

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

IN THE MATTER OF THE MARRIAGE OF

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

In the _____
(Court Number)

And

District Court County Court of:

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

_____ County, Texas

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 driver's license number are: ____ ____ _____. My driver's license was issued in (State) _____.
or I do not have a driver's license number.

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

My spouse's name is: _____
First Middle Last

My spouse is the **Respondent**.

1. Discovery Level

The discovery level in this case, if needed, is:

- 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. Jurisdiction

County of Residence

You cannot file this form until you or your spouse have lived in the county where you are asking for a divorce for the last 90 days, and in Texas for the last six months.

(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.

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.

Out-of-State Respondent

(Check all boxes that apply.)

- My spouse does not live in Texas.
- My spouse does not live in Texas **and** my spouse agrees that a Texas court can make orders dividing our property.
- My spouse does not live in Texas **and** Texas is the last state where my spouse and I lived together as a married couple **and** this Petition is filed less than two years after we separated.

Waiver of Waiting Period Based on Family Violence

(Check only if applicable.)

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

3. 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

4. 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. (This means that you and your spouse do not get along and do not plan to get back together.)

5. Children

Children you and your spouse have together

(Check one box and fill in the requested information if applicable.)

- My spouse and I **do not** have any adopted or biological children under the age of 18.
- My spouse and I **do** have children under the age of 18. 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 case number of the order is _____. I understand I must attach a file-stamped copy of the order to my Final Decree of Divorce.

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

If more than 6 children, list them on another sheet and write Attachment A at the top. Then attach it to this form.

Important: Do not use this form if you and your spouse have minor children together, unless there is a final court order for custody and support for **all** your minor children and you are not asking to change that order. Instead, use the *Petition for Divorce with Children* 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.

Note: If you have a disabled child, talk to a lawyer before filing this form. You or your spouse may be entitled to receive child support, even after the child becomes an adult.

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.

Important: If the wife is pregnant and the husband is **not** the biological father of the child, paternity of the child must be established before you can finish your divorce. See *Texas Family Code Section 160.204*.

Paternity may be established by:

- filing, with the court, a case to *Adjudicate Parentage*, **or**
- filing, with the bureau of vital statistics, an *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the husband.

The Office of the Attorney General may be able to help establish paternity of the child.

Get more information about establishing paternity at www.TexasLawHelp.org.

If the wife is pregnant and the husband **is** the biological father of the child, you must wait until the child is born to finish your divorce.

Children Born During the Marriage, but Husband is Not the Father

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

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

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

If more than 4 children, list them on another sheet and write Attachment B at the top. Then attach it to this form.

(Check one box.)

- Paternity of the children named above has **not** been established. I understand that paternity of the children must be established before I can finish my divorce.
- Paternity of the children named above **has** been established: (Check one box.)
- A court order has determined the father of each child named above. I understand I must attach a file-stamped copy of the order to my Final Decree of Divorce.
 - An *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the Husband has been filed with the bureau of vital statistics for each child named above. I understand I must attach a copy of these documents to my Final Decree of Divorce.

Important: If the wife had children with another man while married to the husband, paternity of the children must be established before you can finish your divorce. See Texas Family Code Section 160.204.

Paternity may be established by:

- filing, with the court, a case to *Adjudicate Parentage*, or
- filing, with the bureau of vital statistics, an *Acknowledgement of Paternity* signed by the genetic father and a *Denial of Paternity* signed by the Husband.

The Office of the Attorney General may be able to help establish paternity of the children.

Get more information about establishing paternity at www.TexasLawHelp.org.

6. Protective Order Statement

Protective Order Against my SPOUSE

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

- I **do not** have a Protective Order against my spouse and I have not asked for one.
- 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 _____ in _____ County. The case number is _____.
- Date Filed Name of County
- I **do have** a Protective Order against my spouse. I got the Protective Order on _____ in _____ County, _____.
- Date Ordered Name of County Name of State
- The case number for the Protective Order is _____.

Protective Order Against ME

(Check one box and fill in the requested information if applicable.)

- My spouse **does not** have a Protective Order against me and has not asked for one.
- My spouse **has** filed paperwork asking to get 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 _____ in _____ County. The case number is _____.
Date Filed Name of County
- My spouse **does have** a Protective Order against me. The Order was made on _____ in _____ County, _____.
Date Ordered Name of County Name of State
 The case number for the Protective Order is _____.

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

7. Property

Community Property

If my spouse and I are able to reach an agreement for the division of our property and debts, I ask the Court to approve our agreement. If such an agreement is not made, I ask the Court to divide our property and debts in a way that is just and right, according to Texas law.

Separate Property

I ask the court to confirm the following property as my separate property. This is money or property I owned *before* I was married, that I received as a gift or inheritance during my marriage, that I received from a lawsuit (not including money for lost wages), or property I purchased during my marriage with separate property funds.

House located at: _____
Street Address City State Zip

Land located at: _____
Street Address City State Zip

Cars, trucks, motorcycles or other vehicles

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

Inheritance, gifts, or money from a lawsuit (not for lost wages) given only to you (*describe*):

Other property that you owned before you were married:

8. Name Change

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

(Print) First Middle Last

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

9. Notice to My Spouse

(Check one box.)

Your spouse has the legal right to be notified that you have filed for divorce.

I will have a sheriff, constable, or process server give a copy of this Petition to my spouse here:

Street Address City State Zip
If this is a work address, name of business: _____

I ask the clerk to issue citation. I understand that I will need to **pay the fee** (or file the form to show the Court that I am unable to pay the fee) and **arrange for service** by a sheriff, constable or process server.

Do not send a sheriff, constable, or process server to give a copy of this Petition to my spouse, at this time. I think my spouse will sign a Waiver of Service, or file an Answer.

10. Prayer

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

Petitioner's Name Date
→ _____ ()
Petitioner's Signature Phone

Mailing Address City State Zip

I understand that I must notify the Court, my spouse and my spouse's attorney (if my spouse has an attorney) in writing if my mailing address changes during these divorce proceedings.