

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

AND IN THE INTEREST OF: (List children of this marriage who are under 18):

1. _____ 2. _____ 3. _____
4. _____ 5. _____ 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 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

The discovery level in this case, if needed, is Level 2.

2. 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.

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.

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, **and**
 - ☐ My spouse agrees that a Texas court can make orders dividing our property and orders for custody and support of our children.
 - ☐ Texas is the last state where we lived together as a married couple. This petition is filed less than two years after we separated.
 - ☐ The children live in Texas because of my spouse's actions.
 - ☐ My spouse has lived in Texas with the children.
 - ☐ My spouse has lived in Texas and provided prenatal expenses or support for the children.
 - ☐ My spouse had sexual intercourse in Texas, and the children may have been conceived by that act of intercourse.
 - ☐ Our child was born in Texas and my spouse registered with the paternity registry maintained by the bureau of vital statistics or signed an acknowledgment of paternity.
 - ☐ My spouse will be personally served with citation in Texas.

Note: If your spouse does NOT live in Texas, you must complete and attach the Exhibit: Out-of-State Party Affidavit.

Waiver of Waiting Period Based on Family Violence

(Check only if applicable.)

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

3. Marriage, Separation, and Grounds for Divorce

My spouse and I got married on or about: _____
Month Day Year

We stopped living together as spouses on or about: _____
Month Day Year

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.)*

4. Children

A. Children you and your spouse have together –

List all children you and your spouse have together (adopted or biological) who are under 18 or still in high school. If you have a disabled child, talk to an attorney to see if child support should continue after the child turns 18.

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

B. 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.

C. 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.

**D. Court Orders involving children
you and your spouse have together**

(Check one box.)

- ☐ There are **no** court orders in effect now for any of the children listed above.
- ☐ There **is** a court order in effect now for at least one, but NOT ALL of the children listed above.

Child(ren) included in order: _____

County/State where order was made: _____

Date of order: _____ Cause #: _____

Name of order: _____

- ☐ There **is** a court order in effect now for ALL of the children listed above.

County/State where order was made: _____

Date of order: _____ Cause #: _____

Name of court order in effect now: _____

The court order in effect now is: ☐ temporary ☐ final.

I ask the court to make the following changes to this order: (Note: The court cannot change an order made in a different county, unless the case is transferred to the county where you file for divorce.)

Note: Do not use this form if you have a **final** court order for custody and support of all the children and you are NOT asking the court to make any changes to the order. Use the *Petition for Divorce – No Children* form instead.

If the court order in effect now: 1) does not include all your children, 2) is temporary, or 3) you are asking the court to make changes to the order, talk to a lawyer before you file this form.

E. Custody, Visitation, and Child Support

My spouse and I will try to make an agreement about custody, visitation, and support. If we cannot make an agreement, I ask the court to make decisions on these issues that are best for our children, including, if applicable, orders for current and retroactive child support and medical support.

F. Children's Health Insurance

The children ☐ do ☐ do not have private health insurance in effect.

Private Health Insurance is in effect: (Complete, if the children have private health insurance.)

Name of insurance company: _____

Policy number: _____

Cost of premium: \$ _____

Name of person who pays for insurance: _____

The insurance policy ☐ is ☐ is not available through the parent's work.

Private Health Insurance NOT in effect: (Complete, if the children do NOT have private health insurance.)

The children ☐ do ☐ do not receive medical assistance through CHIPS or Medicaid.

Cost of premium (if any): _____

Health insurance ☐ is ☐ is not available to the person who pays child support at a reasonable cost.

G. Children's property

(Check one box.)

- ☐ The children do not own any property.
- ☐ The children own the following property: _____

H. 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.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

If more than 6 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.

5. Property

Community Property

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

Separate Property

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

1. House located at: _____.

street addresscitystatezip
2. Land located at: _____.

street addresscitystatezip
3. Cars, trucks, motorcycles or other vehicles

Year	Make	Model	Vehicle Identification No. [VIN]
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
4. Inheritance, gifts, or money from a lawsuit (not for lost wages) given only to you (*describe*):

5. Other property that you owned before you were married (*describe*):

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

6. Protective Order

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.

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 FiledName of County
- ☐ I **do have** a Protective Order against my spouse. I got the Protective Order on _____ in _____ County, _____ State.

Date OrderedName of CountyName 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 in _____ County, _____ on _____.
Name of County Name of State Date Ordered
- The case number for the Protective Order is _____.

7. Family Information

(Check one box.)

- ☐ I will fill out and file the Family Information form when I file the Final Decree of Divorce, as required by Texas Family Code Section 105.006.
- ☐ I believe my children or I will be harassed, abused, seriously harmed, or injured if I am required to give my spouse the information checked below for myself and the children:

(Check the boxes below to tell the judge which information you want to be kept confidential.)

- ☐ home address, ☐ mailing address, ☐ employer, ☐ work address,
☐ home phone #, ☐ work phone #, ☐ social security #, ☐ driver's license #.

I ask the Court to Order that I not have to give this information or notice of changes in this information to my spouse. I also ask the Court to keep this information confidential.

Note: Ask the Court to sign the *Order on Request to Keep Family Information Confidential* form when you go to court. Find this form at www.FreeTexasForms.org in the Divorce in Texas with Children section.

8. Name Change

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

PRINT First Middle Last

9. Notice to My Spouse

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

(Check one box.)

- ☐ 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 me a divorce and make the other orders I have asked for in this Petition and any other orders I am entitled to.

I ask the court for general relief.

<i>Petitioner's Name (print)</i>	<i>() Phone number</i>
<i>→ Petitioner's Signature</i>	<i>Date</i>
<i>Petitioner's Mailing Address:</i>	
<i>city</i>	<i>state zip</i>

I understand that I must let the Court, my spouse, and my spouse's attorney (if my spouse has an attorney) know in writing if my mailing address or phone number changes during this case.