

IN THE MATTER OF THE MARRIAGE OF

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

Cause No:

and

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

In the (check one):

_____ District Court County Court of:
court number

_____ County, Texas

Names of the children of this marriage who are under 18:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

Petition for Divorce

To file this *Petition*, you **or** your spouse must have lived:

- in Texas for the last 6 months, **and**
- in the county where you want to get divorced for at least the last 90 days.

Print Answers

I. PARTIES

Petitioner

1. My name is: _____
First Middle Last

Respondent

2. My spouse's name is: _____
First Middle Last

II. DISCOVERY

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

III. JURISDICTION

You can not file this form until you or your spouse has lived in the county where you are asking for a divorce for at least 90 days, and in Texas for at least six months.

(Check all boxes that apply.)

- 1. My spouse has I have --- lived in this county for the last 90 days.
- 2. My spouse has I have --- lived in Texas for the last six months.

If your spouse does NOT live in Texas, complete and attach the Exhibit: Out-of-State Parent Affidavit, and check one:

- 3. My spouse agrees that this court can decide our divorce.
- 4. My spouse and I have been separated for less than 2 years, and Texas was the last state where we lived together.

IV. MARRIAGE and SEPARATION

- 1. My spouse and I got married on: _____
Month Day Year
- 2. We stopped living together as spouses on: _____
Month Day Year

V. CHILDREN

1. Pregnancy

- a. The wife in this marriage: is is not pregnant. *(If pregnant, answer below.)*
- b. The husband: is is not the biological father of this child.

Warning: in many Texas counties, the court will not allow you to complete your divorce if the wife is pregnant, even if she is pregnant by someone who is not the husband.

2. Children you and your spouse have together –

(List all natural and adopted children of this marriage who are under 18. If you have an adult disabled child, talk to a lawyer to see if child support is appropriate in your case.)

	Child's name	Date of Birth	Place of Birth	State where child lives now
a.	_____	_____	_____	_____
b.	_____	_____	_____	_____
c.	_____	_____	_____	_____
d.	_____	_____	_____	_____
e.	_____	_____	_____	_____
f.	_____	_____	_____	_____

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

3. Court Orders involving these children

(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 of the children listed above. The order is final and I am not asking the court to make any changes to the order. *(Fill out below and talk to an attorney before you file this form.)*

Name of _____ Child: _____	Type of Order: _____
Cause #: _____	Court that _____ made the order: _____
Date: _____	County/State: _____

4. 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.

5. Custody, Visitation, and Child Support

My spouse and I agree to try to make an agreement about custody, visitation, and support. If we cannot make an agreement, I want the court to make decisions on these issues that are best for our children.

6. 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 ask the Court for permission **not** to fill out the Family Information form because I believe that providing this information could put me and/or my child(ren) in danger.

7. Children's property

List any property, other than personal items, owned by the children of this marriage.

8. Children born during the marriage, but husband is not the father

(Check one box.)

The wife did did not have children with another man while married to the husband.

All children born during the marriage that are not the husband's children are named below:

	Child's name	Age	Date of Birth	Sex
a.	_____			
b.	_____			
c.	_____			
d.	_____			
e.	_____			
f.	_____			

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

I ask the Court to find that the husband is not the legal father of the children listed above.

VI. PROPERTY

Community Property

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

Separate Property

List all property that you owned *before* you were married, including real estate, and all gifts, inheritance, or money damages you received from a lawsuit during your marriage, if the money was not compensation for lost wages.

1. **House** located at: _____
zip street address city state

2. **Land** located at: _____
street address city state zip

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

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Vehicle Identification No. [VIN]</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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*.

VII. NAME CHANGE

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

PRINT First Middle Last

VIII. PROTECTIVE ORDER

(Check one box.)

- Neither my spouse nor I have a Protective Order against each other, and neither of us has asked for one.
- Either my spouse or I **do have** a Protective Order against each other. A copy of this order is attached to this petition.

(Attach a copy to this Petition and fill out below.)

Cause # _____
 Date: _____
 County: _____
 State: _____

The Court that made the order :

District Court # _____
 Justice Court # _____
 County Court # _____
 Other Court(*explain*) _____

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

(Check one box.)

- I ask the court to send a process server to give a copy of this *Petition* to my spouse here:

street address city state zip

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

- Do **not** send a process server to give a copy of this *Petition* to my spouse. I believe my spouse may sign a *Waiver of Service* or voluntarily file an *Answer*. If not, I will ask a process server to give my spouse a copy of this *Petition* at this address:

street address city state zip

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

