

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**

In the \_\_\_\_\_  
(Court Number)

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

And

District Court  
 County Court at Law

**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. 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.



#### 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 State Date Ordered*  
on \_\_\_\_\_.  
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 State Date Ordered*  
County, \_\_\_\_\_ on \_\_\_\_\_.  
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.

## 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.

	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.

**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 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.

**Note:** 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 Texas Vital Statistics Unit, 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](http://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.



## 9. 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 for personal injuries that occurred during my marriage that was not for lost wages or medical expenses, 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]-
_____	_____	_____	_____
_____	_____	_____	_____

Other money or personal property I owned before I was married, received as a gift or inheritance during my marriage or property I purchased during my marriage with separate property funds: *(describe)*

\_\_\_\_\_

\_\_\_\_\_

Money I received as recovery for personal injuries that occurred during the marriage that was not for lost wages or medical expenses: *(describe)*

\_\_\_\_\_

\_\_\_\_\_

**Important:** Talk to a lawyer if you or your spouse has retirement benefits or other employment benefits such as a 401(k), pension, profit sharing or stock option plan. The part of a spouse's benefits earned during the marriage can usually be divided by the court when you get divorced. This is true even if the spouse has not yet retired. However, you must hire a lawyer to correctly write the additional documents the court will need to divide the benefits.

## 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.

_____	_____
<i>Petitioner's Name</i>	<i>Date</i>
→ _____	( ) _____
<i>Petitioner's Signature</i>	<i>Phone</i>
_____	_____
<i>Mailing Address</i>	<i>City</i> <i>State</i> <i>Zip</i>

**I understand that I must notify the Court and my spouse's attorney (or my spouse if my spouse does not have an attorney) in writing if my mailing address changes during these divorce proceedings. If I don't, any notices about this case will be sent to me at the address above.**