

Cause Number: \_\_\_\_\_  
(Print court information exactly as it appears on the Original Petition for Divorce)

**In the Matter of the Marriage of**

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

And

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

☐ District Court  
☐ County Court at Law

**Respondent:** \_\_\_\_\_ County,  
Print first, middle and last name of other spouse. Texas

**And in the Interest of:** (List all children you and your spouse have together who are under 18 or still in high school.)

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_

## Affidavit for Prove-Up of Default Divorce With Children

My name is \_\_\_\_\_.

I am above the age of eighteen years, and I am fully competent to make this affidavit.

The facts stated in this affidavit are within my personal knowledge and are true and correct.

I am presently married to \_\_\_\_\_.

Before the filing of this suit, I was a domiciliary of Texas for the preceding six-month period and a resident of this county for the preceding ninety-day period.

We were married on or about [date] \_\_\_\_\_.

We ceased to live together as spouses on or about [date] \_\_\_\_\_.

I filed this divorce at least 60 days ago, on \_\_\_\_\_ [date].

My spouse has been served.

The return of service has been on file for at least 10 days.

My spouse has not appeared at any hearings or filed any documents in this case.

Our marriage has become insupportable because of a discord or conflict of personalities that destroys the legitimate ends of the marriage relationship.

There is no reasonable expectation of reconciliation.

The following child(ren) of the marriage who are under the age of 18 were born or adopted during this marriage:

	Child's name	Sex	Date of Birth
1.			
2.			

(Check one box.)

- ☐ The Wife **did not** have any children with another man while married to the Husband.
- ☐ The Wife **did** have a child or 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	Sex	Date of Birth
1.			
2.			

Paternity of each child listed above **has** been established as set out below:

(Check one box below. Attach copy of court order or Acknowledgement and Denial of Paternity for each child.)

- ☐ A court order has established that another man is the biological father and/or the Husband is not the biological father of the child(ren) listed here:

\_\_\_\_\_.  
A copy of the court order is attached to this Decree as Exhibit \_\_\_\_.

- ☐ An Acknowledgement of Paternity was signed by the biological father and a Denial of Paternity was signed by the Husband for the child(ren) listed here:

\_\_\_\_\_.  
Each Acknowledgment and Denial of Paternity was filed with the Vital Statistics Unit. A copy of each Acknowledgment and Denial of Paternity is attached to this Decree as Exhibit(s) \_\_\_\_\_.

No other child is expected at this time. Neither spouse in the marriage is pregnant.

I ask that (check only what applies):

- ☐ We will be joint managing conservators of the children
- ☐ \_\_\_\_\_ (spouse) will be sole managing conservator and \_\_\_\_\_ (other spouse) will be possessory conservator of the child(ren).

I ask for:

- ☐ the standard possession order
- ☐ other visitation / possession and access schedule (summarize):

\_\_\_\_\_ will pay child support, medical support, and dental support to  
\_\_\_\_\_ as stated in the final decree presented to this court.

\_\_\_\_\_ (parent responsible for insuring child) will provide health insurance  
for the child(ren) of the marriage.

I believe that these provisions for conservatorship, possession and access, and child support, medical support, and dental support are in the best interest of the child(ren).

There has been no family violence or abuse within two years before or during this suit.

There is no bankruptcy proceeding affecting this suit.

The final decree divides our property and debts.

The terms of the division are just and right.

The decree is fair and equitable to both my spouse and me.

I am requesting a name change to \_\_\_\_\_.

I have submitted a final decree of divorce, which has been signed by me.

I am asking the court to grant a divorce and approve the decree.

**Verification (Party must sign in front of a notary below.)**

I am the [Petitioner/Respondent] (circle one). I swear under oath that the facts stated in this Affidavit are true and correct.

\_\_\_\_\_  
Signature of Affiant

**ONLY sign in front of a notary!**

**Notary fills out below.**

State of \_\_\_\_\_  
(Print name of state where this petition is notarized)

County of \_\_\_\_\_  
(Print the name of the county where this Petition is notarized)

Sworn to and subscribed before me, the undersigned notary, on this date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

by \_\_\_\_\_  
(Print name of person who is signing this Petition. NOT the notary's name.)

[Notary Stamps Here]



\_\_\_\_\_  
Notary's Signature

**Note:** For information about divorce in Texas, including how to file an answer, go to [www.bryanfagan.com](http://www.bryanfagan.com)

Ready to take the first step towards your goals? Call **281-810-9760** now to schedule your free consultation. Don't wait, your future starts with a simple phone call.