GENERAL INFORMATION AND INSTRUCTIONS

FOR PEOPLE WHO REPRESENT THEMSELVES IN A DIVORCE

NO-FAULT DIVORCE WITHOUT CHILDREN

Read this entire booklet before completing any forms!

Introduction

The purpose of this booklet

In July 2006, the Tennessee Supreme Court issued an Order establishing a "Task Force to Study Self-Represented Litigant Issues in Tennessee." This Task Force includes judges, lawyers, court clerks, law professors and other legal professionals from around the state.

One of the duties of the Task Force is to design forms that are user friendly to people without attorneys, as well as to attorneys who may not routinely do divorce cases. It is the hope of the Task Force that these forms may be used uniformly throughout the different counties in Tennessee, in addition to other forms that any individual Court may require.

What is contained in this booklet?

This booklet contains all of the forms you will need to file for a divorce if you and your spouse have no minor children (under age 18) together and if you are seeking a no-fault, irreconcilable differences divorce. For the purposes of this booklet, an irreconcilable differences divorce means that you and your spouse have agreed to end your marriage and that you have come to an agreement regarding property division. In order to file an irreconcilable differences divorce, both you and your spouse must sign a Marital Dissolution Agreement (Form III). If either you or your spouse refuses to sign the Marital Dissolution Agreement, you cannot obtain a divorce using the forms included in this booklet.

Should You Hire a Lawyer?

The forms contained in this packet are designed primarily for people who have little property and where both spouses are in agreement regarding property division. It is important that self-represented litigants (people without lawyers) seriously consider whether their potential divorce can be completed without the help and advice of an attorney.

You are not required to have a lawyer in order to obtain a divorce. The decision to proceed with or without a lawyer is up to you. Many people find that the paperwork required is complex. If you decide not to use a lawyer, your spouse may still use a lawyer and you may be at a disadvantage if you proceed without a lawyer**. If you do not have a lawyer you will be expected to know all the laws and court rules that apply to your case as if you were a lawyer. Judges and court clerks are not allowed to give you legal advice or help you with your paperwork.**

When granting your divorce, the Court may make decisions that could have a significant impact on you, such as requiring you to pay money to your spouse. Free legal advice regarding your divorce may be available to you through volunteer programs organized by the local Bar Association in your county. If you are the victim of domestic violence,

there may be additional programs to help you obtain free legal advice. Also, under new rules of the Tennessee Supreme Court, you may be able to hire a lawyer for a portion of a case such as a hearing before a judge or a review of the papers you propose to file. For example, some people choose to hire a lawyer to help them come to an agreement on and write the Marital Dissolution Agreement so that the parties can file for an uncontested, irreconcilable differences divorce.

To find out more about hiring a lawyer or obtaining free legal assistance, you can consult the following organizations in addition to your local and state bar associations: The **Tennessee Alliance for Legal Services:** 1808 West End Building, Suite 1216, Nashville, Tennessee 37203; Phone: (615) 627-0956; Fax: (615) 627-0964; or your local **Legal Services Office.** A directory of local legal aid programs, searchable by county, can also be found at www.tennlegalaid.com.

If you have ever been a victim of domestic abuse by your spouse, we urge you to contact the Tennessee Coalition for Domestic and Sexual Violence at 1-800-356-6767 (for resources in Tennessee) or 1-800-799-7233 (the National Domestic Violence hotline). To visit the website for the Tennessee Coalition for Domestic and Sexual Violence, please go to www.tcadsv.org.

What is mediation, and how might it help me?

Mediation is a method of resolving disputes between you and your spouse by using a n eutral third person (a "mediator") to help the parties reach an agreement. The mediator is not on either spouse's side. Mediation can be especially effective in divorce cases where you and your spouse need help talking about your separate needs once the marriage is ended, and how to provide for those needs.

You and your spouse MUST attend mediation when your divorce is filed UNLESS you have already agreed upon everything and have signed your marital dissolution agreement and parenting plan, if you have children. You do not have to attend mediation if you have an order of protection against your spouse or your spouse has been convicted of a domestic assault crime against you. ***If either you or your spouse refuses to sign the Marital Dissolution Agreement, you cannot obtain a divorce using the forms included in this booklet.

Obtaining an Irreconcilable Differences Divorce

General Information

In Tennessee, a person may get a divorce without having to prove that their spouse did something wrong. If you and your spouse agree that you should be divorced and agree on how to divide your property, you may obtain a divorce on the grounds of irreconcilable differences (this is commonly referred to as an "ID" divorce). If you and your spouse cannot agree to a division of your property, you must file for a traditional contested divorce. **Important: You cannot file for a contested divorce using the forms provided in this booklet. The forms provided in this booklet are only to be**

used for filing for an uncontested, irreconcilable differences divorce where you and your spouse have NO minor children together.

Frequently Asked Questions about Getting a Divorce in Tennessee

Who can file for a divorce in Tennessee?
In order to file a Complaint for Divorce based on irreconcilable differences, you must have resided in Tennessee for at least six months before filing the Complaint. It is usually not necessary that your spouse have resided in Tennessee for any length of time.

Where do I file for a divorce?

Generally, you should file for a divorce in the county where you and your spouse separated. If you and your spouse live in different counties, you should file in the county where your spouse currently lives. The exception to this rule is if your spouse is in jail - then file in the county that you live in.

Cases are usually filed in either **CIRCUIT, CHANCERY,** or **GENERAL SESSIONS COURT.** Each county is different, so you need to check with the court clerk to see which one is preferred in your county. There is no legal advantage to filing in one type of court or another. You can choose to file your paperwork with EITHER the Circuit Court, the Chancery Court, Clerk and Master, or the General Sessions Court - but not in more than one.

How much does it cost to file for divorce?

The Tennessee County may charge slightly different fees for filing the Complaint for Divorce in an irreconcilable differences divorce without children. The amount of the fee is approximately $125.00, but you should check with your Court Clerk to find out the exact amount. This amount is due to the Court Clerk at the time you file the Complaint for Divorce. It is a good idea to be prepared to pay this amount in cash, as many Court Clerks do not accept checks or credit cards.

In addition to the filing fee, you and/or your spouse may also be responsible for paying court costs. Court costs are fees charged by the court for filing your legal documents. The amount of these fees differs by county.

If you believe that you qualify for financial relief, you should file a Uniform Civil Affidavit of Indigency (Form II). The Judge will review your Affidavit and decide whether to defer but *not forgive* the filing fee. At the end of your divorce case, the Judge will decide whether it will be you or your spouse who pays the court costs.

How long does it take for the divorce to be final?

If you and your spouse seek a divorce because of irreconcilable differences and you have no minor children born or adopted during the marriage, you may receive a Final

Decree of Divorce as soon as 60 days following the filing of the Complaint for Divorce.

Please note that after the judge enters a Final Decree granting you a divorce, either party may appeal the divorce at any time within the next 30 days. As a result, it is not a good idea to remarry or buy real property for at least 30 days following the entry of a Final Decree in your divorce. **NOTE - These time frames are the minimum amount of** time for obtaining a divorce – your divorce may take longer to become final.

Are all the papers that are filed public?

Yes. All papers you or your spouse file with the Court will become part of a permanent public record. You can view your court file and obtain copies of any documents in the file at the Court Clerk's office.

How does the Court deal with my requests for property division, alimony and pension plans?

In an irreconcilable differences divorce, you and your spouse decide together how to divide your property and debts.

The general rule is that property and debts are divided fairly. “Fairly” is not necessarily the same thing as “equally.” Sometimes the division is not equal because of other considerations, such as one spouse earns more than the other spouse.

Sometimes the court orders one spouse to pay the other spouse “alimony” (money for support, which is similar to child support, except that it is for the soon to be ex-husband or ex-wife). One spouse may seek alimony from the other spouse if that spouse can prove that there is a need for alimony and that the other party has an ability to pay alimony. Alimony may be awarded for “rehabilitative” purposes (for example to pay for one spouse to go back to school if that spouse has a much lower earning capacity than the other) or for other reasons. Alimony may or may not end if the party who is receiving alimony remarries or dies. Alimony may or may not end if the party who is paying alimony declares bankruptcy. Alimony may or may not be deductible for tax purposes. The answers to these questions depend upon the wording used in the Complaint for Divorce, the Marital Dissolution Agreement, and the Final Decree. **If you have any questions about alimony, you need to consult with an attorney.** In short, there is a lot of room for negotiation between spouses about alimony. If you and your spouse cannot reach an agreement about alimony, you should consider mediation or hiring an attorney.

Pension, or retirement, plans either remain with the spouse who has earned them or may be divided between the spouses, depending on the circumstances. Federal law requires court orders (“Qualified Domestic Relations Orders”) about pension plans to follow intricate rules that state judges cannot alter. **It is highly recommended that you hire an attorney if you have any pension or retirement issues in your divorce.**

Many property, alimony, and pension issues can be complex, and it is helpful to consult a lawyer. **You can still file the Complaint for Divorce yourself even though you**

consult a lawyer about specific issues such as those discussed here and even though the lawyer is not otherwise assisting you. It is important to note that you can hire a lawyer for certain parts of a divorce, such as representing you at a hearing or drafting a pension plan order, without hiring him or her to represent you during your entire divorce.

Instructions for Filing Forms Contained in this Booklet

These forms and instructions are for uncontested, irreconcilable differences divorce cases where the parties have no children under the age of 18 who have been born or adopted during the parties' **marriage. If you are filing for a default judgment divorce or a traditional, contested divorce, you cannot obtain a divorce using the forms found in this booklet.**

General Information

Make extra copies of the forms included in this booklet before you start in case you make a mistake.

As you review the forms included in this booklet, please note that before any document can go before a Court or a Judge, you must "file" something with the Court's Clerk. When you want to start a divorce lawsuit, for example, you must file a "Complaint for Divorce." Documents, such as the Complaint for Divorce, are called "pleadings."

Be sure to make extra copies of all the documents you file with the court and serve on your spouse. When you file a document at the Court Clerk's office, be sure to stamp your copy of the document you retain with the Clerk's office stamp which says "Received (date)" to prove you actually filed the document. Keep an organized file of all of your court documents, and all letters from the court concerning your case. You may want to keep a separate file for all of your "pleadings," organizing them in the order that they were filed. This will help you considerably as you go through the process.

Step 1: Filing for an irreconcilable differences divorce

Ordinarily, when you ask for a divorce based on irreconcilable differences, you and your spouse have already agreed that you will file a Marital Dissolution Agreement which has been signed by both of you. You cannot force your spouse to sign the Marital Dissolution Agreement. **If your spouse refuses to sign the Marital Dissolution Agreement, you cannot get a divorce using the forms and instructions provided in this booklet.**

If you are the person asking for the divorce (the "Plaintiff"), you must file ALL of the following forms with the Court Clerk to start your irreconcilable differences divorce case:

Complaint for Divorce (Form I) - pg. **17**

Civil Case Cover Sheet - Note: This cover sheet is not used by all counties.

If your county does not require this form, you don't need to worry about it. You must check with your Local Court Clerk to receive a copy of this form if it is required. You can pick up a copy of the form (if you need to) when you bring your paperwork to court to file.

Information for Divorcing Parties (Form I(b)) - pg. 2 **5**
This form must be filed with your divorce papers. It must be filed separately in an 8.5 x 11 inch enveloped labeled on the outside with your name and the name of your spouse and the docket number. Fill in the information on each line of the form for the husband and the wife. Put the page in the envelope and give it to the court clerk when you file the rest of your papers.

Notice Regarding Insurance Coverage of Spouses and Former Spouses - (Form II) - pg. 28
This form is not filed with your other divorce papers. This form must be sent to your spouse by *certified mail* if you currently carry medical and/or hospital insurance on your spouse. Be sure you keep a copy of this form for your records after you send it to your spouse.

Affidavit of Indigency (Form III) (OPTIONAL) - pg. **32**
(If you cannot afford the filing fee and you believe you may qualify for financial relief. If you qualify for financial relief, the Court will defer your filing fee and court costs to the end of your case. You will still have to pay these fees at then end of your case, even if you qualify for financial relief. You do not have to file this form if you do not wish to ask for financial relief.)

- **Motion and Order to Waive Mediation (Form 1(a)) - pg. 22**

The Motion and Order to Waive Mediation must be read and signed by both parties and signed by the judge. If the court signs the order waiving the mediation, you can proceed with your divorce action.

- **Divorce Certificate** - You must get a certificate from your Court Clerk's Office. You can NOT use a photocopy of this document. Fill out as much of the Divorce Certificate as you can prior to arriving at court for the final hearing. Chec k with your local clerk's office to determine when this is filed.

Temporary Injunction against Both Parties (Form VI) - **pg. 50**
The Temporary Injunction is a form that must be read by both parties and signed by the judge. Be sure to completely read the form as you will be responsible for abiding by the terms. The form contains instructions about the things you and your spouse CANNOT do - including hiding property, canceling insurance policies, threatening each other, etc...

Marital Dissolution Agreement (Form IV) - **pg. 40**

Step 2: Set a date for a Final Divorce Hearing

After you have filed the Complaint for Divorce and the accompanying forms listed above, you must wait at least **60 days** before the judge will finalize the divorce in court.

After filing the Complaint for Divorce, you should call the Court Clerk to determine when the Judge or Chancellor (another title for a judge) can hear your case. Tell them that you and your spouse have reached an agreement and you need a date for a final hearing. The date for the final hearing must be after the end of the 60 day waiting period. The Clerk may require you to send the Marital Dissolution Agreement (Form III) to the Judge's Office or the Court Clerk's Office prior to the hearing. If not, bring the signed Marital Dissolution Agreement with you on the date of the hearing.

Step 3: Attend Your Irreconcilable Differences Divorce Hearing

On the scheduled date, go to the final hearing at the courthouse. You will not need any witnesses. Bring with you the following documents (make sure they are signed by all of the appropriate parties):

Marital Dissolution Agreement (Form IV)

Final Decree of Divorce (Form V)

Divorce Certificate (filled out) - must get a certificate from your Court Clerk's Office. You can NOT use a photocopy of this document. Fill out as much of the Divorce Certificate as you can prior to arriving at court for the final hearing.

Uniform Civil Affidavit of Indigency (Form III; optional. Bring with you only if you filed this form with your Complaint for Divorce).

Only one spouse needs to go to the court hearing, but if both spouses attend you may save time. With both of you present, any changes the Judge requires can be done immediately. At the hearing, the Judge will review your legal papers carefully. If a Judge sees a problem with the forms, both you and your spouse will have to initial the change to the form. Dress neatly for all court appearances.

Wait Your Turn

At the court hearing, check with the court clerk that morning to see if your case name is on the docket. If you do not see your name listed, check with the courtroom clerk. If you do see your name listed, have a seat inside the courtroom. The clerk will call your name when the Judge is ready for your case. The hearing will only take about ten minutes, but you may have to wait if there are cases ahead of you.

Present Your Case

The Judge or an Official of the Court will have you raise your right hand and swear an oath to tell the truth. When you take the oath, say "I do." Remember to stand when you are speaking to the judge, and always refer to him or her as "Your Honor". Following the oath, make the following statements:

"My **name is _____. I am the Plaintiff (or the Defendant) in this** case. I am here to present a Final Decree of Divorce."

Since you have no attorney, the Judge may ask you questions, or you may have to state the following:

1. My spouse and I have irreconcilable differences which we cannot resolve.

2. My spouse and I have entered into a Marital Dissolution Agreement which fairly deals with all our property.

3. I wish for a divorce today.

4. There are no children born of the marriage or expected to be born of the marriage.

The court will then review the Marital Dissolution Agreement that you and your spouse filed. The Judge may ask you questions about the Marital Dissolution Agreement, which you can politely answer. The Judge may ask you questions about the following topics:

The names of the parties (you and your spouse)
Whether the Marital Dissolution Agreement equally divides you and your spouse's property
Whether any children are expected of the marriage (Are you or your spouse currently pregnant?)
Whether you want the Marital Dissolution Agreement is to be made part of the Final Judgment.
Whether you want a divorce to be granted.
Whether a spouse wishes to return to a former name.

Listen carefully to all of the questions the judge asks you. Never interrupt the judge while he or she is talking. It is a good idea not to speak until you are spoken to by the judge. Try not to appear nervous or angry, or to lose your temper. Answer all of the judge's questions as fully and honestly as you can. Do not answer a question if you do not understand it. It is perfectly OK to ask the judge to repeat or explain a question.

After asking you questions about the Marital Dissolution Agreement, the Judge may also tell you and your spouse which of you will be responsible for the court costs. Court costs are the fees that the court charges for filing your divorce papers. If the Judge does not tell you that you or your spouse will be responsible for court costs, you should ask the Court Clerk after the hearing whether you owe any court costs.

The Final Decree

After asking you questions about the Marital Dissolution Agreement, the Judge will usually sign the Final Divorce Decree, and your hearing will be finished and you will be officially divorced. Please note that after the judge enters a Final Decree granting you a divorce, either you or your spouse may appeal the divorce at any time during the next 30 days. As a result, it is not a good idea to remarry or buy real property for at least 30

days following the entry of a Final Decree in your divorce.

Once the Judge has signed the Final Divorce Decree, both you and your spouse should obtain a certified copy of the Final Divorce Decree, including the Marital Dissolution Agreement, from the Court Clerk. Be sure to get certified copies of all of these forms, as they are used for various reasons, such as to show you have changed your name.

Instructions for Filling Out Complaint for Divorce
(Form I)

The Complaint for Divorce asks the court to dissolve your marriage and gives the Court general information about your marriage. The Complaint for Divorce also tells the Court how you would like to have your property and debts divided. **This booklet is designed to assist you through an irreconcilable differences divorce ONLY. Should you wish to file the Complaint alleging that your spouse is** "at fault" **you should not use the instructions and forms provided in this booklet.** If you are considering proceeding on traditional, fault-based divorce grounds, it is recommended that you consult an attorney to determine the requirements for grounds in a fault-based divorce.

Note: If you have any domestic violence issues in your marriage, getting a divorce can be a particularly dangerous time according to research and statistics. Your spouse may become angry and seek you (or your children) out after receiving a copy of the filed complaint. If there has been any domestic violence in your marriage, it is highly recommended that you hire an attorney. If you

cannot afford an attorney and you have been a victim of domestic violence your local legal iad office might be able to help you. If you or your children have ever been a victim of domestic abuse by your spouse, we urge you to contact the Tennessee Coalition for Domestic and Sexual Violence at 1-800-356-6767 (for resources in Tennessee) or 1-800-799-7233 (the National Domestic Violence hotline). It would be best to contact this agency prior to filing the Complaint so that safety measures can be in place when they are needed. To view the website for the Tennessee Coalition for Domestic and Sexual Violence, please go to www. tcadsv.org.

Caption

Plaintiff and Defendant: You must fill in this section prior to handing your Complaint to the Court Clerk. **You are the Plaintiff** (sometimes referred to as the Petitioner) and must write your full name in the space provided. **Your spouse is the Defendant** (sometimes referred to as the Respondent).

Court: You must decide in which Court to file your Complaint. You can file the Complaint in **Chancery Court, Circuit Court, or General Sessions Court** depending on your local courts' jurisdiction. Check with your local court clerks' offices. You can only file in one court

County/File Number/Division: You should file in the county that you and your spouse separated in. If you and your spouse currently live in separate counties, you need to file your paperwork in the county that your spouse lives in. The exception to this rule is if your spouse is in jail - then you should file in the county you currently live in. The **File Number** will be assigned by the Court Clerk - leave that space blank. Also, leave the **Division** space blank, your Court Clerk will be able to tell you what to write in that space if it is necessary (in smaller counties this space will be left blank).

Facts and Allegations

Most of this section is self-explanatory, and this discussion concentrates on what may not be clear. The words in **CAPITAL LETTERS** are the titles of sections of the document. If you need to, feel free to explain certain situations on additional pieces of paper and attach those to the Complaint you hand to the Clerk. To use the instructions and forms in this booklet you must know the important information about you and your spouse, and they must be willing to divide property, as well as sign the Marital Dissolution Agreement. **If you do not know where your spouse is, cannot agree on property division, or if the other party is not willing to sign the Marital Dissolution Agreement, you should seek the help of an attorney.**

1. WIFE. If you do not want your address to be given because you are a victim of domestic violence, you can list a post office box number if you have one. The domestic violence agency in your area may be able to give you more assistance with this. The remaining part of this section is fairly self-explanatory. Be sure every blank is filled out or write in N/A.

2. HUSBAND. If you do not want your address to be given because you are a

victim of domestic violence, you can list a post office box number if you have one. The domestic violence agency in your area may be able to give you more assistance with this. The remaining part of this section is fairly self-explanatory. Be sure every blank is filled out or write in N/A.

3. THE MARRIAGE. Fill in where you were married, on what date, where you were separated and the approximate date of separation. (Sometimes spouses separate several times. List the last time prior to the filing of the Complaint if you have separated). **If you have filed a Petition for an Order of Protection, attach the Petition and any orders that have been granted by the Court.** It is very important for the divorce court to know if there are court proceedings in any other court, even if it is in another county or state. If you are under a current Order of Protection, the Court may need to follow up under the provisions of that Order of Protection or encourage you to continue one if there is spousal abuse in your family.

4. THE CHILDREN. To use the forms in this packet, you and your spouse must not have any children born or adopted of this marriage. You should also check the box stating that the wife is not currently pregnant. **If you have children, or if the wife is currently pregnant, these forms will not be appropriate for your situation.**

5. THE COURT. This section tells the Court why you are choosing to file in a certain Court or in a certain county. Make an "x" in the first box if you or your spouse has lived in Tennessee for at least 6 months, OR mark an "x" in the second box if the grounds for divorce (reason you are filing for the divorce) happened while you were a resident of Tennessee, even if it was less than 6 months. Generally, you or your spouse must live in Tennessee for six months before you are allowed to file for divorce. However, if grounds for divorce (usually this concerns fault-based grounds for divorce, such as abuse) arose during the time you were a resident of Tennessee, you do not have to wait six months before filing. **Again, if you are planning to file the Complaint alleging fault based grounds for divorce, these instructions will not be sufficient to help you obtain your divorce and you should seek the help of an attorney.**

In the second block, check whether you lived together in this county, whether your spouse only lived in this county or whether you live in this county and your spouse lives in another state or is in jail at the time you are filing the Complaint. (This information is important for the Court to determine whether you have a right to file for divorce in that county).

6. GROUNDS FOR DIVORCE. These are the reasons you are filing for divorce. **If you are using this packet of information and forms, the grounds for your divorce should be Irreconcilable Differences. If you believe your divorce should be decided on Fault-Based Grounds** (such as adultery, habitual alcohol or drug use that started after the marriage, cruel or inappropriate marital conduct, desertion for one year without reasonable cause, conviction of a felony, or other situations which constitute a basis for an at-fault divorce) **you should consult an attorney. If you wish to file for a fault-based divorce, you cannot obtain a divorce using the forms contained in this packet.**

If you and your spouse are in agreement and you are filing the Marital Dissolution Agreement ("MDA") with the Complaint, then check only **Irreconcilable Differences**. An Irreconcilable Differences ("ID") Divorce is a divorce where you and your spouse believe there is no chance that you and your spouse can get back together and live in harmony. It also means that you have signed an agreement in writing on how to divide up your property.

7. PROPERTY. Check the first box if you and your spouse own property either together or alone. Then check any boxes that apply as to the type of property, such as house or land or a car, truck, mobile home, boat or a pension/retirement plan or a bank account, furniture or any other property. List all property that is in your name alone, your spouse's name alone, or if you own the property together. You should attach an additional sheet of paper if necessary.

To use the forms in this booklet you must have your property divided fairly to be able to fill out the appropriate sections on the Complaint and Marital Dissolution Agreement. If you can not agree to property distribution, you should seek the help of an attorney or mediator.

Check the applicable boxes in the first section to tell the Court the type of property that you own, either together or separately.

Check the second box if you and your spouse have already divided your personal belongings. If you can come to a joint agreement as to how the property should be divided, the judge will usually accept your agreement, so long as it is not extremely unfair to either you or your spouse.

8. DEBTS. Check the box which applies to your current situation - whether you or your spouse have (either individually or as a couple) debt, whether you and your spouse have already come to an agreement regarding how the debt should be divided OR whether you or your spouse have no debts. Debts include any amount of money that you are required to pay another person or business. Some examples of debts, but not an entire list, are mortgages, credit card debt, educational student loans, bank loans, and loans from individual private lenders. You should attach a list of your debts and which party will be responsible for paying which debt.

Then, check the box that says neither you nor your spouse has filed for bankruptcy in the last 8 years or whether you or your spouse are presently in bankruptcy.

9. ALIMONY. Check the box whether you do or do not want the Court to order alimony. Alimony is a payment made by the more financially secure spouse to the other over a period of time. The amount of alimony that you may receive will be based on the needs and resources that both you and your spouse will have after the divorce is final. Rehabilitative alimony is usually temporary and has the intention of providing support to the spouse with the lower income (or no income). This money is used to help support the other spouse, while they take a period of time to get themselves back on their feet so that they can support themselves without the aid of the former spouse. If you do not

ask for alimony when filing the Complaint, you can not receive alimony later on. **If this is an important issue for you, particularly when the income of the spouse who is filing is much lower than the other spouse, it may be necessary to get professional legal advice from an attorney.**

10. FORMER NAME. You and/or your spouse may wish to return to a former last name. If either of you wish to do this, check the box asking to be restored to that former name and put that name in the blank.

RELIEF REQUESTED

This section summarizes what you want the Court to do. **To use this packet of instructions and the forms, you will have to agree to the important parts of the divorce with your spouse, and both of you must sign the Marital Dissolution Agreement.**

The first block is when a **Marital Dissolution Agreement has been signed by both parties**. You do not have to file the MDA at the same time that you file the Complaint, but to use the forms in this packet, both parties must be in agreement and willing to sign the MDA. Under this section, you want the Court to approve the Marital Dissolution Agreement. Check whether you want to pay the court costs, or you want your spouse to pay or if you both want to equally divide the costs.

If you and your spouse can not agree on the important aspects of this divorce (property division) you should not use this form and should seek the help of an attorney.

SIGNATURE UNDER OATH

Once you have finished filling in the Complaint form, you must sign and date the Complaint under oath before a Notary Public. You can usually find a Notary Public at a bank near you. Remember if you are attaching a Marital Dissolution Agreement, it must also be signed by both parties under oath in front of a Notary Public. You and your spouse may sign the Marital Dissolution Agreement at different times, so long as each signature is notarized.

INSTRUCTIONS FOR INFORMATION FOR DIVORCING PARTIES

This form must be filed with your divorce papers. It must be filed separately in an 8.5 x 11 inch enveloped labeled on the outside with your name and the name of your spouse and the docket number. Fill in the information on each line of the form for the husband and the wife. Put the page in the envelope and give it to the court clerk when you file the rest of your papers.

FORM I

COMPLAINT FOR DIVORCE

STATE OF TENNESSEE	**COURT** *(Must be completed)*:	**COUNTY** *(Must be completed)*:
COMPLAINT FOR DIVORCE		**FILE#:** (*Must be completed; Clerk assigns #)* **DIVISION:**
PLAINTIFF *(Name - First, Middle, Last)*:	**DEFENDANT** *(Name - First, Middle, Last)*:	

STATEMENT OF FACTS

(Attach additional pages if needed)

1. Wife

Full Name *(First, Middle, MAIDEN, Last)*:		
Address:		
Telephone Numbers *(Home)*:	*(Work)*:	*(Other)*:
Length of Time Wife has Lived in Tennessee:		
Race:		
Date and Place of Birth:		
Number of Previous Marriages:		

Active Member of the Armed Services of the U.S.? ☐ Yes ☐ No	
Employer and Address:	

2. Husband

Full Name *(First, Middle, Last)*:		
Address:		
Telephone Numbers *(Home)*:	*(Work)*:	*(Other)*:
Length of Time Husband has Lived in Tennessee:		
Race:		
Date and Place of Birth:		
Number of Previous Marriages:		
Active Member of the Armed Services of the U.S.? ☐ Yes ☐ No		
Employer and Address:		

3. The Marriage

Husband and Wife were married on *(Date)*:
Place of Marriage *(City, County, State or Country)*:
Husband and Wife separated on or around *(Date)*:
The last place Husband and Wife lived together was *(City, County, State or Country* :
Does one spouse have an Order of Protection against the other? ☐ Yes *(If yes, attach a copy)* ☐ No

4. The Children

My spouse and I have no children born of this marriage who are minors, disabled, or in high school.

The Wife is: ☐ Pregnant ☐ Not pregnant

5. The Court

This case should be in this court because:
Pick <u>one or more</u> of the following:

☐ the Husband or Wife lived in Tennessee for the six months before this Complaint was filed.
☐ the grounds for divorce occurred while the Plaintiff was a resident of Tennessee.

The Plaintiff has filed the Complaint in this County because:
Pick <u>one or more</u> of the following:

☐ the Parties lived in this County at the time of their separation.

☐ the Defendant lives in this County.
☐ the Plaintiff lives in this County, *and* the Defendant is a nonresident of Tennessee or is in jail.

6. Grounds for Divorce

Check the following:

☐ The Husband and Wife have irreconcilable differences *(Marital Dissolution Agreement required)*.

7. Property

Pick <u>one or more</u> of the following:

☐ Husband and Wife now own, either alone or together, the following types of property ***(Select all that apply)***: ☐ Real estate *(House and/or Land)*.
☐ Car, truck, mobile home, other vehicle, and/or boat.
☐ A pension plan or account.
☐ A bank account, furniture, or other asset of any kind.

☐ The parties have divided their personal belongings.
☐ The parties have NO property.

8. Debts

Pick <u>one</u> of the following:

☐ Husband and Wife now have, either alone or together, debts that they have equitably divided.
☐ The parties have no debts.

Pick <u>one</u> of the following:

☐ Neither party has filed for bankruptcy in the last eight years.
☐ Husband or Wife is presently in bankruptcy.

9. Alimony

Pick <u>one</u> of the following:

☐ Alimony is not requested.
☐ The Plaintiff needs alimony, and the Defendant has the ability to pay it.

10. Former Name

Pick any of the following that apply:

☐ The wife's former name of _____ be restored to her.
☐ The husband's former name of _____ be restored to him.

RELIEF REQUESTED

The Plaintiff requests that the court enter a Final Decree of Divorce and grant any other relief the Plaintiff may be entitled to, including orders that will:

The Marital Dissolution Agreement will be signed and agreed to by both parties - Please select all that apply:

☐ Approve the Marital Dissolution Agreement, filed with the court.
Divide the court costs:

☐ Equally
☐ Husband only
☐ Wife only

SIGNATURE UNDER OATH

I declare under penalty of perjury under the laws of the State of Tennessee that the facts stated in this Complaint are true to the best of my knowledge and belief for the causes mentioned in it. The Complaint is not made out of levity (it is not a joke) or in collusion with the Defendant.

SIGNED AT _____ on _____
Place *Date*

_____
PLAINTIFF

STATE OF TENNESSEE
COUNTY OF_____

SWORN TO AND SUBSCRIBED BEFORE ME ON_____
Date

NOTARY PUBLIC
*My commission expires*_____

Instructions for Motion and Order Waiving Mediation

(Form 1(a))

This motion will be filed with the rest of your divorce papers. The Judge will consider your motion and will sign an order relieving you of mediation if the motion is approved. You will ONLY be relieved of mediation if the Judge signs the order. If the Judge does not sign the order then you MUST go to mediation.

STATE OF TENNESSEE	COURT *(Must be completed)*:	COUNTY *(Must be completed)*:
MOTION AND ORDER WAIVING MEDIATION		**FILE#:** *(Must be completed; Clerk assigns #)* **DIVISION:**
PLAINTIFF *(Name - First, Middle, Last)*:	**DEFENDANT** *(Name - First, Middle, Last)*:	

The Plaintiff and Defendant hereby move this Honorable Court for an Order relieving him/her of the mediation requirement and in support of this motion would show:

_____That the parties are in agreement with all issues and have signed a marital dissolution agreement dividing all property and have filed a parenting plan.

WHEREFORE the Plaintiff and Defendant pray that this Honorable Court issue an order directing that no mediation shall occur in this cause.

Respectfully Submitted:

_____
PLAINTIFF

_____
DEFENDANT

Upon motion of the Plaintiff and Defendant and for good cause shown it is hereby

ORDERED that there shall be no mediation in this cause.

ENTER this ____ day of _____, 20_____

_____
JUDGE

Instructions for Information for Divorcing Parties

(Form I(b))

This form (Pg. 22) must be filed with your divorce papers. It must be filed separately in an 8.5 x 11 inch enveloped labeled on the outside with your name and the name of your spouse and the docket number. Fill in the information on each line of the form for the husband and the wife. Put the page in the envelope and give it to the court clerk when you file the rest of your papers.

FORM I(b)

INFORMATION FOR DIVORCING PARTIES

STATE OF TENNESSEE	COURT *(Must be completed)*:	COUNTY *(Must be completed)*:
INFORMATION FOR PARTIES TO THE DIVORCE T.C.A. §36-		**FILE#:** *(Must be completed; Clerk assigns #)* **DIVISION:**
PLAINTIFF *(Name - First, Middle, Last)*:	**DEFENDANT** *(Name - First, Middle, Last)*:	

Information for Wife:

Full Name:_____

Current Mailing Address:_____

_____

_____

Social Security Number:_____

Date of Birth:_____

Information for Husband:

Full Name:_____

Current Mailing Address:_____

_____

_____

Social Security Number:_____

Date of Birth:_____

Instructions for Notice Regarding Insurance Coverage of Spouses and Former Spouses

(Form II)

Remember - This form is not filed with your other divorce papers. This form must be sent to your spouse by *certified mail* if you currently carry medical and/or hospital insurance on your spouse. Be sure you keep a copy of this form for your records after you send it to your spouse.

FORM II

NOTICE REGARDING INSURANCE COVERAGE OF SPOUSES AND FORMER SPOUSES

Notice Regarding Insurance Coverage of Spouses and Former Spouses

TO: _____
Insured Spouse

_____

_____
Last known address

Notice is hereby provided to you, pursuant to T.C.A. 56-7-2366, with regard to your medical (accident and sickness) insurance, the following information:

1. You are currently insured under the following policy, of which your spouse is the insured or policy holder, which provided medical and/or hospital insurance for your benefit:

Insurance company: _____

Policy number: _____

2. You are receiving this notice because your spouse has elected to terminate your insurance coverage as a result of divorce or legal separation being filed or becoming final. In the event of divorce or legal separation, your spouse is required to provide you at least thirty (30) days prior notice before terminating your insurance coverage. Unless you pursue alternative coverage options, you will be without health insurance coverage.

Check if applicable:

3. [ ] This policy has a COBRA continuation provision. This permits you to continue coverage under the existing policy if certain steps are timely taken, which may include the completion of a cobra benefits application and the payment, in advance, of premiums. The contact person for COBRA information is as follows:

Person: _____

Phone Number: _____

Address: _____

_____

[ ] COBRA coverage is not available under this policy. Therefore, to have health insurance, you must obtain your own insurance from another source.

[ ] The insurance coverage you currently have is a group insurance policy and you may be entitled to continuation coverage pursuant to T.C.A. 56-7-2312(d)(1). The person to contact for insurance continuation information is:

Person: _____

Phone Number: _____

Address: _____

_____

Alternatively, know that you may obtain insurance from another source of your choice.

Dated this day of _____, 200_.

_____
Insured spouse or policy holder

_____

_____
Address

_____
Attorney for insured spouse or policy holder (if applicable)

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was properly mailed to or served upon the dependent insured spouse, through his/her attorney of record, _____ , by hand delivery or first class mail with sufficient postage, AND was properly mailed to the dependent insured spouse by certified mail.

THIS _____ day of _____ , 200_.

BY: _____

Attorney for Insured spouse or policy holder OR
Insured/Policy Holder

Instructions for Completing the Uniform Civil Affidavit of Indigency

(Form III)

The Uniform Civil Affidavit of Indigency (pg. 21) is for those who believe they qualify for financial relief. This is an **optional form.** After you file this Affidavit with the Complaint for Divorce, the Judge will review the Affidavit and decide whether to defer but *not forgive* the filing fee for your divorce case. Even if the judge determines that you qualify for financial relief, you will still have to pay the filing fee at the end of your case. You may, however, receive a waiver of the cost of the required parent education course discussed on page 9 of this booklet.

Instructions for filling out the Uniform Civil Affidavit of Indigency:

Steps 1- 4: Fill in the required personal information.

Step 5: List all of your dependents. A "dependent" is someone who depends on you for financial support. In order to qualify as a dependent, the person must live with you for at least half of the year; must depend on you for at least half of their financial support; must be your child, stepchild, adopted child, foster child, brother or sister, or a descendant of one of these (for example, a grandchild or nephew); and must meet one of the following age requirements:

1) Under the age of 19; OR
2) Under the age of 24 and a full-time student for at least five months out of the year; OR
3) Any age if the person is totally and permanently disabled.

Step 6: List the name of your employer, if any.

Step 7: List your present income per month or per week, if any.

Step 8: List your *monthly* income from the sources listed, if any. Note: "AFDC" stands for "Aid to Families with Dependent Children."

Step 9: List your *monthly* expenses.

Step 10: List the amount you pay for your car payments per month. Also list the Fair Market Value (FMV) of your vehicle. If you do not know the fair market value of your vehicle, either give your best estimate or consult Kelley Blue Book (www.kbb.com) to find the trade-in value on your used car.

Step 11: List your debts and to whom they are owed, if any.

Sign and date the Affidavit and file the Affidavit with the Court Clerk along with your Complaint for Divorce.

FORM III

UNIFORM CIVIL AFFIDAVIT OF INDIGENCY AND ORDER

STATE OF TENNESSEE	COURT *(Must be completed)*:	COUNTY *(Must be completed)*:
UNIFORM CIVIL AFFIDAVIT OF INDIGENCY AND ORDER		**FILE#**: *(Must be completed; Clerk assigns #)* **DIVISION:** *(For large counties only)*
PLAINTIFF *(Name - First, Middle, Last)*:	**DEFENDANT** *(Name - First, Middle, Last)*:	

I, , having been duly sworn according to law, make oath that because of my poverty, I am unable to bear the expenses of this case and that I am justly entitled to the relief sought to the best of my belief. The following facts support my poverty.

1.	Full Name *(First, Middle, Last)*:
2.	Address:
3.	Telephone Numbers *(Home)*: *(Work)*: *(Other)*:
4.	Date of Birth:

5. Names and ages of ALL dependents:

Dependent's Full Name:	**Age:**	**Relationship:**

6. I am employed by _____.

7. My present employment income, after federal income and social security taxes are deducted, is:

$_____ per week or $_____ per month.

8. I receive or expect to receive money from the following sources:

☐ AFDC: $_____ per month beginning_____
☐ Social Security Income: $_____ per month beginning_____
☐ Retirement: $_____ per month beginning_____
☐ Disability: $_____ per month beginning_____
☐ Unemployment: $_____ per month beginning_____
☐ Worker's Compensation: $_____ per month beginning_____
☐ Other: $_____ per month beginning___

9. My expenses are:

☐ Rent/House Payment: $_____ per month
☐ Telephone: $_____ per month
☐ Groceries: $_____ per month

☐ School Supplies: $_____ per month
☐ Electricity: $_____ per month
☐ Clothing: $_____ per month
☐ Water: $_____ per month
☐ Child Care or $_____ per month
☐ Gas: $_____ per month
☐ Court Ordered Child Support: $_____ per month
☐ Transportation: $_____ per month
☐ Other: $_____ per month
☐ Medical/Dental: $_____ per month

10. My assets are:

☐ Automobile: $_____ per month (FMV) $____
☐ Checking/Savings Account: $_____ per month
☐ House: $_____ per month (FMV) $_____
☐ Other: $_____ per month

11. My debts are:

Amount Owed:	Owed To Whom:

I hereby declare under the penalty of perjury that the foregoing answers are true, correct, and complete, and that I am financially unable to pay the costs of this action.

SIGNED ON _____ _____
Date **PLAINTIFF**

ORDER ALLOWING PAUPER'S OATH

It appears based upon the Affidavit of Indigency filed in this cause and after due inquiry made that the Plaintiff is an indigent person and is qualified to file case upon a pauper's oath.

□ Parent Education costs are hereby waived for the Plaintiff and shall be paid out of the Parent Education and Mediation Fund.

IT IS SO ORDERED, this the day of , 20_____.

_____
JUDGE

DETERMINATION OF NONINDIGENCY

It appearing based upon the Affidavit of Indigency filed in this cause and after

due inquiry made that the Plaintiff is not an indigent person because:

_____

IT IS ORDERED AND ADJUDGED that the Plaintiff does not qualify for filing this case on a pauper's oath,

this the _____ day of _____, 20____.

_____
JUDGE

Instructions for Completing a Marital Dissolution Agreement
(Form IV)

The Marital Dissolution Agreement (MDA) applies ONLY **when both spouses are in agreement on all important points.** You cannot force your spouse to sign the Marital Dissolution Agreement. **If your spouse refuses to sign the Marital Dissolution Agreement, you cannot get a divorce using the forms provided in this booklet and should seek the advice of an attorney.**

These instructions follow the format of the instructions for the Complaint (Form I) and the Final Decree (Form IV). The words in CAPITAL LETTERS are the titles of sections of the document.

CAPTION

COURT: Fill in the name of the court where you filed the Complaint for Divorce (For example, "Circuit Court" or "Chancery Court" or "General Sessions Court".)

COUNTY: Fill in the name of the county where you filed the Complaint for Divorce.

FILE #: The Court Clerk will assign your case a number when you file the Complaint for Divorce. If you are giving the Clerk the MDA at the same time as the Complaint, he or she can fill in this number. If you are filing the MDA at a later date, fill in the same number in this box.

DIVISION: A division number is usually required only in large counties. Ask the Court Clerk whether your case requires a division number.

PLAINTIFF, DEFENDANT: Use the same identification that appears in the Complaint (Example: If you were listed as the "plaintiff" in the Complaint and your spouse was listed as the "defendant," then list yourself as the "plaintiff" and your spouse as the "defendant" in the MDA.) Fill in your full name and your spouse's full name.

INITIAL PARAGRAPHS:

Fill in the blanks with your full name and home address and your spouse's full name and home address.

The first section says that you and your spouse have irreconcilable differences and that you wish to enter into an agreement about the division of your property.

The second section says that you have filed or will file a Complaint for Divorce in the court you listed at the top of the Agreement.

The third section says that you do not have to serve your spouse with the summons if he or she signs the MDA. It also says that neither spouse needs to file an Answer to the Complaint for Divorce. Finally, it says that you and your spouse understand that you must finalize your divorce within 180 days of the day the last person signs the MDA, or else both you and your spouse must sign a new MDA. Be sure that you file the Final Decree (Form IV) and any appropriate attachments with the Court ~~as~~ at the final divorce hearing so that you will not have a problem with this rule. The sooner you get all your paperwork filed, the sooner your divorce will be finalized.

The fourth section says that the MDA will be included in the Final Divorce Decree. It also says that you and your spouse have read the entire MDA and that you are entering into the MDA because you both want to, not because you have been forced. It also says that you and your spouse agree to sign any documents necessary to complete the divorce.

CHILD OR CHILDREN

Check the box stating that you have no children - to use the forms in this booklet, you and your spouse should have no children together. **If you have children born or adopted during the marriage, you will not be able to use the forms in this booklet.**

REAL PROPERTY

Check the first box if you or your spouse do not own any real property (either a house or piece of land), either individually or in both of your names. Check the second box if you or your spouse own real property, either jointly or individually, AND you have already agreed on a division of that property. If you or your spouse owns real property, you **must** attach the deeds for this property to the MDA. You can get the "property description" from the deed by writing or visiting the Register of Deeds in the county where the property is located. If you are doing anything else regarding property division, check "Other" and describe what you plan to do in the future with your property.

PERSONAL PROPERTY AWARDED TO THE HUSBAND

Check box 1 if you and your spouse have already divided your personal property (furniture, clothing, personal items, etc.), including bank accounts, such as checking and savings accounts. Check "box 2" if the Husband is to receive one of the parties' vehicles. Fill out the required information, including the Vehicle Identification Number (VIN). Check "box 3" if you and your spouse have not yet divided all of your personal property. List the items the Husband has in his possession, or, the items that are currently in the Wife's possession but will be given to the Husband. Then, list the specific date that the property will be in the Husband's possession.

PERSONAL PROPERTY AWARDED TO THE WIFE

Check box 1 if you and your spouse have already divided your personal property (furniture, clothing, personal items, etc.), including bank accounts, such as checking and savings accounts. Check "box 2" if the Wife is to receive one of the parties' vehicles. Fill out the required information, including the Vehicle Identification Number (VIN). Check "box 3" if you and your spouse have not yet divided all of your personal property. List the items the Wife has in his possession, or, the items that are currently in the Husband's possession, but will be given to the Wife. Then, list the specific date that the property will be in the Wife's possession.

Remember that if you are transferring VEHICLES (from one spouse to the other or from both spouses to one spouse), you must sign the vehicle title at the time you sign the MDA or include a description of the transfer in the MDA along with the

VIN number. This way the Department of Motor Vehicles can give you a new title with your signed MDA (Form III) and Final Decree (Form IV).

DEBTS TO BE PAID BY THE HUSBAND AND WIFE

If you or your spouse has any debt, you must decide who will pay what debts. In the first section, Debts to be Paid by the Husband, list the debts that he will be responsible for paying in their entirety. In the second section, Debts to be Paid by the Wife, list the debts that she will be responsible for paying in their entirety. You can also attach a separate sheet if you have chosen to pay off the debts in another fashion, for example if the wife will pay 40% of the credit card bill and the husband has agreed to pay 60%. Be clear as to who is responsible for what debt - the people who have loaned you money can hold you responsible if the debt repayment is not clear with the Court. Don't forget automobile, house, appliance, or property loans and credit card debt. Check the second box in each section if you or your spouse will be responsible for any and all debt he or she incurs during the time of your separation.

HOLD HARMLESS PROVISION

Both you and your spouse must hold the other harmless from paying the debts you or your spouse is responsible for. This means that if, under the MDA, you agree to pay off your credit card balance, you cannot make your spouse help you pay the balance.

Remember that as far as a creditor is concerned, both you and your spouse may still be liable for a debt if it was incurred by both of you. The Hold Harmless Provision means that if a creditor tries to make your spouse pay for a debt owed by both of you, and you are the one responsible for that debt under the MDA, you may have to pay your spouse for what the creditor makes him or her pay, as well as attorney's fees and costs.

ALIMONY

Check the first box if neither party will pay any alimony. If you and your spouse have agreed that one of you will receive alimony, check the second box and write in any other provisions that you and your spouse have agreed to about the payment of alimony.

PENSION PLAN

Check the first box if neither you nor your spouse has a pension plan or a retirement account. Check the second box if you or your spouse does have a pension plan or a retirement account, and describe how the plan or account will be divided.

If you or your spouse have any pension or retirement plans, **IT IS IMPORTANT TO GET LEGAL ADVICE FROM AN ATTORNEY.** This is a complicated area of the law. Check "box 1", if you and your spouse do not have any pension or retirement plans. If you or your spouse has a pension or retirement plan, you may fill out the "Other" line with the

appropriate language after you have consulted an attorney. The attorney will prepare a separate document (called a “Qualified Domestic Relations Order”) developed to protect your interests, particularly if the pension or retirement plan is not in your name. **If you or your spouse have a pension or retirement plan, you must have an attorney draft a Qualified Domestic Relations Order.**

FORMER NAME

If you and/or your spouse wish to take back a former last name, check this box and fill in the name to which you wish to return.

FEES AND COSTS

Check the appropriate box to tell the court whether you or your spouse, or both of you, will be responsible for any court costs. You may divide court costs to either party or to each spouse equally. Generally, there will be no further court costs other than the initial filing fee, unless you have additional court hearings.

ENTIRE AGREEMENT

This section says that the MDA contains all of the agreements between you and your spouse. Any agreement between you and your spouse that is not included in the MDA will not be enforceable under the MDA.

SIGNATURE

You and your spouse are required to sign the MDA in front of a Notary Public. You can usually find a Notary Public at any bank. You and your spouse do not have to sign the MDA in front of the same notary public at the same time.

FORM IV

MARITAL DISSOLUTION AGREEMENT

<table>
<tr><td>STATE OF TENNESSEE</td><td>COURT (Must be completed):</td><td>COUNTY (Must be completed):</td></tr>
<tr><td colspan="2">MARITAL DISSOLUTION AGREEMENT</td><td>FILE#:
(Must be completed; Clerk assigns #)
DIVISION:</td></tr>
<tr><td colspan="2">PLAINTIFF (Name - First, Middle, Last):</td><td colspan="2">DEFENDANT (Name - First, Middle, Last):</td></tr>
</table>

THIS AGREEMENT IS BETWEEN _____ *(Wife)* whose mailing address is _____ and _____*(Husband)* whose mailing address is _____.

We wish to enter into an agreement about our rights and obligations which come from our marriage, so that we can be divorced without a contest. We have irreconcilable differences.

We know that a Complaint for Divorce has been filed or will be filed in the court and county shown in the caption at the top of this page.

We agree that the Complaint does not need to be served on each other, and we waive service of process. We agree that no one needs to file an Answer to the Complaint for Divorce since nothing is contested. We understand that we must finalize this divorce within 180 days of the date the last person signs this Agreement or we must sign a new agreement.

This Agreement shall be included word-for-word as part of the Final Decree of Divorce. We have each read this entire Agreement, we both agree that it is fair, and we have each signed it voluntarily. We each agree to sign any further documents that may be needed to carry out the intent of this agreement.

CHILD OR CHILDREN

☐ There is no child under age 18.

REAL PROPERTY

Select one of the following:

☐ Neither spouse owns any houses or land jointly or in individual names.

☐ The parties have divided the real estate they own, and copies of the deeds are attached to this Agreement.

☐ Other: _____

_____

PERSONAL PROPERTY AWARDED TO THE HUSBAND

Select one or more of the following:

☐ The parties have divided the personal property they own individually or jointly. The Court is satisfied that a fair division has been made of it.

☐ The husband is awarded as his personal property, the following vehicle:

(year) *(make)*
(model)

VIN number:_____

☐ The husband is awarded as his personal property the assets set forth below *(add additional pages if necessary)*:

_____

_____

The husband will receive these items ***no later*** than: _____

PERSONAL PROPERTY AWARDED TO THE WIFE

Select one or more of the following:

☐ The parties have divided the personal property they own individually or jointly. The Court is satisfied that a fair division has been made of it.

☐ The wife is awarded as her personal property, the following vehicle:

(year) *(make)* *(model)*

VIN number:_____

☐ The wife is awarded as her personal property the assets set forth below *(add additional pages if necessary)*:

_____

_____

The wife will receive these items ***no later*** than: _____

DEBTS TO BE PAID BY THE HUSBAND

Select as applicable:

☐ The husband shall pay the debts set forth below *(add additional pages if necessary)*:

_____

_____

☐ The husband shall also pay all debts incurred by him since the date of separation.

DEBTS TO BE PAID BY THE WIFE

Select as applicable:

☐ The wife shall pay the debts set forth below *(add additional pages if necessary)*:

_____

_____

☐ The wife shall also pay all debts incurred by her since the date of separation.

HOLD HARMLESS PROVISION

Each party shall hold the other party harmless from any collection action relating to debts each has agreed to be primarily responsible for in the previous paragraphs. Both parties understand that a creditor may collect against any party who signed for the debt, no matter which person agreed to be primarily responsible for paying the debt. If a creditor tries to collect from the party who is not primarily responsible, the party who agreed to pay the debt will reimburse the other, to include money collected for the debt and reasonable attorney's fees and costs incurred in defending against any attempts to collect an obligation of the other party.

ALIMONY

Select one of the following:

☐ Neither spouse shall pay alimony to the other.

☐ Other: _____

_____

_____

PENSION PLAN

Select one of the following:

☐ Neither spouse has an interest in a pension or other retirement plan or account that is qualified under the Internal Revenue Code.

☐ Other_____

FORMER NAME

Select any of the following that is applicable:

☐ The Wife's former name, _____, is restored to her and a copy of this Marital Dissolution Agreement may be filed with any governmental agency/entity to effect said name change. Neither spouse shall pay alimony to the other.

☐ The Husband's former name, _____, is restored to him and a copy of this Marital Dissolution Agreement may be filed with any governmental agency/entity to effect said name change. Neither spouse shall payalimony to the other.

FEES AND COSTS

Attorney fees shall be paid by the party who incurred them. Court costs shall be paid by ☐ the husband ☐ the wife ☐ both parties equally.

ENTIRE AGREEMENT

This Agreement contains all of the agreements between the parties. There are no agreements which are not written in this document. Any other agreements between the parties which are not written in this document are no longer enforceable.

_____	_____
WIFE	**HUSBAND**
STATE OF TENNESSEE	STATE OF TENNESSEE
COUNTY OF _____	COUNTY OF _____
Sworn to and subscribed before me	Sworn to and subscribed before me
this the ____ day of _____, 20 ___.	this the ____ day of _____, 20___.
_____	_____
NOTARY PUBLIC	**NOTARY PUBLIC**
My commission expires: _____	*My commission expires:* _____

INSTRUCTIONS FOR FILLING OUT THE FINAL DECREE OF DIVORCE BASED ON IRRECONCILABLE DIFFERENCES

(Form IV)

This Final Decree is prepared after you have filed the Complaint. You should appear before the judge at your hearing with this form filled out. You must also bring with you the Marital Dissolution Agreement (even if you have already filed it with the Court, bring another copy), and the Divorce Certificate. If you bring everything with you the judge will normally sign the Final Decree on that day.

The purpose of the Final Decree is to recite that you would like and are awarded a divorce based on Irreconcilable Differences. **If you are seeking a divorce on fault-based grounds, these instructions and form will NOT apply to you - in this case, you should seek the help of an attorney.** The Final Decree also restates that you

have equally divided the property between you and your spouse, and want to finalize your divorce.

Both spouses do not need to sign this Final Decree (BUT, both spouses MUST sign the Marital Dissolution Agreement). The person filing the decree should sign the copy that you hand to the judge, and you must send a copy of the Final Decree to the other spouse.

CAPTION: Fill this in exactly the same as you have on the other documents you filed with the Court. The Plaintiff, Defendant, Court (Chancery, Circuit or General Sessions), County Name, File Number and Division (if applicable) should be written in the box exactly as they appear on the Complaint and the other forms you have filed with the Court.

FIRST PARAGRAPH: Fill out the date of the hearing (date, month and year), the name of the Judge you have appeared before, and the Court you are in.

DISSOLUTION OF THE MARRIAGE: The grounds will be Irreconcilable Differences. If this is not the ground that you would like to state on the decree (for example, if you have a fault-based reason to ask for divorce) you **should not** use the forms and instructions in this packet. **You MUST attach the Marital Dissolution Agreement to this Final Decree.**

CHILD OR CHILDREN: As this packet of instructions is for people who do NOT have children under 18 years of age, check the first box. **If you have children that were born during the marriage or adopted during the marriage, this booklet of forms is not appropriate.**

CHANGE OF NAME: If the wife wishes to change her name to her maiden name or her former married name, then fill in your current name and the name you held before your marriage that you want to change back to. A **CERTIFIED** copy of this Decree may be used to change a driver's license or social security card or credit card.

ORDER OF PROTECTION: If you were granted an Order of Protection prior to or during the divorce, you have the choice to extend the Order of Protection for one year after entry of this Final Decree. Check the first box if there is no Order of Protection. Check the second box if there is an Order of Protection and if you would either like it to be discontinued or if it should be kept in effect for one more year.

COURT COSTS: Fill in who should pay the court costs. If there is only one hearing, then the original fee should pay for the costs, but it would be best to check with the court clerk to make sure you do not owe any additional money.

SIGNATURE AND CERTIFICATE OF SERVICE: Only the spouse presenting the Final Decree to the Judge needs to fill in the "Presented By" section and sign the Final Decree. However, you must also fill in your spouses address information in the Certificate of Service section and send this order to him or her. Also fill in the date that you send this information to the other party. Be sure you do send copies of all documents to your spouse as you are telling the Court in this section that you have

done so.

ATTACHMENTS: Attach Marital Dissolution Agreement, Divorce Certificate, and Order of Protection (if applicable).

FORM V

FINAL DECREE OF DIVORCE

STATE OF TENNESSEE	COURT *(Must be completed)*:	COUNTY *(Must be completed)*:
FINAL DECREE OF DIVORCE **(When A Marital Dissolution Agreement Exists)**		**FILE#:** *(Must be completed; Clerk assigns #)* **DIVISION:**
PLAINTIFF *(Name - First, Middle, Last)*:	**DEFENDANT** *(Name - First, Middle, Last)*:	

FINAL DECREE OF DIVORCE

This case was heard on the day of , 20 , before the Honorable _____, Judge for the Court of County, Tennessee. The parties have entered into a Marital Dissolution Agreement. On the basis of the Complaint, the Marital Dissolution Agreement, and the entire record, the

Court finds good cause to enter this Final Decree.

Therefore, it is *ORDERED, ADJUDGED , AND DECREED* that:

DISSOLUTION OF THE MARRIAGE

The marriage of the parties is dissolved because of irreconcilable differences.

MARITAL DISSOLUTION AGREEMENT

The Court finds that the parties have made adequate and sufficient provision in a Marital Dissolution Agreement for the equitable division of all property and debts between them. ***It is attached and incorporated as part of this Decree as Exhibit 1.***

CHILD OR CHILDREN

Select one of the following:

☐ There is no child under age 18.

CHANGE OF NAME

Select one of the following:

☐ No change of name is made by these proceedings.

☐ The name of _____ shall be changed to _____.

ORDER OF PROTECTION

Select one of the following:

☐ No Order of Protection has been in effect during this case.

☐ The Order of Protection is ☐ dissolved ☐ continued in effect until _____.

FEES AND COSTS

Attorney fees shall be paid by the party who incurred them. Court costs shall be paid by
☐ the husband

☐ the wife ☐ both parties equally.

SO ORDERED this _____day of _____, 20_____.

_____
Judge

Presented by:

Either Plaintiff or Defendant _____

Mailing Address _____

City, State, and Zip _____

Telephone No. *(optional)* _____

CERTIFICATE OF SERVICE

I certify that the foregoing has been delivered in person or sent by U.S. Mail to the other party at the following address: _____.

I did so on the _____ day of _____, 20_____.

_____

Either Plaintiff or Defendant Should Sign

Attachments:

☐ Marital Dissolution Agreement

☐ Certificate of Divorce *(if not already submitted)*

☐ Other: _____

FILING INSTRUCTIONS: Have this document prepared at the final hearing, attaching all documents which you are asking the Judge to approve (MDA, and Final Decree). Give to the Judge at the final hearing.

FORM VI

STATUTORY INJUNCTION AGAINST BOTH PARTIES

(to be read by both parties and signed by the judge)

STATE OF TENNESSEE	COURT *(Must be completed)*:	COUNTY *(Must be completed)*:
STATUTORY INJUNCTIONS AGAINST BOTH PARTIES		**FILE#:** *(Must be completed; Clerk assigns #)* **DIVISION:**
PLAINTIFF *(Name - First, Middle, Last)*:	**DEFENDANT** *(Name - First, Middle, Last)*:	

Both Parties Are Restrained and Enjoined From:

Transferring, assigning, borrowing against, concealing or in any way dissipating or disposing of, without the consent of the other party or an order of the court, any marital property. Expenditures from current income to maintain the

marital standard of living and the usual and ordinary costs of operating a business are not restricted by this injunction. Each party shall maintain records of all expenditures, copies of which shall be available to the other party upon request.

Voluntarily canceling, modifying, terminating, assigning or allowing to lapse for nonpayment of premiums, any insurance policy, including but not limited to life, health, disability, homeowners, renters and automobile, where such insurance policy provides coverage to either of the parties, or that names either of the parties as beneficiaries, without the consent of the other party or an order of the court.

Harassing, threatening, assaulting or abusing the other AND from making disparaging remarks about the other to or in the presence of any children of the parties OR to either party's employer; and

Relocating any children of the parties outside the state of Tennessee, or more than 100 miles from the marital home, without the permission of the other party or an order of the court, except in the case of a removal based upon a well-founded fear of physical abuse against either the fleeing parent or the child. In such cases, upon request of the non-relocating parent, the court will conduct an expedited hearing, by phone conference if appropriate, to determine the reasonableness of the relocation and to make such other orders as appropriate.

This injunction shall not preclude either party from applying to the court for further temporary orders, an expended injunction or modification or revocation of this temporary injunction. This temporary injunction remains in effect against both parties until the final decree of divorce or order of legal separation is entered, the complaint is dismissed, the parties reach agreement, or until the court modifies or dissolves this injunction. This injunction does not require the signature of a Chancellor or Judge and, instead, operates automatically pursuant to Section 36-4-106(d) of the Tennessee Code Annotated because irreconcilable differences are not the sole ground alleged for dissolution of the marriage.

IT IS SO ORDERED, this the day of , 20____.

_____

JUDGE