

Default Divorce Forms SET C

(Texas Divorce, Children with Final Court Order in place for Custody & Support, Opposite-Sex Spouses)

Use these instructions & forms if:

- You have a Texas divorce, you don't think your spouse will participate in the divorce process, you and your spouse have children together who are under 18 or still in high school, and you already have a court order in place for custody and support of your children.

This packet includes:

1. Instructions for a DEFAULT Divorce with Children
2. Original Petition for Divorce
3. Exhibit: Out-of-State Party Declaration
4. Civil Case Information Sheet
5. Final Decree of Divorce
6. Certificate of Last Known Mailing Address
7. Military Status Affidavit
8. Sample Testimony for Divorce with Prior Final Order In Place

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 a Default Divorce (When there is Already a Final Court Order for Custody and Support of Your Children)

Warning: *The information and forms in this guide are not a substitute for the advice and help of a lawyer.*

These instructions explain the basic steps in a **default** divorce when there is already a final court order for custody and support of your children already in place and you do not want to change that order. Each step includes a link to the form or forms needed for that step.

Default means you have your spouse served with the initial divorce papers and your spouse does not file an answer with the court. If your spouse is served and defaults (does not file an answer with the court), you can finish your divorce without your spouse.

Use these instructions if:

- you don't think your spouse will participate in the divorce process, and
- there is a final court order for custody and support of your children in place, and
- you do not want to change that order.

Do no use these instructions if the order for custody and support of your children:

- does not include all the children you and your spouse have together, or
- is a temporary order, or
- is a family violence protective order, or
- you want to change the order.

You can print these instructions to use as a checklist.

To print out both instructions and forms, [click here](#).

Checklist Steps

☐ **Step 1: Determine where to file your divorce.**

File for divorce in the correct county. If you file in the wrong county, your case will be dismissed and you will lose your filing fee.

You can file for divorce in the county where you live or in 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 with Children with Final Court Order](#)) for additional information.

☐ **Step 2: Fill out the starting forms.**

Fill out this **starting form**:

- **Original Petition for Divorce (Set C)** (called the Petition for short)

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.

Do you have a copy of the order for custody and support of your children? You will need a file-stamped copy of the final court order for custody and support of your children. If you already have a copy, make sure it includes the judge’s signature. If you need a copy, get it from the district clerk’s office in the county where the order was made.

Are you filing your divorce in the county where the order for custody and support of your children was made? If yes, use the same cause number and court number for your divorce. Find the cause number and court number for the order regarding your children at the top of the first page of the order. Write the same cause number and court number at the top of the first page of your Petition.

Note: If you are filing your divorce in a different county, the clerk will give you a new cause number and court number.

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

- [Civil Case Information Sheet](#) (NOTE: the [Texas Supreme Court has repealed the rule requiring the civil case information sheet](#), 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.).
- [Exhibit: Out-of-State Party Declaration](#) (required **only** if you or your spouse lives outside of Texas)
- [Statement of Inability to Afford Payment of Court Costs](#) (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](#).

Make two copies of these completed starting forms:

- Original Petition for Divorce
- Statement of Inability to Afford Payment of Court Costs (**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 other starting forms with the court.

You need to find out if your county has standing orders. If it does, you will need to attach a copy of the [standing orders](#) to your petition.

- To file your forms online, go to [E-File Texas](#) and follow the instructions.
- To file your divorce forms in person, take your Petition and additional starting forms (and copies) to the district clerk's office in the county you have determined is the correct county to file your divorce.

At the clerk's office:

- Turn in your Petition and other starting forms (and copies).
- Tell the clerk you want to have your spouse served **in person**. This means a sheriff, constable or private process server will deliver the initial divorce papers to your spouse in person. (**Remember:** If your spouse will agree to sign the necessary court forms, you do not need to have your spouse served. Follow these instructions instead: **Instructions & Forms for an Agreed Divorce (When there is**

Already a Final Court Order for Custody and Support of Your Children in the checklist above this checklist.

- Pay the filing fee and issuance fee (or file your completed Statement of Inability to Afford Payment of Court Costs if you cannot afford the fees). 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.
- If you are filing for divorce in the county where the order for custody and support of your children was made, ask the clerk to file your divorce case in the same court and under the same cause number. If you are filing for divorce in a different county, the clerk will write your new "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 return your copies.
- The clerk will print a form called a "citation." The citation tells your spouse that you have filed for divorce. The citation also tells your spouse that unless he or she files an answer with the court you will be able to finish your divorce by default (without your spouse). The clerk will attach the other copy of your petition to the citation. The citation and petition are the **"initial divorce papers"** that must be served on your spouse by a constable, sheriff or private process server. **Read Step 4 for instructions.**

☐ **Step 4: Have your spouse served.**

It is your responsibility to have your spouse served with the initial divorce papers by a constable, sheriff or private process server. You cannot serve the initial divorce papers yourself.

To have your spouse **served in person**:

- send the initial court papers to a constable, sheriff or private process server **in the county where your spouse lives or works**,
- include the service fee (call first to learn the fee) or a file-stamped copy of your Statement of Inability to Afford Payment of Court Costs,
- also include a self-addressed and stamped envelope.

The constable, sheriff or private process server will:

- give the initial divorce papers to your spouse,
- complete a Return of Service form that says when and where your spouse was served,
- send the completed Return of Service to you or the court.

The completed Return of Service is proof your spouse was served. Your spouse will NOT have to sign anything.

If the Return of Service is sent to you, file it at the clerk's office. The Return of Service must be on file for at least 10 days before you can finish your case, not counting the day it is filed or the day you go to court to finish your case.

NOTE: If you have trouble getting your spouse served, read this article: [How to Serve the Initial Divorce Papers](#). If you have questions, you can use [Ask a Question](#) to chat with a lawyer or law student online.

☐ **Step 5: Fill out the Final Decree of Divorce and other ending forms.**

Fill out this Final Decree of Divorce form:

- **Final Decree of Divorce (Set C)**

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.

When you fill out the Final Decree of Divorce:

- 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: You **must** attach a file-stamped copy of the order for custody and support of your children to the Final Decree of Divorce. Make sure your copy of the order includes the judge's signature. If you need a new copy of the order, get it from the district clerk's office in the county where the order was made.

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](#).

Also complete the [Information on Suit Affecting the Family Relationship](#) form (also known as the "Austin" form), which must be printed on one page (front and back).

☐ **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 Directory](#) to search for a lawyer referral service, legal aid office or self-help center in your area.
- Check our [Legal Events and Clinics](#) page for free legal clinics in your area.
- Use [Ask a Question](#) to chat online with a lawyer or law student.

□ **Step 7: Wait the required waiting periods.**

Wait the waiting periods that apply to your case.

- **60-day waiting period** – In almost all cases, you must wait at least 60 days before you can finish your divorce.

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.

Note: You can always wait longer than 60 days, but your divorce cannot be finished in fewer than 60 days unless one of these exceptions applies.

- **20 + day waiting period** – From the day your spouse is served, your spouse must have at least 20 days plus the next Monday at 10:00 a.m. to file an [answer](#). Find the day your spouse was served on a calendar, count out 20 **more** days (including weekends), then go to the next Monday. Your spouse must have until this date to file an answer. If your spouse does not file an answer by this date (and all other requirements have been met) you can finish your case by default without your spouse. **Note:** Your spouse can file an answer up until the time you finish your divorce case, even if the 20 + day waiting period has already passed. The 20 + day waiting period may or may not fall within the 60-day waiting period.
- **10 + day waiting period** – The constable, sheriff, or private process server should have completed a Return of Service form stating when your spouse was served. The Return of Service form must be 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 8: Determine if your divorce can be finished by default.**

Call the clerk's office to find out if your spouse filed an answer.

If your spouse filed an answer, you **CANNOT** finish your divorce by default.

- If your spouse filed an answer and will now agree to sign your completed Final Decree of Divorce, you can finish your case by agreement.
- If your spouse will not agree to sign your completed Final Decree of Divorce, your case 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 \(Family Law\)](#). **Remember:** It's always best to have a lawyer if your case is contested.

If your spouse did NOT file an answer, you **CAN** finish your divorce by default as long as:

- your spouse was successfully served by a constable, sheriff or private process server; **and**
- a Return of Service form (stating when and where your spouse was served) has been on file with the clerk's office for at least 10 days (not counting the day it was filed or the day you go to court); **and**
- the 20 + day waiting period for your spouse to file an answer has passed; **and**
- the 60-day waiting period has passed; **and**
- your spouse has not filed an answer and does not file an answer before you finish your divorce. (Remember, your spouse can file an answer until you finish your divorce, even if the 20 + day waiting period has passed.)

If you **CAN** finish your divorce by default, fill out these additional forms and make 1 copy of each form:

- [Certificate of Last Known Mailing Address](#)
- [Military Status Declaration](#) (If your case is filed in Harris County, fill out a [Military Status Affidavit](#) instead. Sign it in front of a notary.)

☐ **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.

- [Sample Testimony Divorce with Children \(Set C\)](#)

Read [Tips for the Courtroom](#) for more information about going to court.

☐ **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**
- File-stamped copy of the Return of Service form showing when and where your spouse was served; **and**
- Final Decree of Divorce form completely filled out and **signed by you** (with a file-stamped copy of the final order for custody and support of your children attached); **and**
- Certificate of Last Known Mailing Address form and 1 copy; **and**
- Military Status Declaration (or Military Status Affidavit) and 1 copy; **and**
- Sample Testimony for Divorce - Children with Prior Final Court Order; **and**
- Any additional documents needed for your specific case, such as a Qualified Domestic Relations Order (QDRO) if you are dividing a retirement account.
- Your completed [Information on Suit Affecting the Family Relationship](#) form (also known as the "Austin") form, which must be printed on one page (front and back).

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

- Ask the clerk if you need the court file or docket sheet (list of what has been filed in your case).

- Ask the clerk to check one more time to see if your spouse has filed an answer. If your spouse has filed an answer, you will not be able to finish your case by default. Go back to **Step 8**.
- File the Certificate of Last Known Mailing Address and the Military Status Declaration (or Military Status Affidavit). Ask the clerk to file stamp your copy of each form. Bring a file-stamped copy of each form with you to court.

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 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 (turn in) the signed Final Decree of Divorce and other "ending forms."**

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 your **completed [Information on Suit Affecting the Family Relationship](#)** form (also known as the "Austin" form), which must be printed on one page (front and back).

If your name was changed, you will need to purchase at least 3 certified copies of your Final Decree of Divorce to take to the agencies listed in **Step 12**.

☐ **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](#).)
 - Contact the [U.S. State Department](#) to change your name on your passport.
- Transfer car titles. If a vehicle (not already in your name alone) is 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 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.

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.

In the _____
(Court Number)

- ☐ District Court
☐ County Court at Law

And

Respondent: _____ County,
Print first, middle and last name of other spouse. 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 \$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 I am unable to pay the fee) and **arrange for service**.

- ☐ I cannot find my spouse. I ask that my spouse be served by publication. I understand I must file an Affidavit for Citation by Publication and 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. Children Together

My spouse and I **do** have children together who are under the age of 18 or still in high school. All of our children who are under the age of 18 or still in high school are listed below. However, there is a final court order for custody (conservatorship), visitation, child support and medical support of all the children listed below and I am not asking to change that order at this time.

The order was made in _____ County and _____ State.
The cause number for the order is _____.

I understand I must attach a file-stamped copy of the order to my Final Decree of Divorce.

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

Note: Do not use this form if you have a court order about your children but:

- 1) the order does not include all the children you and your spouse have together, or
- 2) the order is a temporary order, or
- 3) you are asking the court to make changes to the order.

If one of these situations applies, you must ask a lawyer to draft the appropriate form for your case.

7. Is Either Spouse 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 my 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.	_____	_____	_____	_____
6.	_____	_____	_____	_____

(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 required 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
- (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, _____ on _____.
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, _____ on _____.
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.

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. You SHOULD NOT use these forms if there are complicated property issues.

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 _____
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.)

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
_____ Email Address:		_____ Fax (if any)	_____ Zip

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–Fort Worth area and the Panhandle)

Lone Star Legal Aid, 800-733-8394 (serves the Houston area and 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, 800-799-SAFE (7233) or

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

Advocates for Victims of Crime (AVOICE), 888-343-4414.

Exhibit: Out-of-State Party Declaration

Required by Texas Family Code 152.209

Important! If you, the other parent, or anyone else named as a party in your case lives outside of Texas, you must:

- Fill out this form and sign it (under penalty of perjury.)
- File it in the clerk's office.
- Keep a copy for your records.

(All information must be true and correct. Print your answers.)

1. Personal Information

My name is _____
First Middle Last

I am the ☐ Petitioner ☐ Respondent

I am representing myself in this case.

If you believe your health, safety, or liberty, or that of your children, would be jeopardized by disclosure of the information in this Declaration, ask the clerk's office to seal this declaration and not disclose the information to the other party or the public, until and unless the court orders the information disclosed after a hearing in which the court takes into consideration the health, safety and liberty of you and your children. This is required by Texas Family Code 152.209(e).

2. Children in This Case (Under 18)

First Child's Name: _____

Present Address: _____

Child now lives with ☐ Mother ☐ Father ☐ Other (explain): _____

When did this child start living at this address? (Month, day, year) _____

List every address for the last 5 years. Start with the most recent.

1st past address: _____

_____ From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

2nd past address: _____

_____ From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

3rd past address: _____

_____ From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

4th past address: _____

From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

Second Child's Name: _____

Present Address: _____

Child now lives with ☐ Mother ☐ Father ☐ Other (explain): _____

When did this child start living at this address? (Month, day, year) _____

List every address for the last 5 years. Start with the most recent.

1st past address: _____

From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

2nd past address: _____

From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

3rd past address: _____

From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

4th past address: _____

From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____
What is the present address of that person or persons? _____

Third Child's Name: _____

Present Address: _____

Child now lives with ☐ Mother ☐ Father ☐ Other (explain): _____

When did this child start living at this address? (Month, day, year) _____

List every address for the last 5 years. Start with the most recent.

1st past address: _____

From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

2nd past address: _____

_____ From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

3rd past address: _____ From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

4th past address: _____

_____ From: _____ To: _____

Who did the child live with? ☐ Mother ☐ Father ☐ Other (explain): _____

What is the present address of that person or persons? _____

If there are more than 3 children, make a copy of this page for each child and attach it to this form.

3. Other Court Cases

Have you taken part in any other court case about any of these children, in Texas or in any other state or country? ☐ Yes ☐ No

Do you know of any other court case that could affect this case, including custody, visitation, child support, civil or criminal cases for domestic violence, protective orders, termination of parental rights, adoptions, and enforcement cases? ☐ Yes ☐ No

If you answered Yes to either of the above questions, complete the following:

<u>County, State, and Country of Court Case</u>	<u>Case number</u>	<u>Type of case</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Warning: You must tell the court if you later find out about a court case about these children, in Texas or in any other state or country.

4. Other People Who Claim Custody or Visitation

Do you know of any other person who has physical possession of the children or claims the right to legal or physical custody or visitation with the children? ☐ Yes ☐ No

If yes complete the following for each person.

Name: _____

Address: _____

Relationship to child: _____

Name: _____
Address: _____
Relationship to child: _____

Declaration In Lieu of Notarized Statement — Texas Civil Practice and Remedies Code 132.001.
(Do not use this declaration if in the Attorney General's Address Confidentiality Program. Use the Verification section instead, and sign this document on front of a notary.)

Warning: Making a false unsworn declaration is a crime. Texas Penal Code 37.02.

My name is: _____
First Middle Last

My date of birth is _____
Month/Day/Year

My address is: _____
Street Address City State Zip Country

I declare under penalty of perjury that all information in this out of state party declaration is true and correct.

Formally signed in _____ County, _____
County State

on this date: _____

Your signature

Verification

(You must sign in front of a notary below. This section is not necessary if you use the Declaration In Lieu of Notarized Statement above.)

I swear under oath that the facts stated in this _____ are true and correct.
Print name of Petition you are filing here

Your Signature - Do NOT sign until you are 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 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

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.

1. Contact information for person completing case information sheet:		Names of parties in case:		Person or entity completing sheet is:
Name:	Email:	Plaintiff(s)/Petitioner(s):	☐ Attorney for Plaintiff/Petitioner ☐ Pro Se Plaintiff/Petitioner ☐ Title IV-D Agency ☐ Other: _____	
Address:	Telephone:		Additional Parties in Child Support Case:	
City/State/Zip:	Fax:	Defendant(s)/Respondent(s):	Custodial Parent: _____	
			Non-Custodial Parent: _____	
Signature:	State Bar No:		Presumed Father: _____	
		[Attach additional page as necessary to list all parties]		

2. Indicate case type, or identify the most important issue in the case (select only 1):				
Civil			Family Law	
Contract	Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (non-Title IV-D)
<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: _____	☐ 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: _____	☐ 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: _____	☐ 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: _____	☐ Enforcement ☐ Modification—Custody ☐ Modification—Other Title IV-D ☐ Enforcement/Modification ☐ Paternity ☐ Reciprocals (UIFSA) ☐ Support Order 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: _____
Employment	Other Civil			
☐ Discrimination ☐ Retaliation ☐ Termination ☐ Workers' Compensation ☐ Other Employment: _____	☐ Administrative Appeal ☐ Antitrust/Unfair Competition ☐ Code Violations ☐ Foreign Judgment ☐ Intellectual Property ☐ Lawyer Discipline ☐ Perpetuate Testimony ☐ Securities/Stock ☐ Tortious Interference ☐ Other: _____			
Tax	Probate & Mental Health			
☐ Tax Appraisal ☐ Tax Delinquency ☐ Other Tax	<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

4. Indicate damages sought (do not select if it is a family law case):
☐ Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees ☐ Less than \$100,000 and non-monetary relief ☐ Over \$100,000 but not more than \$200,000 ☐ Over \$200,000 but not more than \$1,000,000 ☐ Over \$1,000,000

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 _____ ZIP _____			
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.

Cause Number: _____

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 spouse 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 this Decree, agreeing to its terms.

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**, representing self-represented, and announced ready for trial.
- ☐ The Respondent **was present**, representing 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 this Decree, agreeing to its terms.
- ☐ The Respondent **was not present** but filed a Global Waiver of Service 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

- ☐ A court reporter recorded today's hearing.
- ☐ A court reporter did not record today's hearing because the spouses and judge 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 that the *Petition for Divorce* meets all legal requirements.

The Court 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.Children with Separate Final Court Order

The Court finds that the Husband and Wife are the parents of the child(ren) listed below who are under 18 years of age or still in high school.

	Child's name	Sex	Date of Birth	State where child lives now
1.				
2.				
3.				
4.				
5.				
6.				

The Court finds that a separate final court order for conservatorship (custody) and support of the child(ren) was made in _____ County _____ state
in cause number: _____.

A copy of the order is attached to this Final Decree of Divorce as Exhibit A.

The Court further finds that the court that made the attached order has continuing, exclusive jurisdiction over the child(ren). No changes are made to the attached order in this Final Decree of Divorce.

7B.Wife Not Pregnant

The Court finds that the Wife **is not** pregnant.

7C.Did the Wife have a Child with Another Partner while Married to the Husband?

(Check one box.)

- ☐ The Court finds that the Wife **did not** have any children with another partner while married to the Husband.
- ☐ The Court finds that the Wife **did** have a child(ren) with another partner 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:

List all children born during the marriage who are not the biological or adopted children of the husband.

	Child's name	Sex	Date of Birth
1			
2			
3			
4			
5			
6			

The Court further finds that paternity of each child listed above **has** been established,
(Check one box. Attach copy of court order or Acknowledgement and Denial of Paternity for each child.)

- ☐ 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 here:

_____.

☐ 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 here:

8. Property and Debt

Note: It is important to talk with a lawyer if you or your spouse has a house, land, business, retirement funds, other valuable property, or debt. Having a lawyer draft the final paperwork can save you time and money in the long run. Do not use these forms if there are complicated property issues or if you are dividing real estate.

8A. Husband's Separate Property

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

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

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

Husband owned the following money or property before the marriage, or inherited or received the money or property as a gift during the marriage:

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 being divided by the Court.)

<u>Formal Name of Retirement Fund</u>	<u>Account Number</u>
_____	_____
_____	_____
_____	_____

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 7F(1) or 7F(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 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 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 an Appeal Bond” 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 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.

Petitioner's Signature

()

Phone number

Respondent's Signature

()

Phone number

Petitioner's Name (print)

Date

Respondent's Name (print)

Date

Mailing Address: _____

Email: _____

Fax: _____
(if available) _____

Mailing Address: _____

Email: _____

Fax#: _____
(if available) _____

Case No: _____
(Print court information exactly as it appears on your Petition)

_____ In the (check one):
☐ District ☐ County ☐ Justice Court of:
_____ County, Texas

Certificate of Last Known Mailing Address

1. My name is: _____
First Middle Last

2. I am the Petitioner in this case.

3. The Respondent's name is: _____
First Middle Last

4. I certify that the last known mailing address I have for the Respondent is:

Address City State Zip Country

5. I certify that the last known email address I have for the Respondent is:

Respondent's email address

Respectfully Submitted,



Your Signature Date

Your Printed Name Phone

Your Mailing Address City State Zip

Email Address: _____ Fax # (if available) _____

Cause Number: _____
Print court information exactly as it appears on your Petition.

In the (check one):

- ☐ _____ District Court
☐ County Court at Law No. _____
☐ Justice Court of _____

_____ County, Texas

Military Status Affidavit

THE STATE OF TEXAS

COUNTY OF _____

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

"My name is: _____
First Middle Last

"I am above the age of 18 years.

"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 the Petitioner in this case.

"The Respondent is: _____
First Middle Last

- ☐ "I submitted a record request using the Department of Defense personnel locator website, <https://scra.dmdc.osd.mil/scra/>, also known as the Defense Manpower Data Center (DMDC) database.

"The search results showed that the Respondent is not on active duty in any of the armed forces. I have attached a true and correct copy of the DMDC verification to this affidavit.

(If you check this box, you must attach a copy of the DMDC verification. You can print a copy of the DMDC verification from this web address: <https://scra.dmdc.osd.mil/scra/>.)

- ☐ "I believe the Respondent may be in the military. Therefore, I contacted the following military locator services:

Military Locator Service Contacted	Results
<u>Air Force: 210-565-2660</u>	<u></u>
<u>Navy: 866-827-5672</u>	<u></u>
<u>Marines: 800-268-3710</u>	<u></u>

- ☐ I know that the Respondent is not now in the military because:

- ☐ I do not know if the Respondent is in the military now.

Your Signature (Do not sign until you are in front of a notary.)

State of Texas

County of _____

SIGNED under oath before me on _____, 20_____, by

PRINT the first and last names of the person who signed this affidavit.

Notary Public, State of Texas

(Notary's seal must be included.)

Important: You may use this script to “prove up” an agreed or default divorce IF you already have a final court order for custody and support of your children AND you are not asking the court to change that order. Complete the script. Check the boxes that apply to your situation (this will help you read the right testimony). Read it carefully. Practice it before you go to court. When you read it in court you will be under oath. Making a false statement under oath is illegal (Texas Penal Code 37.02). Do not read any part of this script in court that is not true and correct, or that does not apply to your situation. Have a copy of your Final Decree with you when you read this script.

Sample Testimony for Divorce with Prior Final Order Regarding Children

Your Honor, my name is _____.
(State your full name)

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

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

I am asking for a divorce because our marriage has become unworkable and there is no reasonable expectation that we will get back together.

My spouse and I have

- ☐ a child who is under 18 or still in high school.
☐ children who are under 18 or still in high school.

There is already a final court order for custody and support of our ☐ child ☐ children.

I am not asking to change that order at this time.

The order was made in _____ County of the State of _____.
Fill in the name of the county. Fill in the name of the state.

The cause number for the order is _____.

I have attached a copy of the order to my Final Decree of Divorce as an Exhibit.

If Wife is testifying: Check and read only the option that applies:

☐ I am not expecting a child now **and** I did not have children with anyone else during this marriage.

☐ I am not expecting a child now. But, I did have ☐ a child ☐ children with someone else during this marriage.

Paternity of ☐ that child ☐ those children has been established by court order or properly filed Acknowledgment and Denial of Paternity.

A copy of that court order or Acknowledgment and Denial of Paternity is attached to my proposed Decree of Divorce.

DO NOT FILE THIS DOCUMENT WITH THE COURT.

If Husband is testifying. Check and read only the option that applies.

- ☐ My wife is not expecting a child now **and** did not have children with anyone else during this marriage.
- ☐ My wife is not expecting a child now. She did have ☐ a child ☐ children with someone else during this marriage.
Paternity of ☐ that child ☐ those children has been established by court order or properly filed Acknowledgment and Denial of paternity.
A copy of that court order or Acknowledgment and Denial of Paternity is attached to my proposed Decree of Divorce.

I ask that our property and debts be divided as set out in the Decree of Divorce I have presented to the Court.

Explain how you want the court to divide the property. Before court, you should have filled in all the information about the property and debt division in Section 6 of the Final Decree of Divorce (When there is Already a Final Court Order for Custody and Support of Your Children).

I believe this division is fair to both me and my spouse.

Note: If this is a default, you must also tell the judge the value of the property awarded to you and your spouse and the reasons your proposed division of that property is fair.

If either spouse is asking for a name change –

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

I respectfully ask the court to grant this divorce.

That is all I have, your Honor.

Remember: You cannot finish your divorce while a spouse is pregnant. And, if the wife had children with another man while married to the husband, you cannot finish your divorce until paternity of those children has been established.