

his guide is intended to help you use the uncontested divorce forms provided by www.TexasLawHelp.org Do not use these forms or this guide if: L Your divorce is contested* L The wife is pregnant. L You have a bankruptcy pending. (If you have a pending bankruptcy, talk with a bankruptcy lawyer before filing for divorce.) L Neither you nor your spouse has lived in Texas in the last 6 months. The Uncontested Divorce Process in Texas Table of Contents Is your divorce contested? -Or- Is your divorce uncontested? *Your case is contested when you and your spouse dont agree about getting the divorce, dividing your property and debts, or what to do with your children. DO NOT USE THESE FORMS or this brochure for a contested divorce. Your case is uncontested when: It is agreed You and your spouse agree about all of the issues in your case. or It is default Your spouse does not file an answer with the Court after being officially served with your divorce paperwork. Basic Information, page 2 Know the Steps, page 3 Legal Notice Chart, page 6 Are you Ready for Court? page 7 Common Questions, page 8 REMEMBER: It is always best to have the advice of a lawyer. The court clerks, librarians, and judges want to help you, but they cannot give you legal advice, help you fill out your forms, or tell you what to do. If you proceed without a lawyer, you will be responsible for protecting yourself. Texas Divorce Brochure © Partnership for Legal Access 12/14/09 Page 1 of 9 Texas Divorce Brochure © Partnership for Legal Access 12/14/09 Page 2 of 9 Basic Information What is a divorce? A divorce ends your marriage. A divorce decree says who keeps what property and who pays what debts. Where do I get divorced? 3 You can get divorced in Texas if you or your spouse has lived in Texas for the last 6 months. 3 File your divorce in the county courthouse where you or your spouse has lived for the last 90 days. Why do I need to wait until after the baby is born? Most Texas courts will not finalize a divorce if the wife is pregnant, even if the baby is not the husbands. Instead, the courts wait until after the baby is born so that orders regarding the baby can be included in the divorce decree. Do I need a lawyer? You do not have to have a lawyer to get a divorce, but its a good idea especially if: Important Note: The www.TexasLawHelp.org forms are forms used in a basic, uncontested divorce. You will need to hire a lawyer to draft forms for special issues like spousal support, transfer of land and houses, division of retirement and investment accounts, etc. You need an attorney for a contested divorce, especially if temporary support or restraining orders are needed. DO NOT use the www.TexasLawHelp.org forms for a contested divorce. You and your spouse do not agree (the divorce is contested). Your spouse has a lawyer. You are afraid for your safety or your childrens safety. You are unsure how to divide property such as retirement and real estate correctly. Getting a divorce can be complicated. If you make a mistake, it could affect your children, your property, and your income. Try to speak to a lawyer about your legal rights before you file your Petition for Divorce. Some lawyers will unbundle their services. They will coach you to represent yourself and only charge for the services you request. Other lawyers are available only if you hire them to handle every step of the case. If you cant afford to hire a lawyer, contact your local Legal Aid office. What forms do I need? There are several form packets to choose from on www.TexasLawHelp.org. Choose the Divorce without Children forms if you do not have minor children of the marriage or if you have child support and visitation orders already in place. Choose the Divorce with Children forms if children were born or adopted during the marriage and the children are younger than 18 or have not graduated from high school. Exception: If you already have final court orders for custody and support of the children, and you are not asking for a change to those orders in the divorce process, then use the Divorce without Children forms and attach a copy of the current custody and support orders (showing the judges signature) to the Decree. If you cannot afford the court filing fees, you should also file an Affidavit of Inability to Pay Costs. This form tells the court about your income and assets and asks the court to waive the filing fee. The Default Judgment Kit explains what you need to do to get a final judgment when your spouse will not respond to the divorce. This kit includes instructions and explanations about what you must do, a checklist for the forms you need, and the forms you can use. If you cannot find your spouse, review the Legal Notice, the Service by Posting, and the Service by Publication, kits on www.TexasLawHelp.org. Divorce in Texas Know the Steps Step 1. Fill out the Original Petition for Divorce. This form tells the judge and your spouse that you want a divorce. Step 2. Make 2 copies of your completed Original Petition for Divorce. NOTE: In most counties family law cases are heard in the district courts and all paperwork is filed in the District Clerks Office. In counties where family law cases are heard in county courts, you would file your paper work in the County Clerks Office. Step 3. File your Original Petition for Divorce. Take the original and 2 copies of your completed Original Petition for Divorce to the Courthouse. File your papers with the District Clerks Office. The clerk will ask you to pay a fee (around \$250 - \$300) to file your Original Petition for Divorce. If you cannot afford the fee, you should also file an Affidavit of Inability to Pay Costs. This form tells the court about your income and assets and asks the court to waive the filing fee. The clerk will stamp your papers with the date you file. She will also assign a cause number and a judicial district. The clerk will keep the original and give back your copies. Keep a copy for yourself in a safe place. You will need the other copy to give legal notice to your spouse. Step 4. Give Your Spouse Legal Notice. You must notify your spouse that you are asking the court for a divorce and you must prove to the court that you did so. This is called giving legal notice. There are 4 ways to give legal notice: 1) Waiver of Citation. You may give legal notice by giving your spouse a file-stamped copy of your Original Petition for Divorce and a Waiver of Citation that he or she signs in front of a notary and files with the Court. If you choose this method, do not give your spouse the Waiver of Citation until after you file your Original Petition for Divorce.* Read the Legal Notice chart on page 6 to select the method of notice you plan to use. *The Waiver of Citation in this packet is a global waiver. By signing a global waiver, your spouse gives up the right to be given a copy of the divorce Petition by Official Service and the right to know what orders you will ask the judge to make regarding your children and property. If your spouse signs the Waiver of Citation provided in this packet s/he does not have to sign the Decree of Divorce or go to court. 2) Answer. If your spouse agrees to the divorce and wants to know what orders you will request, or when hearings are scheduled, then s/he should sign and file an Answer instead of a Waiver. If your spouse files an Answer, s/he must also agree to and sign the Decree of Divorce to finish your divorce without a contested hearing. You do not need to have your spouse officially served. 3) Official Service in Person or by Mail. You can have an official process server give notice to your spouse either in person or by certified mail. If you are having your spouse served in jail, do not use Official Service by Mail. Instead, send your divorce paperwork to an official server in that county so that your spouse can be personally served. After your spouse is served the official server fills out a Return of Service form stating when and where your spouse was served. This is proof to the court that you notified your spouse of the divorce. The Return of Service form must be filed with the clerks office. 4) Official Service by Publication or Posting. Either Publication or Posting is used when a spouse cant be found. You will have to prove to the judge that you tried hard to find your spouse. You may have to pay your spouses attorneys fees. There is more information about this type of service at www.TexasLawHelp.org. Texas Divorce Brochure © Partnership for Legal Access 12/14/09 Page 3 of 9 Step 5. Wait. 61 Day Waiting Period (Applies in Most cases) In most cases, you must wait at least 61 days from the day you filed your Original Petition for Divorce before you can finish your divorce. You can always wait longer than 61 days, but your divorce cannot be finished in less than 61 days. When counting the 61 days, count the day you filed your Original Petition for Divorce on a calendar, and then count out 61 more days. The 61 Day Waiting Period can be waived in cases of domestic violence if: You have an active Protective Order against your spouse who committed family violence during your marriage, or your spouse has received deferred adjudication or a final conviction for committing family violence against you or a member of your household. Other Waiting Periods 21 Day Answer Period (Applies in Official Service cases only) If your spouse was served with legal notice by an official process server, you must wait at least 21 days after your spouse was served, to see if your spouse will file an answer. This 21-day period may or may not fall within the 61 day waiting period. When counting the 21 days, count the day your spouse was served on a calendar, and then count out 21 more days. Go to the next Monday on the calendar. This is the last official day of your spouses answer period. However, your spouse can file an answer any time before you finish your divorce. 7 Day Waiting Period (Applies in Posting cases only) If your spouse was served by Posting add an additional 7 days to the 21 day answer period. Go to the next Monday on the calendar. This is the last official day of your spouses answer period. However, your spouse can file an answer any time before you finish your divorce. 10 Day Waiting Period (Applies in Official Service cases only) If your spouse was served with legal notice by an official process server, the official process server fills out a return of service form stating when and where your spouse was served. The return of service must be on file with the District Clerks office for 10 days. When counting the 10 days, do not count the day your spouse was served or the day you go to court. There must be 10 days in between. Step 6. Determine if your case is contested or uncontested. What about mediation? If you and your spouse do not agree on all issues you should consider mediation. In mediation, an independent person will try to help you reach an agreement. The divorce process is usually easier when you have an agreement. Talk to a lawyer first so that you understand your legal rights. Mediation is not a good idea if you are afraid of your spouse. How did your spouse respond to the court when you gave him or her legal notice? o Your case is contested if your spouse files an answer and does not agree to the terms of the divorce. o Your uncontested case is agreed if you and your spouse agree on what to put in your Decree of Divorce, your spouse has signed a waiver or answer, and your spouse is willing to sign your Decree of Divorce. o Your uncontested case is default if your spouse did not file an answer after being officially served by the Official Service Process method. After the waiting periods have passed, call the Clerks Office to find out if your spouse filed an answer. If your spouse did not file an answer you can finish your divorce without your spouse. Download the Default Judgment Kit from www.TexasLawHelp.org. This kit includes the extra paperwork you will need to finish your divorce by default. Texas Divorce Brochure © Partnership for Legal Access 12/14/09 Page 4 of 9 Step 7. Find out when the Court hears uncontested divorce cases. Call the District Clerks Office to find out when the Court in your county hears uncontested divorce cases. Some courts in big counties have an uncontested docket where they hear uncontested divorce cases every day. Other courts, especially those in smaller counties, only hear uncontested divorce cases on certain days. Step 8. Write your Decree of Divorce. Fill out your Decree of Divorce. This is the paper the judge signs, granting your divorce. The Decree of Divorce also says who keeps what property and who pays what debts. If you and your spouse have children, the decree of divorce says who makes decisions about your children, when the children see each parent and which parent pays child support and provides health insurance for the children. The decree of divorce may include other orders such as who pays spousal support and how much. Its best to have a lawyer review your Decree of Divorce before you present it to the Court. You may also need to hire a lawyer to write additional documents if you are dividing retirement benefits or a 401(k) account or transferring ownership of a house or land. Step 9. Go to court. Bring all of your paperwork to the courthouse on the day the court in your county hears uncontested divorce cases. Read Are you ready for court? on page 7. If your case is agreed bring: 1) a copy of your Original Petition of Divorce; and 2) the Waiver of Citation or Answer signed by your spouse; and 3) Information on Suit Affecting the Family Relationship form; and 4) your Decree of Divorce, (if your spouse filed an answer, make sure s/he signed the Decree of Divorce). If your case is default bring: 1) a copy of your Original Petition of Divorce; and 2) your Decree of Divorce; and 3) Military Servicemembers Affidavit and Certificate of Last Known Address, (these forms are part of the Default Judgment Kit at www.TexasLawHelp.org); and 4) Information on Suit Affecting the Family Relationship form Step 10. Finish your divorce by filing your decree in the District Clerks Office. Take your paperwork back to the Clerks Office after it is signed by the Judge. Your divorce is not final until the paperwork is filed. File the Information on Suit Affecting the Family Relationship form. NOTE: In some counties, the court, not you, files the signed Decree in the Clerks Office. The clerk will keep the original documents and make copies for you for a fee. You might consider asking the clerk for a certified copy of your Decree of Divorce. If you have child support orders, ask the clerk what you need to do to set up your child support account and wage withholding. There will be a fee. Steps in a divorce if your case is Uncontested 1 Fill out the Original Petition for Divorce. 2 Make 2 copies of your completed Original Petition for Divorce. 3 File your Original Petition for Divorce. 4 Give Your Spouse Legal Notice. 5 Wait the required waiting periods. 6 Determine if your case is uncontested or contested case before proceeding. 7 Learn when & where the court hears uncontested divorces. 8 Write your Decree of Divorce. 9 Go to court and get the needed signatures. 10 Finish your Uncontested divorce by filing the signed decree in the Clerks Office. Texas Divorce Brochure © Partnership for Legal Access 12/14/09 Page 5 of 9 Giving Legal Notice in Agreed and Default Divorces: Proving to the Court You Notified your Spouse of the Divorce Your spouse agrees to all parts of the divorce and does not want to be notified of hearings or sign the decree, THEN USE o Waiver of Citation method Your spouse wants to sign the decree, to know what orders you will ask for, or wants to know when hearings are scheduled, The server will mail the paperwork by certified mail, return receipt requested. You want to give the divorce papers to your spouse yourself AND . . . THEN USE o Spouse files Answer method * You want a constable, sheriffs officer or other official process server to deliver the paperwork or your spouse is in jail, THEN USE o Official Service by Official Server method You have a good mailing address for your spouse and you can be sure your spouse will be the person who signs the green certified mail card and your spouse is not in jail, If you can locate your spouse AND . . . You want someone else to give your spouse the divorce papers or you believe your spouse would not respond using the Waiver or Answer methods AND . . . THEN USE o Official Service by Mail method You dont have children or valuable property THEN USE o Official Service by Posting method You have children or valuable property if you dont know where your spouse lives, works, or can be found AND . . . THEN USE o Official Service By Publication method WAIVER The official server needs to personally give your spouse the paperwork, unless s/he voluntarily files an Answer.* The Waiver of Citation is a form signed by the responding spouse and filed with the court to show that he or she has received a notice and waives the right to know what orders for child support & property you will ask the judge to make. A server will post notice of your divorce at the courthouse for 7 days. The Answer is a form filed by the respondent instead of the Waiver of Citation when the respondent wants to retain certain rights. If you serve by publication, your spouse has the right to an attorney and you would have to pay for the attorneys fees. Texas Divorce Brochure © Partnership for Legal Access 12/14/09 Page 6 of 9 Are you ready for court? Be prepared: 3 Get to the courthouse early to find parking and your courtroom. 3 When the courtroom opens, go in and tell the clerk you are present. The clerk usually sits next to the judges bench. 3 Most courtrooms do not allow children. SAMPLE TESTIMONY FOR DIVORCE WITHOUT CHILDREN My name is _____, I filed this suit for divorce from my spouse _____, (State your spouses name.) At the time I filed this divorce, I had lived in Texas for at least the last six (6) months, and in _____ County for at least ninety (90) days. My marriage to _____ (State your spouses name) _____ has become unworkable because of differences and misunderstandings between us. There is no reasonable chance that we will get back together. There are no children born to or adopted of this marriage, who are under 18 years old and we are not currently expecting any other children. I am requesting that the community property and debts be divided as set forth in the Decree of Divorce. I believe this division is fair. (OPTIONAL) I am (or My spouse is) requesting a name change to the name that was used before we were married: _____ (State the name used before marriage) I would respectfully request the Court to grant my divorce. SAMPLE TESTIMONY FOR DIVORCE WITH CHILDREN My name is _____, I filed this suit for divorce from my spouse _____, (State your spouses name.) At the time I filed for divorce, I had lived in Texas for at least the last six (6) months, and in _____ County for at least ninety (90) days. I am seeking a divorce because of differences and misunderstandings between us. There is no reasonable expectation that we will get

back together. I am requesting that the community property and our debts be divided as set forth in the Decree of Divorce. I believe this division is fair to both of us, and to our children. We have ___ child(ren) of this marriage, who are under 18 years old. (State the number of children you have with your spouse who are under 18 years old) We are not expecting any other children of the marriage. I am requesting that conservatorship and child support be ordered as set forth in the Decree of Divorce. I believe that these orders would be in the best interest of our child(ren). (OPTIONAL) I am (or My spouse is) requesting a name change to the name used before we were married: _____ State the name used before marriage) I would respectfully request the court to grant my divorce. When you are in court: 3 Dress neatly. Do not wear shorts, tank3 tops, or hats. Do not chew gum, or bring food or drink into the courtroom. 3 Turn off your cell phone. 3 Stand up when the judge enters the courtroom. 3 Be calm and polite to everyone. Avoid gestures and facial expressions. 3 Do not talk to the judge or your spouse, unless it is your turn to speak. 3 The judge may not call your case right away. Wait patiently. If you have to leave the courtroom, tell the clerk where you are going. 3 If friends or relatives come to court with you, ask them to follow these rules, too. About testimony o In some counties, the judge will ask you questions. In other counties, you will be expected to have testimony prepared. The judge will call your case. 3 You will raise your right hand and swear to tell the truth. 3 The judge will ask you questions. Wait until the judge finishes speaking before you start to speak. 3 If you do not understand a question, say, I dont understand. If you do not know an answer, say, I dont know. 3 Tell the truth and dont exaggerate. Give complete answers. 3 Speak slowly and loud enough so everyone in court can hear you. 3 Call the judge Your Honor. 3 Say Yes or No out loud. Its not enough to nod or shake your head. 3 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. Texas Divorce Brochure © Partnership for Legal Access 12/14/09 Page 7 of 9 Common Questions Is it difficult to handle a contested case without a lawyer? Terms to Know Petitioner: The spouse who asks the court for a divorce by filing a Petition. Even if both spouses want the divorce, only one spouse can be the petitioner. _____ Respondent is the other spouse. _____ Contested: A divorce is contested when the spouses dont agree about getting the divorce, dividing property and debts, or what to do about child support and custody. _____ Uncontested: Either the divorce is agreed (both parties agree on all the issues) or default (the respondent does not file an Answer). _____ Uncontested Docket is the court that hears divorce cases when the case is either an agreed (uncontested) or a default divorce. - _____ Petition: This is the form the petitioner files to ask the court for a divorce. _____ Decree: This is the form that the judge signs to grant the divorce. A divorce decree says who keeps what property and who pays what debts. In a divorce involving children, a divorce decree says which parent pays child support and provides health insurance. The decree also says when the child can visit a parent and which parent makes certain decisions about the child. A divorce decree can include other orders, such as spousal support. _____ File: Giving legal papers to the courthouse clerk. There is usually a fee to file a petition, have a citation issued, or to have copies made. _____ Official Process Server: A constable, sheriff, or private process server who delivers court papers and files notice that the delivery was made in the Clerks Office. There is a fee for Official Process Service. If your spouse lives or is jailed in another county, learn who provides Official process Service in your spouses county by asking the Clerks Office of that county. Contact information for Texas clerks offices can be found at <http://www.tlax.org/clerks.html>. Yes. The court rules are very hard to understand if you are not a lawyer. If you make a mistake, the judge may not be able to see your side of the case. A mistake can affect your children, your property, and your income. If at all possible you should hire a lawyer. If you cannot afford a lawyer, contact your local Legal Aid Office. Where can I read the laws about divorce? You can read the Texas Family Code at <http://lo2.tlc.state.tx.us/statutes/fa.toc.htm>. You can the Texas Rules of Civil (court) Procedure at www.supreme.courts.state.tx.us/rules/trcphome.asp. How long will it take to get divorced? It will take at least 61 days after the day you file your Original Petition for Divorce. When can I get married again? You must wait at least 30 days after the judge signs your Decree of Divorce. Exception: There is no waiting period if you want to remarry the spouse you just divorced. If you want to marry someone else, you can ask the judge who signed your Decree of Divorce for permission to marry sooner than 30 days. This is called a Waiver of the 30 Day Prohibition Against Remarriage. Can I get divorced if I do not know where my spouse is? Yes. But first, you must prove to the court that you have tried hard to find your spouse. Read about service by posting and publication at www.TexasLawHelp.org. What if I started my divorce in a different county? You can finish your divorce in the county where you originally filed if you or your spouse had lived in that county for at least 90 days and Texas for at least 6 months at the time you filed your Petition for Divorce. If you want to have the case heard in the county where you are now living, talk to a lawyer. Texas Divorce Brochure © Partnership for Legal Access 12/14/09 Page 8 of 9 If my spouse and I do not own any property together, do we still have to fill out the property and debt sections on the Decree of Divorce form? Yes. Anything you or your spouse purchased during your marriage, even if it was purchased after you separated, is community property. Any debts you or your spouse incurred during your marriage, even if they were incurred after you separated, are community debts. Answer each section carefully so you will be able to keep any property that belongs to you. If my spouse filed an Answer, but later agrees to sign the Decree of Divorce, can I still go to an Uncontested Docket? Yes, if your spouse has signed the Decree of Divorce. How much will child support be? In most cases, the court uses a special formula to calculate child support. This is called Guideline support. Usually, the supporting parent pays the following amounts to the parent with whom the children live most of the time. number of Children* Percent of Supporting Parents Income After Taxes 1 child= 20% 2 children= 25% 3 children= 30% 4 children= 35% 5 children = 40% For help calculating child support you can use the child support calculator at www.TexasLawHelp.org. o *Important Note: The formula is different if the supporting parent also has children with someone else. Use the child support calculator at www.TexasLawHelp.org or talk to a lawyer. The Court can order a child support amount different from guideline support if the Court determines that amount to be in the best interest of the child. Where do I send my child support payments? The State Disbursement Unit, P.O. Box 659791, San Antonio, Texas, 78265-9791. Can child support be paid directly to the other parent? No. Unless the court orders otherwise, all child support payments must be sent to the State Disbursement Unit, P.O. Box 659791, San Antonio, Texas, 78265-9791. What if I already have court orders regarding my children? If there is a final court order for the custody and support of your children and you are not asking to change that order, you can file your divorce using the Divorce No Children forms at www.TexasLawHelp.org. When you fill out your Original Petition for Divorce include information about your children and your current custody and support order. You must attach a copy of your current custody and support order to your Decree of Divorce. If there is a final order for the custody and support of your children and you do want to change those orders talk to a lawyer Texas Divorce Brochure © Partnership for Legal Access 12/14/09 Page 9 of 9 The Uncontested Divorce Process in Texas 1R&KLOGUHQXQGHUHDUWROG7+(5(6+28%(1)2506,17+63\$&(7 3(7.7.213HWLWLRQHUVKHSRXXVHZKRWVDUWWKHLGRYUFHLOOQWKLVRXWMLJQVLWDQGIHOHLVWOriginal Petition for Divorce3DJHV5(6321'(17r6)25065HVSRRGHQWFKRRVHVVRQHRHVKHVVHZRIRUPVWRILORXWJQILOHDHWHUHUHFHLLYLQJDLIHOHWDPSPHGFRRSRIRWKH3HWWLWLRQ*Waiver of Service3DJHV25**Answer3DJHV 1,1/1&(Final Decree of Divorce3DJHV ,IWKH5HVSRRGHQWILOHVWKKH:DLYHUWVKH3HWWLWLRQHUFUDQILQDOLJHVKHGLYRUFHVLWKRXWXXKH5HVSRRGHQWVJLQJDXUHRQWKKH'HFUHH ,IWKH5HVSRRGHQWILOHVWKKH\$QVZHUERWVKH3HWWLWLRQHUDQGWKX5HVSRRGHQWXPVWVJLQJWKKH'HFUHH© TexasLawHelp.org Petition for Divorce No Children, December 2012 Texas Family Code, Chapter 6 Page 2 of 6 Original Petition for Divorce Print your answers. Parties My name is: _____ First Middle Last I am the Petitioner. I am filing this Petition for Divorce. The last three numbers of my drivers license number are: _____. My drivers license was issued in (State) _____, or I do not have a drivers license number. The last three numbers of my social security number are: _____. or I do not have a social security number. My spouses name is: _____. First Middle Last My spouse is the Respondent. 1. Discovery Level The discovery level in this case, if needed, is: Level 1. Check here if you and your spouse do not have children under 18 or a disabled child of any age, the wife is not pregnant, and you have less than \$50,000 in property. Level 2. All other couples check here. 2. Legal Notice (Check one box.) I will have a sheriff, constable, process server or clerk serve my spouse with this Petition 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). I understand that I will need to pay the fee (or file an Affidavit of Indigency form to show the Court that I am unable to pay the fee) and arrange for service. I think my spouse will sign a Waiver of Service or file an Answer and sign the Final Decree of Divorce. Do not send a sheriff, constable, or process server to serve my spouse with this Petition at this time. Cause Number: (The Clerks office will fill in the Cause Number and Court Number when you file this form.) IN THE MATTER OF THE MARRIAGE OF Petitioner: In the _____ (Court Number) District Court County Court at Law County, Texas Print first, middle and last name of the spouse filing for divorce. AND Respondent: Print first, middle and last name of other spouse. © TexasLawHelp.org Petition for Divorce No Children, December 2012 Texas Family Code, Chapter 6 Page 2 of 6 If my spouse does not sign a Waiver of Service or file an Answer, I will have a sheriff, constable, process server or clerk serve my spouse with this Petition here: _____ Street Address City State Zip If this is a work address, name of business: _____ I will ask the clerk to issue a Citation of Service (the form necessary to provide legal notice to my spouse). I understand that I will need to pay the fee (or file an Affidavit of Indigency form to show the Court that I am unable to pay the fee) and arrange for service. 3. Jurisdiction County of Residence (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 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 outside of Texas, but this county has been the home county of either my spouse or me for at least 90 days. None of the above applies. State of Residence (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. My spouse does not live in Texas but Texas is the last state where my spouse and I lived together as a married couple. This Petition is filed less than two years after we separated. I am serving in the armed forces 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 outside of Texas, but Texas is the home state of either my spouse or me and has been for at least 6 months. None of the above applies. 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 magistrates 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. Note: You cannot file this form 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. Special Rules for Military Families: If you are serving in the armed forces outside of Texas or you have accompanied your spouse who is serving in the armed forces outside of Texas, you may still file this form if Texas has been the home state of either spouse for at least 6 months and the county where you plan to file the divorce has been the home county of either spouse for at least 90 days. © TexasLawHelp.org Petition for Divorce No Children, December 2012 Texas Family Code, Chapter 6 Page 3 of 6 4. Protective Order Statement (Check the appropriate boxes.) A. 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. B. 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. C. 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. 5. 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 6. 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. © TexasLawHelp.org Petition for Divorce No Children, December 2012 Texas Family Code, Chapter 6 Page 4 of 6 7. Children Children you and your spouse have together (Check one box. Fill in the requested information if applicable.) My spouse and I do not have any biological or adopted children together who are under the age of 18 or still in high school. My spouse and I do have children together who are under the age of 18 or still in high school. Our children are listed below. There is a final court order for custody and support of our children 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. Childs name Age Date of Birth Sex 1. 2. 3. 4. 5. 6. If more than 6 children, list them on another sheet and write Attachment A at the top. Then attach it to this form. Adult Disabled Children (Check one box.) My spouse and I do not have any disabled children over 18. My spouse and I do have a disabled child over 18. Pregnancy (Check one box.) The wife in this marriage is not pregnant. The wife in this marriage is pregnant. (If pregnant, also check one box below.) The husband is the father of this child. The husband is not the father of this child. Note: Do not use this form if you and your spouse have children together who are under the age of 18 or still in high school, unless there is a final court order for custody and support of all the children and you are not asking to

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 magistrates 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 Petitioners household. 4. Children 4a. No Children or Children with Final Court Order (Check one box.) The Court finds that the Husband and Wife do not have any biological or adopted children together, who are under 18 or over 18 and still in high school. The Court finds that the Husband and Wife are the parents of the children listed below who are under the age of 18 or still in high school. The Court finds that a final court order for custody and support of the children was made in _____ County, _____, Name of County Name of State in Cause # _____. The court that made the order has continuing, exclusive jurisdiction of the children. No changes are made to the order in this Final Decree of Divorce. A copy of the order is attached to this Decree as Exhibit A. (You MUST attach a copy of the order. Write Exhibit A at the top.) Childs name Sex Date of Birth State where child lives now 1 2 3 4 5 6 The Court fills out this box. © TexasLawHelp.org, Final Decree of Divorce without Children, March 2013 Page 3 of 8 4b. Disabled Children The Court finds that the Husband and Wife do not have any disabled children of any age. 4c. Pregnancy The Court finds that the Wife is not pregnant. 4d. Children Born during the Marriage, but the Husband is Not the Father (Check one box.) The Court finds that the Wife did not have children with another man while married to the Husband. The Court finds that the children named below were born to the Wife during the marriage, but are not the Husbands children. The Court further finds that paternity of each child has been established: (Check one box.) A court order has determined the father of each child named below. A copy of the order is attached to this Final Decree of Divorce as Exhibit _____. An Acknowledgment of Paternity signed by the genetic father and a Denial of Paternity signed by the Husband has been filed with the Vital Statistics Unit for each child named below. A copy of the Acknowledgment of Paternity and Denial of Paternity are attached to this Final Decree of Divorce as Exhibit _____. You must list all children born during the marriage who are not the adopted or biological children of the husband. Paternity of each child must already have been established. Childs name Sex Date of Birth 1 2 3 4 5 6 5. Divorce IT IS ORDERED that the Petitioner and the Respondent are divorced. Remember: You cannot finish your divorce while the wife is pregnant. Remember: If the wife had children with another man while married to the husband, you cannot finish your divorce until paternity of the children has been established. See Texas Family Code Section 160.204. Get more information about establishing paternity at www.TexasLawHelp.org. Remember: Talk to a lawyer if you have a disabled child or an adult disabled child. You or your spouse may be entitled to child support even after the child becomes an adult. © TexasLawHelp.org, Final Decree of Divorce without Children, March 2013 Page 4 of 8 6. Property and Debt WARNING: Additional forms are needed to divide retirement benefits and to transfer title to real estate. If you plan to divide retirement benefits or you jointly own a house or land with your spouse, do NOT use this form without first talking to a lawyer. You can hire a lawyer to review and appropriately modify this decree and write the additional documents you must have for a flat fee. Call your local lawyer referral service or the State Bar of Texas Lawyer Referral Information Service at 1(800) 252-9690 for help finding a lawyer. About community property: Texas is a community property state. This means that any new property or debt that either party obtains from the minute they are married until the minute the judge grants the divorce is probably community property, even if the property or debt is only in one spouses name. There are only a few exceptions to the law of community property. The exceptions are gifts, inheritance or a recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses. All community property and debt should be included in the Final Decree of Divorce. About separate property: If either party receives a gift, an inheritance, or a recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses, it is separate property. It is a good idea to list separate property obtained during the marriage as that individuals separate property in the Final Decree of Divorce. Talk to a lawyer if you have questions about property and debt. The Court makes the following orders regarding the parties community and separate property: Husbans Separate Property (Fill in all lines. If there is no property to declare in any particular category, write none.) The Court confirms that the Husband owns the following property as his separate property: 1. House located at: _____ Street Address City State Zip Husband owned this house before marriage. Husband received this house as a gift or inheritance. 2. Land located at: _____ Street Address City State Zip Husband owned this land before marriage. Husband received this land as a gift or inheritance. 3. Cars, trucks, motorcycles or other vehicles Husband owned these vehicles before marriage or received them as a gift or inheritance during the marriage: Year Make Model Vehicle Identification No. [VIN] 4. Other Money or Property Husband owned the following money or personal property before the marriage: Husband inherited or received as a gift the following money or personal property during the marriage: Husband received the following money recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses: © TexasLawHelp.org, Final Decree of Divorce without Children, March 2013 Page 5 of 8 Husbans Community Property The Court ORDERS that the Husband is awarded (gets) the following property as his sole and separate property, and Wife conveys (gives) to Husband her interest in the 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 Husbans care, custody or control, or in Husbans name, that this Final Decree of Divorce does not give to the Wife. 2. House or land located at: Street Address City State Zip Legal Description: 3. Other real property located at: Street Address City State Zip Legal Description: 4. All of Husbans employment benefits, including retirement, pension, 401(k), profit-sharing, and stock option plans that are in his name alone, along with all individual retirement accounts, such as IRAs that are in his name alone. (Note: If you want to divide retirement or employment benefits do NOT use this form. Talk to an attorney.) 5. All cash and money in any bank or other financial institution listed in Husbans name alone. 6. Any insurance policy that covers Husbans life. 7. Husbans cars, trucks, motorcycles or other vehicles listed below: Year Make Model Vehicle Identification No. [VIN] 8. Husband will also keep the following property: Husbans Debts The Husband shall pay the debts listed below: 1. All taxes, bills, liens, and other charges, present and future, that are in Husbans name alone or that this Decree gives to the Husband 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 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 Husbans name alone: (such as credit cards, student loans, medical bills, income taxes) © TexasLawHelp.org, Final Decree of Divorce without Children, March 2013 Page 6 of 8 Wifes Separate Property (Fill in all lines. If there is no property to declare in any particular category, write none.) The Court confirms that Wife owns the following property as her separate property: 1. House located at: _____ Street Address City State Zip Wife owned this house before marriage. Wife received this house as a gift or inheritance. 2. Land located at: _____ Street Address City State Zip Wife owned this land before marriage. Wife received this land as a gift or inheritance. 3. Cars, trucks, motorcycles or other vehicles Wife owned these vehicles before the marriage or received them as a gift or inheritance during the marriage: Year Make Model Vehicle Identification No. [VIN] 4. Other Money or Property Wife owned the following money or property before the marriage: Wife inherited or received as a gift the following money or personal property 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: Wifes Community Property The Court ORDERS that the Wife is awarded (gets) the following property as her sole and separate property, and Husband conveys (gives) to Wife his interest in the 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 personal property in Wifes care, custody, or control, or in Wifes name, that this Decree does not give to the Husband. 2. House or land located at: Street Address City State Zip Legal Description: 3. Other real property located at: Street Address City State Zip Legal Description: © TexasLawHelp.org, Final Decree of Divorce without Children, March 2013 Page 7 of 8 4. All of Wifes employment benefits, including retirement, pension, 401(k), profit-sharing, and stock option plans that are in her name alone, along with all individual retirement accounts, such as IRAs that are in her name alone. (Note: If you want to divide retirement or employment benefits do NOT use this form. Talk to an attorney.) 5. All Wifes cash and money in any bank or other financial institution listed in Wifes name alone. 6. Any insurance policy that covers the Wifes life. 7. Wifes cars, trucks, motorcycles or other vehicles listed below: Year Make Model Vehicle Identification No. [VIN] 8. Wife will also keep the following property: Wifes Debts The Wife shall pay the debts listed below: 1. All taxes, bills, liens, and other charges, present and future, that are in Wifes name alone or that this Decree gives to Wife 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 Wifes 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.) 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 © TexasLawHelp.org, Final Decree of Divorce without Children, March 2013 Page 8 of 8 9. Court Costs The costs of court shall be paid by the party who incurred them to the extent the party is required to pay such costs. A party who filed an Affidavit of Indigency is not required to pay costs, unless a contest to the Affidavit of Indigency was sustained by the Court in a separate written order. 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. Judges Name Judges signature Date of Judgment By signing below, the Petitioner agrees to the form and substance of this Decree. By signing below, the Respondent agrees to the form and substance of this Decree. () () Petitioners Name (print) Phone number Respondents Name (print) Phone number o Petitioners Signature Date Respondents Signature Date Mailing Address: Mailing Address