

Divorce Set 1

Uncontested, No Minor Children, No Real Property

INSTRUCTIONS

This Divorce Set Contains instructions and seven forms: an Affidavit of Indigency, an Original Petition for Divorce, a Waiver of Service, a Final Decree of Divorce, a Certificate of Last Known Address, a Notice of Change of Address, and an Affidavit of Military Status. The chart on the next page describes each form and when to use it.

Do Not Use This Divorce Set if:

- You and your spouse disagree about any issue in your divorce.
- You or your spouse wants to file specific grounds for divorce, such as cruelty or adultery. This Set provides for a no-fault divorce, for example, you do not get along and do not plan to get back together.
- The wife is pregnant, even if the husband is not the father.
- The wife has had a child by another man since the date of marriage.
- You and your spouse have a disabled child, regardless of that child's age.
- You and your spouse have a biological or adopted child together who is either under 18 years old or who is 18 years old and still in high school.
- You or your spouse wants spousal support or maintenance, referred to as "alimony" in some states.
- You or your spouse owns or is buying real property (such as a house, building, piece of land, or other real estate).
- You or your spouse has an ongoing bankruptcy case.

Use This Divorce Set if:

- Nothing in the above "Do Not Use This Divorce Set" section applies to you.
- You think you and your spouse will agree on every issue in your divorce or you do not think your spouse will participate in the divorce process.
- You or your spouse has lived in Texas for at least 6 months and in the county where you are filing for divorce for at least 90 days.
 - o Immigrants: You may file for divorce in Texas even if you do not have legal status in the United States if you have lived in Texas and in your county for the above time periods.
 - o 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 use these forms if Texas has been the home state for 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.

Need Help?

- It is always best to hire a lawyer. To get a referral to a lawyer or, if you are poor, to a free Legal Aid program, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690.
- If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.
- If you are poor, you may be able to talk to an attorney online by live chat at www.TexasLawHelp.org.

Note on Retirement Funds (for example, pension, profit-sharing, and stock option plans, 401ks, and IRAs):

- If you use these forms to divide retirement funds, you will need to obtain an additional court order, usually called a "qualified domestic relations order" (QDRO), to make the division effective. A QDRO form is not included in this Divorce Set. It is recommended that you hire a lawyer to prepare a QDRO. If you and your spouse keep your own retirement funds or do not have any retirement funds, you do not need a QDRO.

Contents of Divorce Set 1 - Uncontested, No Minor Children, No Real Property:

Name of Form	What It Is and How to Use It
Affidavit of Indigency	If you are poor, or on government benefits because you are poor, or you cannot pay court fees, you may fill out this form to ask the Court if you can file for divorce without paying the court and filing fees. The Court may ask you to present evidence of your income and expenses at a hearing. The Court may or may not decide to let you file without paying. It is sometimes called a "Pauper's Oath" or an "Affidavit of Inability to Pay Costs."
Original Petition for Divorce	This form must be filed at the courthouse to start your divorce case. It tells the Court and your spouse that you want a divorce and states what you want the Court to order in the Final Decree of Divorce. It is sometimes called the "Original Petition" or "Petition."
Waiver of Service	This form may be filled out by your spouse, if he or she agrees to sign it. It tells the Court that your spouse has received a copy of the Original Petition for Divorce and does not want to be formally given a copy by a constable, sheriff, or process server. This form allows the judge to finalize your divorce as long as your spouse has signed the Final Decree of Divorce, and allows your spouse to be notified of any hearings in the case. Other Waiver of Service forms are not the same. Your spouse must sign the Waiver <u>in front of a notary</u> . The Waiver must be signed at least one day <u>after</u> the Original Petition for Divorce is filed.
Final Decree of Divorce	This form finalizes your divorce and states what the Court has ordered in your case. Fill it out and bring it to your final divorce hearing.
Certificate of Last Known Address	This form tells the Court what your spouse's last known address is and is filled out only in certain situations. If a Waiver or an Answer (<i>see below for definition</i>) has not been filed and your spouse has not signed the Final Decree of Divorce, you must bring this form to the final divorce hearing.
Notice of Change of Address	This form <u>must</u> be filed if you or your spouse moves. It tells the Court what the new address is so that the Court can contact you about hearings, etc.
Affidavit of Military Status	This form tells the Court whether or not your spouse is on active military duty. If a Waiver or an Answer (<i>see below for definition</i>) has not been filed and your spouse has not signed the Final Decree of Divorce, you must bring this form to the final divorce hearing.

Glossary:

Term	Definition
Legal Notice	Your spouse has a right to know, in writing, that you are filing for divorce. You cannot simply send your spouse a letter. You must use a legally acceptable way <i>and</i> prove to the Court that you did so. There are (3) ways to give legal notice: Waiver of Service, Official Service of Process, or by Posting or Publication. Each is described in Step 4 in these instructions.
Official Service of Process	Official service of process is when your spouse is formally "served" with (given) the Original Petition for Divorce by a constable, sheriff, or private process server, or when the clerk sends it by certified mail, return receipt requested. You <u>must</u> use official service of process if a Waiver of Service form has not been filed in your case. It is always best to officially serve your spouse if there has been domestic violence in the relationship or a Protective Order is in effect.
Waiving Service of Process	When your spouse tells the Court in writing that s/he has received a copy of the Original Petition for Divorce and does not want to be formally "served" with the Original Petition for Divorce, your spouse is "waiving service of process."
Answer	If your spouse contests the divorce, your spouse may file an "answer" instead of signing the Waiver of Service. This Set has no answer form because it is for uncontested cases. However, you may still use this Set if your spouse signs the Final Decree of Divorce after filing an answer.
Qualified Domestic Relations Order (QDRO)	An additional court order that is necessary to complete the division of a retirement fund. A QDRO form is not included in this Divorce Set. It is recommended that you hire a lawyer to prepare a QDRO if you use these forms to divide retirement funds.

How to Use this Set:

Step 1: Read These General Instructions

- Do not change the forms to include children, spousal support or maintenance (called “alimony” in some states), or real estate. This Set is NOT to be used for those situations.
- Use blue ink to complete the forms. Pencil and other color ink will not scan clearly.
- You must fill out all the spaces on the forms unless instructed otherwise. The judge and court personnel will not fill them out for you. The judge may require you to correct errors that you may make or may deny the divorce if the information is inaccurate or incomplete.
- Make two copies of each form you complete. Keep one copy. The other copy is for your spouse.
- Find out where to file for divorce in your county at the TexasLawHelp.org website (<http://www.texaslawhelp.org/TX/courts/>) by answering the questions at the bottom of the page.

Step 2: Fill out the Original Petition for Divorce and, if you are poor, the Affidavit of Indigency

- Fill out the Original Petition for Divorce and sign it. You are the Petitioner. Your spouse is the Respondent.
- If you are poor, are receiving public assistance, or do not think you have enough money to pay the court costs for your divorce, fill out the Affidavit of Indigency.
- You will need to fill out a Civil Case Information Sheet form, which you can get at the courthouse.
- Make two copies of the Original Petition for Divorce and, if you are using it, the Affidavit of Indigency.

Step 3: File (turn in) your Original Petition for Divorce, and if applicable, your Affidavit of Indigency

- Take the original and the two copies of your Original Petition for Divorce and your Affidavit of Indigency, if applicable, to the courthouse and file them (turn them in) with the District or County Court at Law Clerk.
 - NOTE: If you are using an Affidavit of Indigency, you must sign it in front of a notary and you must file the Original Petition for Divorce and the Affidavit of Indigency at the same time.
- Ask the clerk:
 - If there is a local standing order that you need to follow or attach to any of your documents.
 - If there are local rules that you need to know about for your divorce case.
 - For a Civil Case Information Sheet. Fill it out and file it with your Original Petition for Divorce.
 - For an Information on Suit Affecting the Family Relationship form, also called a BVS or Bureau of Vital Statistics form. It changes state records about your marital status, etc. Fill it out and file it with your Original Petition for Divorce.
 - To “file-stamp” your copies. The clerk will stamp your papers with the date and time you turned them in. The clerk will keep the original and give you back your file-stamped copies.
- If you are not filing an Affidavit of Indigency, you will need to pay a filing fee. The fee may be between \$150-\$300, depending on where you live.
- The clerk will ask you if you want to have your spouse “served” with the papers. See Step 4 for an explanation.

Step 4: Give Your Spouse “Legal Notice” that You Have Filed for Divorce. (See definition on page 2)

- There are three ways to give legal notice for this Set. Choose the one method that best fits your situation:

1. **By Waiver of Service.** If your spouse agrees to fill out the Waiver of Service form in this Set, you do not need to have your spouse served by Official Service of Process. Follow the steps below to use the Waiver of Service.
 - Mail or hand-deliver a “file-stamped” copy of the Original Petition for Divorce and a blank Waiver of Service form to your spouse. **WARNING: Do not hand-deliver these papers if there has been domestic violence in the relationship**, especially if a judge has signed a Protective Order ordering you or your spouse to stay away from the other. Mail or give legal notice by official service of process instead.
 - Tell your spouse to sign the Waiver in front of a notary public at least one day after you filed the Original Petition for Divorce. Otherwise, your spouse will have to redo it.
 - You or your spouse must file (turn in) the Waiver where you filed your Original Petition for Divorce.
2. **By Official Service of Process.** This method must be used in certain situations, described in the Glossary chart on page 2. Follow the steps below to use Official Service of Process.
 - Tell the clerk where you filed your Original Petition for Divorce that you need to “serve” your spouse with the Original Petition for Divorce. There will be a fee for this service.
 - Tell the clerk if you want a constable, sheriff, or private process server to handle service of process or if you want the clerk to handle it by certified mail, return receipt requested.
 - If a constable, sheriff or private process server handles it, they will complete a Return of Service form stating where and when your spouse was served. This form is proof to the Court that you gave your spouse legal notice. They may file the Return of Service at the courthouse or give it to you. If they give it to you, make a copy and file the original.
 - If the clerk handles it, the return receipt (or, “green card”) is proof to the Court that you gave your spouse legal notice. The return receipt must be signed by your spouse, so only use this option if you know that your spouse is the only person who will sign for the letter when the mailman delivers it.
 - Check to make sure the Return of Service or the return receipt is filed (turned in) to the court where you filed your Original Petition for Divorce, at least 12 days before your final hearing.
3. **By Posting or Publication.** If you do not know where your spouse is, you will need to give legal notice by posting (posting the paperwork at the courthouse) or by publication (publishing legal notice in the newspaper).
 - Go to www.TexasLawHelp.org and look at the Legal Notice, Service by Posting, and Service by Publication Sets for more details.
 - If you change anything in the Original Petition for Divorce after giving your spouse legal notice, you must give your spouse a copy of the Amended (changed) Original Petition for Divorce and file it with the court. You can give your spouse a copy by using the methods listed above, or you can use any method allowed under Texas Rule of Civil Procedure 21a, which is available online and may be available at the court. If you use a method allowed under Texas Rule of Civil Procedure 21a, the Amended (changed) Original Petition that you file with the court must include a signed statement showing you complied with the rule.

Step 5. Complete Final Forms and Prepare for Court.

- Fill out the Final Decree of Divorce form and sign it. If your spouse has filed an Answer or a Waiver, your spouse must sign the Final Decree of Divorce.

- NOTE: A creditor's right to collect on a debt is not affected by a divorce decree. So, if the Court orders your spouse to pay a specific debt from the marriage and your spouse does not pay it, the creditor can still seek payment from you.
- If a Waiver or an Answer has not been filed, you must fill out the Certificate of Last Known Address form and the Military Status Affidavit form. Make two copies.
- Prepare for Court.
 - You will need to give testimony when talking to the judge. Some judges will ask you questions, others want you to read a "script" of testimony. You can find sample "prove up" testimony online at www.TexasLawHelp.org.
 - Learn tips on what to do when you go to court and when the judge calls your case online at www.TexasLawHelp.org.

Step 6. Go to Court and Present Your Divorce Case to the Judge

- After 61 days have passed since you filed the Original Petition for Divorce, you may finalize your divorce.
 - Victims of domestic violence may be able to finalize a divorce earlier. Call 1-800-374-4673 to get advice from an attorney at no charge.
- Ask the clerk or court coordinator when uncontested divorce cases are heard and bring the following to court with you on that day:

If your spouse has signed the Final Decree of Divorce, bring:

1. A file-stamped copy of your Original Petition for Divorce;
2. Your completed Final Decree of Divorce form, signed by you and your spouse; and
3. The Waiver of Service signed by your spouse (if not already filed) or a file-stamped copy of the Return of Service (if a Waiver or Answer has not been filed).

If your spouse has not signed the Final Decree of Divorce or filed a Waiver or an Answer, bring:

1. A file-stamped copy of your Original Petition for Divorce;
2. A file-stamped copy of the Return of Service;
3. Certificate of Last Known Address;
4. Military Status Affidavit; and
5. Your completed Final Decree of Divorce, signed by you.

- When you go to the courthouse, stop by the clerk's office:
 - Ask if you need the court file, a docket sheet (list of what has been filed), or anything else from their office to bring with you to court.
 - If a Waiver or an Answer has not been filed, you need to file the Certificate of Last Known Address and the Military Status Affidavit in the clerk's office before you go to court, then bring a file-stamped copy of each with you to court.

Step 7. Finalize Your Divorce

- Once the judge has signed your Final Decree of Divorce, take it to the clerk's office and file it. Your divorce is NOT final until you do so.
- Turn in the Information on Suit Affecting the Family Relationship form (a BVS, or Bureau of Vital Statistics form) if you did not turn it in when you filed your Original Petition for Divorce.

- Get a certified copy of your Final Decree of Divorce from the clerk while you are there. You will need one if you are changing your name or dealing with creditors and may need one for other circumstances. The clerk may charge a fee for the certified copy.
- NOTES:
 - You cannot get married to someone else until 30 days after your Final Decree of Divorce is signed.
 - After your divorce is final, remember to sign documents to get car titles changed; revise your will; change beneficiaries on your life insurance policies, retirement plans, bank accounts, etc; prepare and submit a QDRO if you use these forms to divide retirements funds.

WARNING: Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

(Print your answers in blue ink)

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

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

In the (check one):

District Court

County Court at Law

County Court

Justice Court

And

(Court Number)

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

Statement of Inability to Afford Payment of Court Costs

WARNING: Read Texas Rules of Civil Procedure 145 and 502.3 before filling out this form.

Part 1: Your Information

Your full name: _____

Your date of birth: _____

Your address (if the place you receive mail is different from the place you actually live, list both addresses):

Your telephone number: _____

Part 2: Representation By Legal-Aid Attorney

Only fill out this section if (a) you are being represented in this case by an attorney who works for a legal-aid provider or who received your case through a legal-aid provider; or (b) you applied for representation through a legal-aid provider and were determined to be financially eligible, but the legal-aid provider was unable to take your case. If you are not being represented in this case by a legal-aid attorney or have not sought representation through a legal-aid provider, skip to Part 3.

Check the box that applies. Attach the certificate that the legal-aid provider gave you and label it "Exhibit: Legal-Aid Certificate."

"I am being represented in this case for free by an attorney who works for a legal-aid provider or who received my case through a legal-aid provider."

-or-

"I asked a legal-aid provider to represent me, and the provider determined that I am financially eligible for representation, but the provider could not take my case."

Part 3: Public Benefits, Income, and Debts

Check ALL boxes that apply and fill in the blanks describing the amounts and sources of your income.

- "I receive these **public benefits/government entitlements** that are based on indigency: SSI WIC
 Food stamps/SNAP TANF Medicaid CHIP Needs-based VA Pension
 County Assistance, County Health Care, or General Assistance (GA) Community Care via DADS
 AABD Public Housing Low-Income Energy Assistance LIS in Medicare ("Extra Help")
 Emergency Assistance Child Care Assistance under Child Care and Development Block Grant
 Other : _____

If you receive any of the above public benefits, attach proof to this form and label it "Exhibit: Proof of Public Benefits."

"My **income sources** are stated below (check all that apply).

- Unemployed since: _____
Date
-or-
 Wages: I work as a _____ for _____
Your job title *Your employer*
 Child/spousal support My spouse's income or income from another member of my household (if available)
 Tips, bonuses Military Housing Worker's Comp Disability Unemployment Social Security
 Retirement/Pension Dividends, interest, royalties 2nd job or other income: _____
Describe

"My **income amounts** are stated below.

(A) My monthly take-home wages:	Total amount received →	\$
(B) The amount I receive each month in public benefits is:	Total amount received →	\$
(C) The amount of income from other people in my household: <i>(list this income only if other members contribute to your household income)</i>	Total amount received →	\$
(D) The amount I receive each month from other sources is:	Total amount received →	\$
(E) My TOTAL monthly income	Add all sources of income above →	= \$

About my dependents:

"The people who depend on me financially are listed below:

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

"My **property** includes:

	Value*
Cash	\$ _____
Bank accounts, other financial assets <i>(List)</i>	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Vehicles (cars, boats) <i>(List make and year)</i>	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
Other property (like jewelry, stocks, etc.) <i>(Describe)</i>	\$ _____
_____	\$ _____

"My **monthly expenses** are:

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

\$

\$

Total value of property → **= \$**

Total Monthly Expenses → **= \$**

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

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

To list any other facts you want the court to know, such as unusual medical expenses, family emergencies, etc., attach another page to this form and label it “Exhibit: Additional Supporting Facts.” Check here if you attach another page.

Part 4: Verification

Important: Please complete either Option 1 or Option 2 below. You do not have to complete both. If you complete Option 1, you must sign your name before a notary public, court clerk, or another person authorized to give oaths. If you complete Option 2, you do not have to sign your name before a notary public or any other person, but you must swear that the information in this statement is true “under penalty of perjury.” “Perjury” means lying to a judge, and it is a crime. If you swear that a statement is true “under penalty of perjury,” and you make the statement knowing that it is false, you could be prosecuted in criminal court.

Option 1

Check all boxes that apply.

- “I cannot afford to pay any court costs.”
- “I can only afford to pay some court costs. I cannot afford to pay all court costs.”
- “I can only pay court costs over time in installments.”

“I verify that the statements made in this form are true and correct.”

by _____
(Print name of person who is signing this statement.)

Do not sign until you are in front of a notary.

 _____
Signature of Person Signing Statement

Date

Notary fills out below.

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

Sworn to and subscribed before me, the undersigned notary, on this date: _____ / _____ / 20____ at _____ a.m./p.m.
month day year time (circle one)

 _____
Notary's Signature

Option 2

Check all boxes that apply.

- “I cannot afford to pay any court costs.”**
- “I can only afford to pay some court costs. I cannot afford to pay all court costs.”**
- “I can only pay court costs over time in installments.”**

My name is _____ (First) _____ (Middle) _____ (Last).

My date of birth is _____, and my address is _____ (Street),

_____ (City), _____ (State), _____ (Zip code),

and _____ (Country). I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____

(Month), _____ (Year).

Declarant

WARNING: Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

(Print your answers in blue ink)

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

IN THE MATTER OF THE MARRIAGE OF

Petitioner: _____ In the (check one):
(Print first, middle, and last name of the spouse
filing for divorce) County Court at
Law of: _____ District Court
(Court Number) _____
And _____
Respondent: _____ County, Texas
(Print first, middle, and last name of other spouse) (County)

Original Petition for Divorce (Divorce Set 1 - Uncontested, No Minor Children, No Real Property)

WARNING: Read all of the Instructions for Divorce Set 1 before filling out this form.

1. Parties

Petitioner

My name is: _____
First Middle Last

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.

Respondent

My spouse's name is: _____
First Middle Last

2. Discovery

The discovery level in this case is Level 2.

3. Legal Notice

(Check one box)

I do not think my spouse will sign a Waiver of Service. I will have a sheriff, constable, process server, or the clerk serve my spouse with this Original Petition at this address:

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. Do not send a sheriff, constable, or process server to serve my spouse with this Original Petition.

If my spouse does not sign a Waiver of Service, I will ask a sheriff, constable, process server, or the clerk to serve my spouse with this Original Petition at this address:

Street Address *City* *State* *Zip*

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

I will ask the clerk to issue the 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**.

4. 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 apply.

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 reside in Texas but Texas is the last state where we 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 six 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 six months.
- None of the above apply.

5. Protective Order Statement

(Select Option A, B, or C and check the appropriate box(es).)

A. No Protective Order –

- I **do not** have a Protective Order against my spouse and I have not asked for one.

AND

- My spouse **does not** have a Protective Order against me and has not asked for one.

B. Pending Protective Order –

- I **have** filed paperwork 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 _____ in

Date Filed

8. Property and Debts

Community Property

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

Separate Personal Property

I own the following separate personal property. I owned this personal property *before* I was married or I received this personal property as a gift or inheritance *during* my marriage.

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

I owned these vehicles *before* marriage:

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

I received these vehicles as a gift or inheritance:

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

2. **Other Money or Personal Property**

I owned the following money or personal property *before* my marriage:

I inherited or received as a gift the following money or personal property *during* my marriage:

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

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

9. Name Change

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

(Check only one)

- I am NOT asking the court to change my name.
- I ask the Court to change my name back to a name I had before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors.

First

Middle

Last

10. Prayer

I ask the Court to grant me a divorce.

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

Petitioner's Name (Print)

Date

()

Petitioner's Signature

Phone Number

Petitioner's Mailing Address

City

State

Zip

I understand that I *must* let the Court and my spouse (or my spouse's attorney) know in writing if my mailing address or phone number changes during this case. If I don't, any notices about this case will be sent to me at the address on this form.

WARNING: Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

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

(Print your answers in blue ink)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

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

In the (check one):

County Court at Law of:

And

_____ District Court
(Court Number)

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

_____ County, Texas
(County)

Waiver of Service

(Divorce Set 1 - Uncontested, No Minor Children, No Real Property)

WARNING to Respondent:

Do not use this form if:

- You and your spouse disagree about any issue in your divorce.
- You or your spouse wants to file specific grounds for divorce, such as cruelty or adultery.
- The wife is pregnant, even if the husband is not the father.
- The wife has had a child by another man since the date of marriage.
- You and your spouse have a disabled child, regardless of that child's age.
- You and your spouse have a biological or adopted child together who is either under 18 years old or who is 18 years old and still in high school.
- You or your spouse wants spousal support or maintenance, referred to as "alimony" in some states.
- You or your spouse owns or is buying real property (such as a house, building, piece of land, or other real estate).
- You or your spouse has an ongoing bankruptcy case.

Note on Retirement Funds (for example, pension, profit-sharing, and stock option plans, 401ks, and IRAs):

- If you use these forms to divide retirement funds, you will need to obtain an additional court order, usually called a "qualified domestic relations order" (QDRO), to make the division effective. A QDRO form is not included in this Divorce Set. It is recommended that you hire a lawyer to prepare a QDRO. If you and your spouse keep your own retirement funds or do not have any retirement funds, you do not need a QDRO.

INSTRUCTIONS to Respondent:

Talk to a lawyer if you don't understand this form, or read the instructions for this *Divorce Set 1 - Uncontested, No Minor Children, No Real Property*, which can be found at www.TexasLawHelp.org. If you do use this form:

- Do not sign it until **at least one day after** the *Original Petition for Divorce* has been filed with the clerk's office. Your spouse should have given you a copy of the *Original Petition for Divorce* when he or she gave you this form. The official court stamp on your copy will tell you when it was filed. If you sign this form before then, you will need to redo it.
- Fill out this form completely. You must include your address.
- **Sign this form in front of a notary.** If you sign it beforehand, you will need to redo it.
- Give the original signed form back to your spouse or file it (turn it in) to the court where your spouse filed the *Original Petition for Divorce*. Keep a copy for your records.

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

"I am the Respondent in this case.

"My name is: _____
First Middle Last

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

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

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

Or I do not have a social security number.

I have been given a copy of the *Original Petition for Divorce* filed in this case. I have read the *Original Petition for Divorce* and understand what it says. I do not give up my right to review a different *Petition for Divorce* if it gets changed (*amended*).

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

I request that the Court not enter any orders or judgment if they are not signed by me or if I have not received prior written notice of the date, time, and place of any hearings.

If I reach an agreement and sign a *Decree of Divorce*, the court can enter the *Decree* without giving me notice.

I understand that I must let the Court and my spouse (or my spouse's attorney) know in writing if my mailing address or phone number changes during this case. If I don't, then I understand that any notices about this case will be sent to me at the address on this form.

I understand that by signing this form I am entering an appearance and am not required to go to Court to tell the judge my side of the case. I agree that a Judge or Associate Judge in the county and state where this case is filed may make decisions about my divorce, even if the divorce should have been filed in another county. I do not want a court reporter to make a record of the testimony.

Military Status

(Check only one)

I am not in the military.

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

Name Change

(Check only one)

Note: You cannot use this form to change your name to anything other than a name that 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 had before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors."

First Middle Last

Signature of Person Signing Affidavit Date

Notary fills out below.

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

Sworn to and subscribed before me, the undersigned notary, on this date: _____ / _____ /20_____ at _____ a.m./p.m.
month day year time circle one

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

Notary's Signature

WARNING: Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673

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

(Print your answers in blue ink)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

Petitioner: _____ In the (check one):
(Print first, middle, and last name of the spouse
filing for divorce) County Court at Law of:
_____ District Court
(Court Number)

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

Final Decree of Divorce

(Divorce Set 1 - Uncontested, No Minor Children, No Real Property)

WARNING: Read all of the Instructions for Divorce Set 1 before filling out this form.

A hearing took place on _____. There was no jury. Neither the husband nor wife asked for a jury.
Date

1. Appearances

Petitioner

The Petitioner's name is: _____
First Middle Last

(Check one box)

- The Petitioner **was present**, representing him/herself, and has agreed to the terms of this Final Decree of Divorce (called "Decree" throughout this document).
- The Petitioner **was not present** but has signed below, agreeing to the terms of this Decree.

Respondent

The Respondent's name is: _____
First Middle Last

(Check one box)

- The Respondent **was present** and agrees to the terms in this Decree.
- The Respondent **was not present** but has signed below, agreeing to the terms in this Decree.
- The Respondent **was not present** and has defaulted. The Petitioner has filed a Certificate of Last Known Address and a Military Status Affidavit. The Petitioner has also arranged for a court reporter to record the hearing.

The Court fills out this box.

2. Record

- A court reporter did not record today's hearing because the husband, wife, and judge agreed not to make a record.
- A court reporter recorded today's hearing.

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 *Original Petition for Divorce* meets all legal requirements.

The Court finds that the *Original Petition for Divorce* was filed more than 60 days ago.

4. Children

Husband and Wife do not have **any** biological or adopted children, together, under the age of 18.

Husband and Wife do not have **any** biological or adopted children together who are 18 years old or older and are still in high school.

Husband and Wife do not have any **disabled children** of any age.

The wife has not had a child by another man since the date of marriage.

The wife is not pregnant.

5. Divorce

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

6. Property and Debts

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 spouse's name. There are only a few exceptions to the law of community property such as gifts, inheritance, or a recovery for personal injuries that occurred during the marriage that is 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 is 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 spouse's separate property in the Final Decree of Divorce.

More information about community and separate property can be found by consulting a lawyer, as well as in the Texas Family Code, Chapters 3, 4, and 5.

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

Husband's Property

Husband's Separate Property

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

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

1. Cars, trucks, motorcycles or other vehicles

He owned these vehicles *before* marriage:

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

He received these vehicles as a gift or inheritance *during* the marriage:

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

2. Other Money or Personal Property (*not real property, such as a house or piece of land*)

Husband owned the following money or personal property *before* 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 is not for lost wages or medical expenses:

Community Property

The Court ORDERS that Husband gets the following property as his sole and separate property, and Wife conveys (*gives*) to Husband her interest in such property, and Wife is divested of (*loses*) all right, title, interest and claim in and to that property.

Wife IS ORDERED to sign any documents needed to transfer any personal property listed below to Husband. Husband is responsible for preparing the documents.

1. All PERSONAL property in Husband's care, custody or control, or in Husband's name, that this Order does not give to Wife.
2. All of Husband's cash and money in any bank or other financial institution listed in Husband's name alone.
3. Any insurance policy that covers Husband's life.
4. Husband's cars, trucks, motorcycles or other vehicles listed below:

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

5. Husband will keep the following personal property still held jointly: *(For example, a bank account, but not real property such as a house or land.)*

Husband's Debts *(If you do not want Husband to pay these debts, do NOT use this form.)*

Husband shall pay and shall indemnify and hold the wife and her property harmless for any failure to discharge the debts listed below:

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

Husband's Retirement Funds *(For example, pension, profit-sharing, and stock option plans, 401ks, and IRAs)*

- Husband does not have any retirement funds.
- Husband has the following retirement funds:

Identify or Describe Retirement Fund	State Current Value of Fund

If Husband has retirement funds, the funds:

accrued between the date of the marriage and the date this Decree is signed by the Court are awarded 50% to Husband and 50% to Wife.

are awarded _____ to Husband and _____ to Wife. *(List dollar amount or percentage.)*

are awarded 100% to Husband.

If you divide the retirement funds above by awarding any of Husband's retirement funds to Wife, you will need to obtain an additional court order, usually called a "qualified domestic relations order" (QDRO), to make the division effective. A QDRO form is not included in this Divorce Set. It is recommended that you hire a lawyer to prepare a QDRO. If you award all of Husband's retirement funds to Husband or if Husband has no retirement funds, you do not need a QDRO.

Wife's Property

Wife's Separate Property

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

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

1. Cars, trucks, motorcycles or other vehicles

She owned these vehicles *before* marriage:

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

She received these vehicles as a gift or inheritance *during* the marriage:

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

2. Other Money or Personal Property *(not real property, such as a house or piece of land.)*

Wife owned the following money or personal property *before* 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 is not for lost wages or medical expenses.

Community Property

The Court ORDERS that Wife gets the following property as her sole and separate property, and Husband conveys (*gives*) to Wife his interest in such property, and Husband is divested of (*loses*) all right, title, interest, and claim in and to that property.

Husband IS ORDERED to sign any documents needed to transfer any personal property listed below to Wife. Wife is responsible for preparing the documents.

1. All PERSONAL property in Wife's care, custody, or control, or in Wife's name, that this Order does not give to Husband.
2. All Wife's cash and money in any bank or other financial institution listed in Wife's name alone.
3. Any insurance policy that covers Wife's life.
4. Wife's cars, trucks, motorcycles or other vehicles listed below:

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

5. Wife will keep the following personal property still held jointly: (*For example, a bank account, but not real property such as a house or land.*)

Wife's Retirement Funds (*For example, pension, profit-sharing, and stock option plans, 401ks, and IRAs*)

- Wife does not have any retirement funds.
- Wife has the following retirement funds:

Identify or Describe Retirement Fund	State Current Value of Fund

If Wife has retirement funds, the funds:

- accrued between the date of the marriage and the date this Decree is signed by the Court are awarded 50% to Wife and 50% to Husband.
- are awarded _____ to Wife and _____ to Husband. (*List dollar amount or percentage.*)

are awarded 100% to Wife.

If you divide the retirement funds above by awarding any of Wife's retirement funds to Husband, you will need to obtain an additional court order, usually called a "qualified domestic relations order" (QDRO), to make the division effective. A QDRO form is not included in this Divorce Set. It is recommended that you hire a lawyer to prepare a QDRO. If you award all of Wife's retirement funds to Wife or if Wife has no retirement funds, you do not need a QDRO.

Wife's Debts (If you do not want Wife to pay these debts, do NOT use this form.)

Wife shall pay and shall indemnify and hold the husband and his property harmless for any failure to discharge the debts listed below:

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

7. Muniment of Title

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

8. Name Change

The Court changes the name of the:

(Check all boxes that apply)

Husband back to a name used before marriage, as it appears below.

First Middle Last

Wife back to a name used before marriage, as it appears below.

First Middle Last

9. Court Costs

The costs of court are to be borne 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 that was not successfully contested is not required to pay court costs.

10. Other Orders

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

11. Final Order

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.

Judge's Name

Judge's 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.

Petitioner's Name (print) *Phone Number*

Respondent's Name (print) *Phone Number*

Petitioner's Signature *Date*

Respondent's Signature *Date*

Mailing Address:

Mailing Address:

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

(Print your answers in blue ink)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

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

In the *(check one)*:

(Court Number) District Court

County Court at Law of:

And

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

(County) County, Texas

**Certificate of Last Known Mailing Address
(Divorce Set 1 - Uncontested, No Minor Children, No Real Property)**

WARNING: Read all of the Instructions for Divorce Set 1 before filling out this form.

I, _____
Your full name certify that the last known mailing address that I have for Respondent, _____
Spouse's full name, is:

Spouse's Mailing Address

City

State

Zip

Telephone

Fax



Party's Signature *(Sign your name)*

Date

WARNING: Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

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

(Print your answers in blue ink)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

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

In the *(check one)*:

(Court Number) District Court

County Court at Law of:

And

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

(County) County, Texas

**Notice of Change of Address
(Divorce Set 1 - Uncontested, No Minor Children, No Real Property)**

WARNING: Read all of the Instructions for Divorce Set 1 before filling out this form.

I, _____, certify that I am party to the above-styled
Print your full name
cause. My address has changed. I request that the Court's records be updated accordingly.

My new address is as follows:

Mailing Address

City *State* *Zip*

Telephone

Facsimile

 _____
Party's Signature *(Sign your name)*

Certificate of Service

I gave a true copy of this *Notice of Change of Address* to my spouse (or my spouse's attorney, if applicable) in person, by fax, or by certified mail, return receipt requested.

 _____
Party's Signature *(Sign your name)*

Date

WARNING: Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

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

(Print your answers in blue ink)

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

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

In the *(check one)*:

District Court County Court at Law of:

And

(Court Number)

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

(County) County, Texas

Military Status Affidavit

(Divorce Set 1 - Uncontested, No Minor Children, No Real Property)

WARNING: Read all of the Instructions for Divorce Set 1 before filling out this form.

State of Texas,
County of _____

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

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

1. "My name is: _____
First Middle Last

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

3. "I am the Petitioner in this case. I am an adult and of sound mind.
"I have personal knowledge of the facts stated in this affidavit.
"The facts stated in this affidavit are true and correct.

(Check all boxes that apply)

"I know that the Respondent is **not** in the military because I asked the U.S. Department of Defense to check their Defense Manpower Data Center (DMDC) database. DMDC notified me that the Respondent is not on active duty in any of the armed forces.

"I attached a true copy of the DMDC verification.

*(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://www.dmdc.osd.mil/appj/scra/scraHome.do>.)*

"I know that the Respondent is **not** now in the military because:
(List facts that you know would make your spouse ineligible for military service, such as being in prison, having a serious disability, etc.)

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

"The Respondent is in the military now.

Do not sign until you are in front of a notary.



Signature of Person Signing Affidavit

Date

Notary fills out below.

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

Sworn to and subscribed before me, the undersigned notary, on this date: ____/____/20____ at ____ a.m./p.m.
month day year time (circle one)

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



Notary's Signature