./p.m.
time circle one

Month / day / year

by _____
(Print name of person who is signing this Affidavit. NOT the notary's name.)

[Notary Stamps Here]

▶ _____
Notary's Signature

Cause Number: _____

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

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

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 an a lawyer or free Legal Aid office call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. 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 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

WARNING to Out-of-State Respondent: Filing an *Answer* with the Court enters your appearance in this case. Talk to an attorney 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 maintenance, court costs and attorney's fees. If you file an *Answer* (or any other 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.

However, 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. 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*): _____

Cause Number: _____

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

Final Decree of Divorce

A hearing took place on _____. There was no jury. Neither spouse asked for a jury.
Date

1. Appearances

The **Petitioner's** name is: _____
First Middle Last

(Check one box.)

- The Petitioner **was present**, representing him/herself, and announced ready for trial.
- The Petitioner **was present**, representing him/herself, 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 8 agreeing to the terms of this Decree.

The **Respondent's** name is: _____
First Middle Last

(Check one box.)

- The Respondent **was present**, representing him/herself, and announced ready for trial.
- The Respondent **was present**, representing him/herself, 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 8 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 on next page.)*

- 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. Divorce

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

5. Children

5A. No Children Together

The Court finds that Petitioner and Respondent **do not** have any biological children together who are under 18 or still in high school. The Court further finds that Petitioner and Respondent **did not** jointly adopt any children who are under 18 or still in high school.

5B. Neither Spouse is Pregnant or Expecting a Child

The Court finds that neither spouse is pregnant or expecting a child.

5C. Has either Spouse given birth during this marriage to a child who is now under 18 or still in high school? (Check one box.)

- No. The Court finds that neither spouse has given birth during this marriage to a child who is now under 18 or still in high school.
- Yes. The Court finds that **Petitioner** gave birth to the following child/ren during this marriage but **Respondent** is not the legal parent of the child/ren:

Child's name	Sex	Date of Birth
1 _____	_____	_____
2 _____	_____	_____
3 _____	_____	_____

(Check only if true.)

- The Court further finds that a court order has established that another person is the legal parent of the child/ren listed above. A copy of the court order is attached to this Decree as Exhibit ____.
- Yes. The Court finds that **Respondent** gave birth to the following child/ren during this marriage but **Petitioner** is not the legal parent of the child/ren:

Child's name	Sex	Date of Birth
1 _____	_____	_____
2 _____	_____	_____
3 _____	_____	_____

(Check only if true.)

- The Court further finds that a court order has established that another person is the legal parent of the child/ren listed above. A copy of the court order is attached to this Decree as Exhibit ____.

Note: Parentage of a child born during the marriage may need to be established before you can finish your divorce. Talk to a LGBT family law lawyer if either spouse gave birth to a child during the marriage.

6C. Respondent's Separate Property

The Court confirms that Respondent owns the following property as his/her separate property:

1. **House or Land** located at: _____
Street Address City State Zip

- Respondent owned this property before marriage.
- Respondent received this property as a gift or inheritance.

2. **Cars, trucks, motorcycles or other vehicles** Respondent 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 Respondent's Separate Property**

Respondent owned the following money or personal property *before* the marriage or *inherited* it or received it as a *gift* during the marriage: _____

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

6D. Respondent's Community Property

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

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

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 Respondent's name alone.

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

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

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

6. Respondent will also keep the following property: _____

6E. Retirement Funds in Petitioner'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 Petitioner's name.

(Check 6E(1) or 6E(2).)

6E(1) Petitioner is awarded **100%** of all retirement funds in Petitioner'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 Petitioner's name alone, along with 100% of any individual retirement accounts (IRAs), annuities, and variable annuity life insurance in Petitioner's name alone.

6E(2) The following retirement funds in Petitioner's name are divided between Petitioner and Respondent:

(It is very important to list the exact name and account number of any retirement fund being divided by the Court.)

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 Petitioner and **50%** to Respondent and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

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

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

other: _____

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

6F. Retirement Funds in Respondent'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 Respondent's name.

(Check 6F(1) or 6F(2).)

6F(1) Respondent is awarded **100%** of all retirement funds in Respondent'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 Respondent's name alone, along with 100% of any individual retirement accounts (IRAs), annuities, and variable annuity life insurance in Respondent's name alone.

6F(2) The following retirement funds in Respondent's name are divided between Petitioner and Respondent:

(It is very important to list the exact name and account number of any retirement fund being divided by the Court.)

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 Respdent and **50%** to Petitioner and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

is awarded _____% to Petitioner and _____% to Respondent and as more specifically described in the **Qualified Domestic Relations Order** signed by the Court.

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

other: _____

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

6G. Debts to Petitioner

The Court ORDERS Petitioner to pay the debts listed below:

1. All debts, taxes, bills, liens, and other charges, past, present and future, that are in Petitioner's name alone unless this Decree requires otherwise.
2. Any debt Petitioner 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 Petitioner alone.
4. The balance due on any loan for any vehicles that this Decree gives to Petitioner alone.
5. All other debts listed below, which are not in Petitioner's name alone: *(such as credit cards, student loans, medical bills, income taxes)* _____

6H. Debts to Respondent

The Court ORDERS Respondent to pay the debts listed below:

1. All debts, taxes, bills, liens, and other charges, present and future, that are in Respondent's name alone unless this Decree requires otherwise.
2. Any debt Respondent 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 Respondent alone.
4. The balance due on any loan for any vehicles that this Decree gives to Respondent alone.
5. All other debts listed below, which are not in Respondent's name alone: *(such as credit cards, student loans, medical bills, income taxes)* _____

7. 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.)*

8. Name Change

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

- Petitioner changed back to a name used before, as it appears below:

First
Middle
Last

- Respondent changed back to a name used before, as it appears below:

First
Middle
Last

9. 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 an *Affidavit of Indigency* or *Declaration of Indigency* that was not successfully contested is not required to pay court costs.

10. Other Orders

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

11. 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.

<i>Date of Judgment</i>	▶	<i>Judge's Signature</i>
		<i>Judge's Printed Name</i>

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

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

<i>Petitioner's Signature</i>	()	_____	()	_____	<i>Respondent's Signature</i>	()	_____
	<i>Phone number</i>					<i>Phone number</i>	
<i>Petitioner's Name (print)</i>		<i>Date</i>			<i>Respondent's Name (print)</i>		<i>Date</i>
<i>Mailing Address:</i> _____					<i>Mailing Address:</i> _____		
_____					_____		
<i>Email:</i> _____					<i>Email:</i> _____		
_____					_____		
<i>Fax#:</i> _____					<i>Fax#:</i> _____		
<i>(if available)</i> _____					<i>(if available)</i> _____		

Cause Number: _____

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

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

Notice of Current Address

I, _____, am a party in this case.
Print your full name

My address has changed. I ask that the Court's records be updated accordingly.

My current address is:

Print new address. *City* *State*

Respectfully submitted,

Your signature

PRINT your name and information.):

Name: _____

Telephone: _____

Email: _____

Fax number
(if available) _____

Mailing Address: _____

Certificate of Service

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



Your Signature

Date

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.

Cause Number: _____
Print court information exactly as it appears on the Original Petition for Divorce.

In the Matter of the Marriage of _____ In the _____
Print first, middle and last name of the spouse filing for divorce. (Court Number)

and

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

Affidavit for Prove-Up of Agreed Divorce Without Children

My name is _____. I am above the age of eighteen years, and I am fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I am presently married to _____.

Before the filing of this suit, I was a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

We were married on [date] _____, and we ceased to live together as spouses on or about [date] _____.

Our marriage has become insupportable because of a discord or conflict of personalities that destroys the legitimate ends of the marriage relationship.

There is no reasonable expectation of reconciliation.

There are no children born or adopted during this marriage.

No other child is expected at this time.

There has been no family violence or abuse within two years before or during this suit.

There is no bankruptcy proceeding affecting this suit.

My spouse and I have entered into an agreement concerning the division of our property and debts.

The terms of the agreement are just and right. The agreement is fair and equitable to both my spouse and me.

The Petitioner/Respondent (circle one) is requesting a name change to _____.

I have submitted an agreed decree of divorce, which has been signed by my spouse and me.

I am asking the court to grant a divorce and approve all the agreements we have entered into.

Verification (Party must sign in front of a notary below.)

I am the [Petitioner/Respondent] (circle one). I swear under oath that the facts stated in this Affidavit are true and correct.

Signature of Affiant **ONLY sign in front of a notary!**

Notary fills out below.

State of _____
(Print name of state where this petition is notarized)

County of _____
(Print the name of the county where this Petition is notarized)

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

by _____
(Print name of person who is signing this Petition. NOT the notary's name.)

[Notary Stamps Here]

▲ _____
Notary's Signature