How to Get an Agreed Divorce in Tennessee

If you have NO children who are under 18, disabled or in high school

and you do NOT own buildings or land or a business with your spouse, or have retirement benefits.

This packet has the court forms you will need to get an agreed divorce. It also explains:

- What an agreed divorce is.
- Who can get an agreed divorce.
- Steps to get an agreed divorce.
- How to get ready for your court hearing.
- Answers to common questions about divorce.
- What goes in a Divorce Agreement.

What is an agreed divorce?

Agreed means that you and your spouse agree on all points of your divorce **AND** you must meet all the rules below. An agreed divorce is easier and faster. It costs less than a regular divorce because:

- There are fewer court papers to fill out.
- You don't **have to** have a lawyer. But it's best to talk to a lawyer before starting any divorce.

Can anyone get an agreed divorce with this packet?

No! It is **only** for couples if **ALL** of these are true:

- One or both of you lived in Tennessee for at least the past 6 months **OR** you both lived in Tennessee when you decided to divorce;
- You and your spouse have no children together who are under 18, in high school, or are disabled.

  Children together means children you had together that were born before your marriage **AND** any born or adopted during your marriage.
- Neither spouse is pregnant;
- You both want to end your marriage;
- You don't own buildings or land or a business together or have retirement benefits; AND
- You can agree on alimony and how to divide your property, and will **both** sign a Divorce Agreement (Form 4).

> If <u>any</u> of these are **not** true for you, you **can't** use this packet! Talk to a lawyer.

Do I need a lawyer?

It is always good to talk to a lawyer if possible.
You need a lawyer if:

- You find the court papers hard to understand;
- You or your spouse has an IRS qualified pension or retirement plan;
- You or your spouse own buildings or land (this is called **real property**);
- You or your spouse own a business;
- Your spouse won't sign the Divorce Agreement;
- Your spouse has a lawyer;
- You have questions about your divorce. The court can't give you legal advice;
- You don't know how to locate your spouse;
- Your spouse over controls you or makes you afraid to disagree; OR
- There is domestic violence. (See page 2 of these instructions for free legal help.)

Important! Only want a lawyer for part of the case? It is always best to talk to a lawyer, if possible. Having a lawyer look at your Divorce Agreement can help you.

Where can I find a lawyer?

- **Your county's Bar Association.** This is a group that lawyers join. They may have programs that can give you free advice. Or they can refer you to a lawyer.
- Look under "lawyer" in the yellow pages.
- Search for "lawyer" on the internet.
- Ask divorced friends which lawyer they used.
- Check the Administrative Office of the Court's website at: www.tncourts.gov and the Court's Access to Justice website, www.justiceforalltn.com.

Where can I get legal help and information?

- Legal information and advice hotline - 1-844-Help4TN (1-844-435-7486)
- www.Help4TN.org
    - See if you qualify for free legal help online
    - Find legal information
    - Find a list of free legal advice clinics across the state

Free Legal Help for Domestic Violence Victims

Does your spouse hurt or threaten you? There are special programs that can help you get free legal advice. They can also help if your spouse won't agree to a divorce. Call these **FREE** hotlines to find help near you.

- Tennessee Coalition for Domestic and Sexual Violence – **1-800-356-6767 / www.tcadsv.org**
- Domestic Violence hotline – **1-800-799-7233**

Mediation Can Help You and Your Spouse Agree.

You cannot use these forms or this packet if you and your spouse can't agree on everything in the Divorce Agreement. However, a mediator is someone who helps people agree. The mediator meets with you and your spouse to try to help you and your spouse find an agreement that is ok for both of you. Many Court Clerks have lists of mediators that you may contact.

Note: Are you a victim of domestic violence? Then you don't have to meet the mediator with your spouse. You and your spouse can have separate meetings. Sometimes a judge can waive mediation.

What if the mediator can't help us agree?

Then you can't use this packet. Talk to a lawyer about filing a regular divorce.

Before you fill out the forms, you need to know that it is against the law to commit perjury. Perjury is when you lie to the court on purpose.

Always tell the truth when you fill out the forms and when you are in court.

Steps to Get an Agreed Divorce

Tip! Make extra copies of the blank forms in this packet. This is in case you make a mistake. Also, make copies of all papers you give the Court Clerk. Ask the Clerk to date-stamp your copy. Keep all your date-stamped divorce papers in a folder or envelope. Bring it with you when you go to court.

The top of all the forms looks the same. There is a big box with 3 rows. There is an example of this box on page 3 of these instructions. The information in this box is important.

The first box in Row 1 shows that you are filing for divorce in Tennessee.

The second box in Row 1 shows the type of court where you will file for divorce. Fill out the type of court where you will file for divorce. If you don't know which court, leave this box empty. Ask the court clerk which court will hear your divorce. Then write that court in this blank. See page 5 of these instructions for more information.

The third box in Row 1 shows the name of the county where you will file for divorce. Page 5 of these instructions has information on what county you can file in. Write the name of the county where you will file for divorce in this box.

The first box in Row 2 tells the name of the form and the form number.

The second box in Row 2 has a blank for a file number and division.
Important! The court clerk will tell you the file number when you file the paperwork. Do not write in a file number until you get this information from the court clerk.
Important! Some large counties have different court divisions. Check with the court clerk to see if the court has divisions in your county. Do not fill in the division blank unless the court tells you that there is a division.

Row 3 is where you list your name and your spouse's name.
The spouse who is filing the divorce is the Plaintiff. The other spouse is the Defendant.

The information you fill out in the big box must be the same on each form.

State of Tennessee **Court** _____	**County** _____
Form Name and Number	**File No**. _____ (Must Be Completed) **Division** _____ (Large Counties Only)

Plaintiff _____
(Name: First, Middle, Last of spouse filing the divorce)

Defendant _____
(Name: First, Middle, Last of the other spouse)

Step 1 **You and your spouse MUST fill out these papers. The Court Clerk can't do this for you. When they are filled out, go to the Court Clerk's office and give them (file) these papers:**

- ❑ Request for Divorce, Form 1. Must be signed and notarized.
- ❑ Spouses' Personal Information, Form 2
  Fill it out and put it in a letter-size envelope. On the outside, write both spouses' names and your case number. The Court Clerk will give you your case number.
- ❑ Check with your Court Clerk to see if you need to fill out a Civil Case Cover Sheet or a summons.

Step 2 **Complete the Health Insurance Notice for Divorcing Spouses (Form 3):**

- ❑ Health Insurance Notice, Form 3
  Fill it out, file with Clerk and mail a copy to your spouse by certified mail. Keep a copy for your records. Not on each other's health insurance or don't have health insurance? Then write that on the paper.

Step 3	Fill out these papers and give them to the Court Clerk (file):
	❑ Divorce Agreement, Form 4. Must be signed and notarized by both you and your spouse. ❑ Final Decree of Divorce, Form 5. Must be signed by both you and your spouse. ❑ Court Order for Divorcing Spouses, Form 6. Must be signed by both you and your spouse. Both spouses must obey this order! ❑ Divorce Certificate Ask the Clerk for this paper. Don't use a copy. Fill out as much of it as you can. Ask the Clerk about the deadline for this paper. ❑ Notice of Hearing to Approve Irreconcilable Differences Divorce, Form 7
Step 4	**Wait at least 60 days after filing your Request for Divorce (Form 1) then:**
	❑ Call the Clerk. Has it been more than 180 days since the last person signed the Divorce Agreement? Then you must fill out a new Divorce Agreement. ❑ Ask the court clerk how to get a court date for the Final Divorce Hearing. Ask if you need any other papers to set the hearing date. ❑ If needed, complete and file the Notice of Hearing to Approve Irreconcilable Differences Divorce, Form 8, with the Court Clerk. You must mail your spouse a copy.
Step 5	**Go to the Courthouse on the date of your Final Divorce Hearing.**
	❑ It's best if both spouses go, but if you are the spouse who filed the divorce, you must go to the hearing. It's best if both spouses go to the hearing. Even though you and your spouse agree on the divorce, the judge still must approve the forms. The judge may have questions on the forms. It's in your best interest to be in court so you can answer the judge's questions. Some counties require that both spouses go to the hearing. Check with the Court Clerk. ❑ What if only one spouse goes and the judge changes something? You will have to go back to court later. Bring copies of all the date-stamped divorce papers with you. Bring a copy of the Final Decree of Divorce, Form 6.
Step 6	**After the hearing, go to the Court Clerk's office. Ask how to get the signed copy of the Final Divorce Order. You may have to pay for copies. You will have to pay for certified copies.**
	❑ If you asked that your name be changed in the divorce papers, get a certified copy of the Final Divorce Order. ❑ If your spouse did not go to the hearing, you **must** mail him/her a copy of this Order.

Get ready for your Court Hearing

Before the hearing:

- Dress neatly. Wear clothes that look like a businessperson. Wear clothes that show respect for the court. This means:
  - ⃠ No shorts.
  - ⃠ No tank tops or low cut tops.
  - ⃠ No crop tops that show your belly.
  - ⃠ No T-shirts with words or pictures.
  - ⃠ Turn off your cell phone or pager.
- Take all of your court papers.
- It's best if both spouses go to the hearing. Some counties require both spouses to go. Check with the Court Clerk. You don't need witnesses.
- Get to court **early** on the day of your hearing. You may need to find parking and go through security.
- Go to the Clerk's Office to make sure your case is on the calendar.
- Sit down in the courtroom. Wait for your name to be called. (There may be other cases ahead of you.)

At the hearing:

- Step forward when your name is called.
- You will be asked to raise your right hand and take an oath to tell the truth.
- After you swear to tell the truth, say this:

  "My name is _____. I am the Plaintiff in this case. I am here to get a Final Divorce Order."

- Don't sit down until your case is over.
- When you speak to the judge, say, "Your Honor." Be polite.
- The judge will look at your court papers and may ask questions. Listen carefully. Never butt in. Don't talk until the judge asks you a question. Answer all questions fully and tell the truth. What if you don't understand a question? Then ask the judge to explain or repeat it.

The judge may ask you:

- Your name and your spouse's name.
- How long you have lived in Tennessee.
- If either spouse wants their old name back.
- If a spouse is pregnant.
- If your Divorce Agreement divides the property fairly.
- If you want the court to grant the divorce.
- If you and your spouse have irreconcilable differences (cannot get along).

You may answer, like this:

- I have lived in Tennessee for at least 6 months.
- We are **not** expecting a child now.
- My spouse and I have no children together.
- My spouse and I have made a Divorce Agreement that is fair. We have divided all property and debt.
- I want a divorce.
- My spouse and I can't get along any more. We have no hope of working our marriage out.

What if there are mistakes on the divorce papers? The judge may ask both spouses to make the changes and initial them. **If both spouses aren't there, you will have to come back another day to correct them.**

At the hearing:

Once approved, the judge will sign the Final Divorce Order. Your divorce is not final until the judge signs the Final Divorce Order and it is filed with the Clerk.

Helpful Tip! After the court makes the Final Divorce Order, each spouse has 30 days to appeal. During this 30-day period, you shouldn't get married again or buy any property.

After the hearing, ask the Court Clerk for certified copies of the Final Divorce Order and Divorce Agreement. You may need this later.

Common Questions About Agreed Divorce

To get an agreed divorce, do I have to prove that my spouse did something wrong?

No. You just have to say that you and your spouse can no longer get along and that you have no hope of working out your marriage problems. The court calls this "irreconcilable differences".

Do I have to live in Tennessee to file for divorce here?

One or both spouses must have lived in Tennessee for at least the last 6 months **OR** you lived in Tennessee when you decided to divorce.

Where do I file my divorce papers?

- In the county where your spouse lives now.
- **OR** in the county where you and your spouse lived when you all separated.

What if your spouse is in jail or doesn't live in Tennessee? Then file in the county where <u>you</u> live.

The court in each county is different. The divorce court in your county could be a Circuit, Chancery, or General Sessions Court. Ask the Court Clerk if their court hears divorce cases. **DON'T** file them in more than one court.

Will my divorce papers be public?

Yes, except for the paper called Spouses' Personal Information, Form 2. The information in that form will be kept secret. The other papers you and your spouse file at court are public record. That means anyone can look at your file. Anyone can get copies of any papers in your file.

Is there a fee to file my divorce papers?

Yes. Each county has its own fee **plus** state fees. Ask the Court Clerk's office how much you will have to pay. Bring cash with you. You must pay the Court Clerk when you file your Request for Divorce. Many Court Clerks don't take checks or credit cards.

How soon can the divorce be granted?

The soonest is 60 days after you file your Request for Divorce. It usually will take longer.

Helpful Tip! After the court makes the Final Divorce Order, each spouse has 30 days to appeal. During this 30-day period, you shouldn't get married again or buy any property.

Important! Until the divorce is final, you and your spouse can't do some things. You and your spouse can't:

- Disobey the Court Order for Divorcing Spouses (Form 6) **OR**
- Spend, give away, destroy, waste or use up property from the marriage **OR**
- Harass each other **OR**
- Stop or change insurance policies **OR**
- Hide, change, or destroy electronic evidence kept on a computer or memory storage device.

What if I am a victim of domestic violence?

Did your spouse hurt or threaten you? To get an agreed divorce you must talk to your spouse. What if it is not safe to contact your spouse? Then an agreed divorce may not work for you. These **free** resources can help you. They can also help if your spouse doesn't want the divorce.

- Coalition for Domestic and Sexual Violence **1-800-356-6767** – **www.tcadsv.org**
- National Domestic Violence hotline **1-800-799-7233**
- Legal Aid or Legal Services
  To find a legal aid program near you go to **www.Help4TN.org**
- Tennessee Alliance for Legal Services
  (615) 627-0956 / 50 Vantage Way, Suite 250, Nashville, TN 37228

What is a Divorce Agreement?

The Divorce Agreement is one of the papers you must file to get an agreed divorce. It tells the court what you and your spouse agreed about alimony. It says how you will divide your money, personal property and debts. You can't use these forms if you or your spouse own buildings or land (real property).

Doesn't the court divide our property?

In an agreed divorce, the spouses decide these things together but the court has to approve. The court wants to see that you divide your property and debts fairly. You have to list how **all** the property is divided, even if you think the property belongs only to one of you. The property division does not have to be equal. The court may change things if the agreement is not fair. The court may change things if one spouse will not have enough to live on.

Do you and your spouse agree about how to divide the property fairly? Then most of the time the court will OK your agreement.

Important! The court will not OK your agreement if it is unfair.

Important! If a debt is in both spouses' names, creditors may try to collect after the divorce from either spouse even if the Divorce Agreement says that one spouse or another will pay for it. If you or your spouse have a mortgage together, you cannot use these forms.

Important! If either spouse is thinking of filing bankruptcy, talk to a lawyer. It may cause problems for the other spouse.

What if my spouse will not sign the Divorce Agreement?

Then you can't get an agreed divorce. **Don't** use this packet.

You can still file a petition for divorce **but**
you can't use these forms or this packet!

Will the court decide on alimony?

Alimony is money that one spouse pays the other for support. In an agreed divorce, the spouses decide whether there should be alimony, how much it should be and for how long it should be paid. This goes in your Divorce Agreement. The Court has to approve it.

For example, some spouses decide that alimony will be paid until:

- The supported spouse remarries or lives with another person, or
- The supported spouse finishes school, or
- One of the spouses dies.

Alimony may make a significant difference in your taxes. Talk to a tax expert before you sign the Divorce Agreement.

The judge will review the proposed alimony to make sure it is fair.

What if we can't agree on alimony?

Then you can't get an agreed divorce. **Don't** use this packet. Is alimony important? Or is there a big difference in salaries? Then talk to a lawyer. You and your spouse may:

- Talk to a mediator, who may be able to help you agree, or
- Talk to a lawyer, or
- File a regular divorce.

How do we divide retirement funds?

If either spouse has retirement funds, then you need to talk to a lawyer. You can't use these forms or this packet.

Should I talk to a lawyer about the Divorce Agreement?

Yes! Talk to a lawyer about your property, debt, and alimony. Some lawyers will help with just the Divorce Agreement. You do the rest of the case on your own.

State of Tennessee	General Sessions Court	Wilson County
	Request for Divorce (Complaint) (Form 1)	**File No.** _____ **Division III**

Plaintiff _____
(Name: First, Middle, Last) of Spouse Filing the Divorce)

Defendant _____
(Name: First, Middle, Last of the Other Spouse)

This form is **only** for spouses who:

- Have no children together who are under 18, in high school, or disabled, **AND**
- Agree how to divide their personal property and debts, and have no land, or businesses, or retirement benefits, except for Social Security, **AND**
- Agree to sign and notarize the Divorce Agreement, **AND**
- Lived in Tennessee when they decided to divorce **OR** one or both spouses lived in Tennessee for at least 6 months.

If you do not meet these rules, you **cannot** use these forms. Please talk to a lawyer.

You cannot use these forms if a spouse is pregnant no matter who the father is.

You may not be able to use these forms if either spouse is in the military. See sections 8 and 9.

Divorce Certificate - Get this official state paper from the court clerk. You must fill it out before going to court.

ANSWER EACH QUESTION.

① **Residency - (CHECK ALL THAT APPLY):**

☐ My spouse or I have lived in Tennessee for at least 6 months.

☐ My spouse and I were living in Tennessee when the reason for this divorce happened.

☐ Our differences arose in Tennessee.

② **Venue – (CHECK ONE)** I am filing for divorce in this County because:

☐ My spouse and I lived in this County when we separated.
Address:_____
Street Address City State Zip

☐ My spouse lives in this County.

☐ I live in this County **and** my spouse does not live in Tennessee, or is in jail.

③ **Reason for Divorce -** My spouse and I can no longer get along, and we have irreconcilable differences.

④ **Children -** My spouse and I have no children together who are under 18, in high school, or disabled. Children together means children you had together, born before the marriage, and all children born or adopted during the marriage. This includes all children either spouse had during the marriage.

☐ No spouse is pregnant. (If a spouse is pregnant, you cannot use this form.)

⑤ **Marriage**

Date:_____ Place: _____

⑥ **Date of Separation -**

My spouse and I decided to divorce on (**CHECK ONE**):

☐ The date of filing this paper (**REQUEST FOR DIVORCE**); or

☐ The date we started living apart: (MM/DD/YYYY): _____

We were married on (MM/DD/YYYY): _____ in: _____

(City, County, State or Foreign Country)

⑦ **Orders of Protection and Other Court Orders: Check the box that is true for you.**

☐ There is no Order of Protection.

☐ The Order of Protection has ended (expired).

☐ There is an Order of Protection now in this court. It will stay in effect until the divorce judge changes it.

Attach a copy of the Order of Protection and write the case number here:_____.

☐ There is an Order of Protection now in a different court. It will stay in effect until the other court ends it. **Attach a copy of the Order of Protection. Write the case number here:_____.**

Restraining Order (**check one**):

☐ No Restraining Order other than the Statutory Injunction, which applies in every divorce case, has been in effect during this case. The Statutory Injunction tells both spouses not to spend, give away, destroy, waste or use up property from the marriage.

☐ Other (describe: _____

_____

_____

VICTIMS OF DOMESTIC VIOLENCE

You do not have to list a home address below. You may list an alternative address instead. For example, you can list a P.O. Box instead. The local domestic violence agency can help you. Call **1-800-356-6767** or go to **www.tcadsv.org**

⑧ Plaintiff's Information

Name: _____
First Name Middle Name Maiden Name Last Name (now)

Address: _____
Street Address City State Zip

Birthplace_____
City and State or Foreign Country

Birth Date (MM/DD/YYYY): _____

Race: ☐ White ☐ Hispanic ☐ Black ☐ Native American ☐ Other: _____

How many marriages before this one?	How long has he/she lived in Tennessee?
_____	_____ years _____ months

Plaintiff's Employer: _____

Active Member of the Armed Services of the United States? ☐ Yes ☐ No

Reserve Member of the Armed Services of the United States on Active Duty? ☐ Yes ☐ No

Guard Member of the Armed Services of the United States on Active Duty? ☐ Yes ☐ No

If the answer is "yes" to any of the questions above, talk to a lawyer. You may not be able to use these forms.

⑨ Defendant's Information

Name: _____
First Name Middle Name Maiden name Last name (Now)

Address: _____
Street address City State Zip

Birthplace _____
City and State or Foreign Country

Birth date (MM/DD/YYYY): _____

Race: ☐ White ☐ Hispanic ☐ Black ☐ Native American ☐ Other: _____

How many marriages before this one?	How long has he/she lived in Tennessee?
_____	_____ years _____months

Active Member of the Armed Services of the United States? ☐ Yes ☐ No

Reserve Member of the Armed Services of the United States on Active Duty? ☐ Yes ☐ No

Guard Member of the Armed Services of the United States on Active Duty? ☐ Yes ☐ No

If the answer is "yes" to any of the questions above, talk to a lawyer. You may not be able to use these forms.

⑩ Financial Information

Real Property (House, Land, or Mobile Homes that are permanently attached to the ground)

My spouse and I:

☐ Do **NOT** own Real Property. If either of you have REAL Property, you cannot use these forms.

Personal Property (such as Cars, Mobile Homes (not permanently attached to the ground), Bank Accounts)

☐ Own personal property and have filed the **Divorce Agreement (Form 5)** that lists how our property is divided.

☐ Do not own Personal Property **(such as** Cars, Mobile Homes, Bank Accounts)

(If **either** of you has a Pension or Retirement Account, except for Social Security, or own a Business, you **cannot** use these forms. Please see a lawyer first.)

Debts – My spouse and I (check **one**):

☐ Do **NOT** have debts.

☐ Have debts and have filed a **Divorce Agreement (Form 5)** that lists how our debts are divided.

☐ One or both of us has filed for a Bankruptcy and it is still active.

⑪ Alimony (check one):

☐ Neither spouse wants alimony.

☐ One of the spouses wants alimony, as agreed to in our Divorce Agreement.

⑫ Name Change (check below to change a spouse's name back to the name used before this marriage, either a maiden name or previous married name)

☐ Plaintiff requests _____

First Name Middle Name Last Name

☐ Defendant requests _____

First Name Middle Name Last Name

⑬ Court Costs (check one):

Who will pay the court costs for this divorce?

☐ Spouses will each pay half of the costs.

☐ Plaintiff will pay all costs.

☐ Defendant will pay all costs.

☐ Other agreement: _____.

⑭ Divorce Agreement

Our signed **Divorce Agreement** (Form 4) is attached, and we ask the Court to approve it.

I ask the Court to grant this divorce, make the other orders I have asked for above, and to make any other orders I am entitled to.

READ THE TEXT BELOW THEN SIGN ONLY IN FRONT OF A NOTARY

Signed at (City): _____ on (Date): _____
(MM/DD/YYYY)

State of Tennessee, County of _____
(Name of County Where Notarized)

I know that Tennessee has laws against lying on purpose (perjury). I swear and affirm that:

- As far as I know, the information on this form is true.
- My request for divorce is serious.
- My spouse and I have agreed not to lie about the information in this divorce. As
- far as we know, we meet all the rules to use these forms.

SWORN to and SUBSCRIBED before me, on (date): _____

Signed at (City): _____

State of Tennessee, County of _____

By (Name of Person Filing for Divorce): _____

_____

(Signature of Person Filing for Divorce):

_____

Signature of Notary Public, State of Tennessee

My commission expires: _____
MM/DD/YYYY

(NOTARY'S SEAL)

State of Tennessee	General Sessions Court	Wilson County
	Both Parties' Personal Information To Be Filed Under Seal (Form 2)	**File No.** _____ **Division III**

Plaintiff _____
(Name: First, Middle, Last) of Spouse Filing the Divorce)

Defendant _____
(Name: First, Middle, Last of the Other Spouse)

This form asks for the personal contact information and Social Security Number of both spouses.

To protect your personal information, follow these steps:

1) Fill out this form.
2) Put the form in an unsealed envelope.
3) Write this information on the envelope: Names of both spouses, and Case Number of your case.
4) Give it to the clerk when you file your other court forms.
5) The court clerk will keep this information secret.

Plaintiff's Information

Name: _____
First Name Middle Name Maiden Name Last Name (now)

Address: _____
Street Address

_____
City State Zip

Telephone Number: _____

Social Security Number: _____ Birth date (MM/DD/YYYY): _____

Birth Place (State or Foreign Country): _____

Defendant's Information

Name: _____
First Name Middle Name Maiden Name Last Name (now)

Address: _____
Street Address

_____
City State Zip

Telephone Number: _____

Social Security Number: _____ Birth date (MM/DD/YYYY): _____

Birth Place (State or Foreign Country): _____

State of Tennessee	General Sessions Court	Wilson County
	Health Insurance Notice (Form 3)	**File No.** _____ **Division III**

Plaintiff _____
(Name: First, Middle, Last) of Spouse Filing the Divorce)

Defendant _____
(Name: First, Middle, Last of the Other Spouse)

You **must:**

- Fill out this form completely, **OR** ask the person in charge of employee benefits where you work to fill it out.
- File the copy with the Court.
- Mail a copy to your spouse by certified mail. Keep a copy of this form for your records.

Important! Your spouse must receive this notice at least 30 days before the insurance coverage ends. Most courts require you to send this to your spouse before you can get a hearing date.

To (Spouse's Name): _____

(Spouse's Address): _____
Street address or P.O. Box City State Zip

From (Your Name): _____

(Your Address): _____
Street Address or P.O. Box City State Zip

If you do NOT have health insurance, check here. ☐ Fill out the Certificate of Service section below. Mail a copy of the paper to your spouse. File this form with the court clerk's office.

If you do HAVE health insurance that covers your spouse now, check here. ☐ Then fill out the information about your health insurance policy that covers your spouse now:

Health Insurance Company: _____ Policy Number: _____

_____
(Employee Benefits Contact Person): (Name/Phone #/Street Address/City/State/Zip)

Check one:

☐ This policy has COBRA. That means your spouse can keep the insurance after the divorce. BUT s/he must apply by the deadline and pay the premiums and any fees.To learn more, speak to the employee benefits person listed above.

☐ This is a group insurance policy. Your spouse might be able to continue coverage under TCA §56-7-2312(d)(1). To learn more, speak to the employee benefits person listed above. Your spouse may also get insurance somewhere else.

☐ This policy does not offer COBRA. That means your spouse will lose this insurance after the divorce. Your spouse must get health insurance somewhere else.

☐ My spouse is not covered by my policy.

Certificate of Service:

I hereby certify that a true and exact copy of this **Health Insurance Notice** was mailed to my insured spouse on
(Date) _____. (MM/DD/YYYY) I sent it to the address listed above by certified mail.

Sign Here: ▶ _____Date (MM/DDD/YYY) _____

State of Tennessee	General Sessions Court	Wilson County
	Divorce Agreement (Marital Dissolution Agreement) (Form 4)	**File No.** _____ **Division III**

Plaintiff _____
(Name: First, Middle, Last of Spouse Filing the Divorce)

Defendant _____
(Name: First, Middle, Last of the Other Spouse)

This form explains how you and your spouse will divide your property and debts.
You must file this form with your **Request for Divorce**, **Form 1.**

Warning! Divorce cases can be hard.
It is always good to talk with a lawyer, if possible.
For information on how to get legal help, call 1-844-Help4TN (1-844-435-7486).

Check "yes" or "no" for each question below.

Is a spouse pregnant?

☐ Yes ☐ No

Does either spouse have a pension or retirement plan? This includes any retirement except Social Security. If you have any questions, see a lawyer.

☐ Yes ☐ No

Does either spouse own a business?

☐ Yes ☐ No

Does either spouse have real property (real property is houses, land, mobile homes that are permanently attached to the ground, condominiums, and cooperatives)?

☐ Yes ☐ No

If you checked "Yes" for any of the questions above, you cannot use these forms. Please talk to a lawyer.

Plaintiff: Initials_____ Date Signed: _____ Defendant: Initials _____ Date Signed: _____

We promise the Court that: (Check Yes or No for each box)

1. We are the Plaintiff and Defendant listed above. We are filing a Request for Divorce in the county and court listed above. We can no longer get along as spouses. We understand our marriage rights and duties. We want to get an agreed divorce.

   ☐ Yes ☐ No

2. We agree on everything in the Request for Divorce. The Request for Divorce does not have to be served, and there is no need to file an Answer.

   ☐ Yes ☐ No

3. Each of us has read this whole Divorce Agreement. We agree it is fair. We agree that each of us has told the other all information on assets and/or debts that we each have. We understand that the Divorce Agreement will become part of our Final Divorce Order.

   ☐ Yes ☐ No

4. My spouse and I have no children together who are under 18, in high school or disabled.

   ☐ Yes ☐ No

   Children together means children you had together that were born before your marriage AND <u>all</u> children born or adopted during the marriage. This includes all children either spouse had during the marriage.

5. No one made us sign this Agreement. We will sign any other papers needed to carry out this Agreement.

   ☐ Yes ☐ No

6. Neither spouse is pregnant.

   ☐ Yes ☐ No

7. We agree that this **Request for Divorce** will take effect only if the Court finds it fairly divides our assets and debts and fully provides for the care and support of our children and if the Court grants a divorce.

   ☐ Yes ☐ No

If you checked "No" on any box, you <u>cannot</u> use any of these forms to file for a divorce. If you have any questions about the Request for Divorce, or about what might happen if either of you change your mind, you need to speak with a lawyer before signing it.

Plaintiff: Initials_____ Date Signed: _____ Defendant: Initials _____ Date Signed: _____

Plaintiff's Personal Property

The **Plaintiff** will own the following property:

a. Vehicles (cars, motorcycles, trucks, boats, etc.)

	Year	Make	Model	VIN #
Vehicle 1				
	Year	Make	Model	VIN #
Vehicle 2				
	Year	Make	Model	VIN #
Vehicle 3				

b. Other personal property like bank accounts, cash, furniture, jewelry, trailers, etc., **not** houses or land!

Type of Account	Bank or Financial Institution	Account Number (Last four Digits)	Account Balance
Check Account			
Savings Account			
Money Market Account			
Other Account			
Other Account			

Describe other personal property: _____

_____

_____

_____

_____

c. ❑ All personal property the Plaintiff has now is his/hers.

If you need more lines, copy this page. Make sure it is included when you file this paper.

Defendant's Personal Property

The **Defendant** will own the following property:

a. Vehicles (cars, motorcycles, trucks, boats, etc.)

	Year	Make	Model	VIN #
Vehicle 1				
	Year	Make	Model	VIN #
Vehicle 2				
	Year	Make	Model	VIN #
Vehicle 3				

b. Other personal property like bank accounts, cash, furniture, jewelry, trailers, etc., **not** houses or land!

Type of Account	Bank or Financial Institution	Account Number (Last four Digits)	Account Balance
Check Account			
Savings Account			
Money Market Account			
Other Account			
Other Account			

Describe other personal property: _____

_____

_____

_____

_____

c. ❑ All personal property the Defendant has now is his/hers.

If you need more lines, copy this page. Make sure it is included when you file this paper.

Debt

Notice: The Final Decree does not necessarily affect the ability of a creditor to proceed against a party or a party's property, even though the party is not responsible under the terms of the decree for an account, any debt associated with an account or any debt. It may be in a party's best interest to cancel, close or freeze any jointly held accounts. T.C.A. §36-4-134.

What this means: This Order does **not** protect you against creditors. They may try to collect from you, even if your spouse is supposed to pay the debt. It may be best to cancel, close, or freeze any accounts you have together.

Plaintiff will pay all debts he or she has made since separating from the other spouse. He or she will also pay for the following debts:

List all loans, including car notes, credit card, cash advance debts	Name of Creditor (person or company you owe)	Account Number (last four digits)	Name on the account	Amount still owed
1.				$
2.				$
3.				$
4.				$

If you need more lines, copy this page. Make sure it is included when you file this paper.

Are any of these debts listed above joint debts? It is a joint debt if both spouses signed a Note or legal paper to pay the debt.

The Plaintiff will do his or her best to refinance or pay off these joint debts.

The Plaintiff has (choose one): ❑90 days ❑ 180 days ❑ 1 year from the date the Court approves this Agreement to do so or otherwise take the other spouse's name off of these joint debts.

What if the Plaintiff does not refinance or pay off the joint debts in that time?
Then the other spouse may take him or her back to Court.
The Court may order the Plaintiff's assets sold to pay off the joint debt(s).

Plaintiff: Initials_____ Date Signed: _____ Defendant: Initials _____ Date Signed: _____

Defendant will pay all debts he or she has made since separating from the other spouse. He or she will pay for the following debts:

List all loans, including car notes, credit card, cash advance debts	Name of Creditor (person or company you owe)	Account Number (last four digits)	Name on the account	Amount still owed
1.				$
2.				$
3.				$
4.				$

If you need more lines, copy this page. Make sure it is included when you file this paper.

Are any of these debts listed above joint debts? It is a joint debt if both spouses signed a Note or legal paper to pay the debt.

The Defendant will do his or her best to refinance or pay off these joint debts.

The Defendant has (choose one): ❑90 days ❑ 180 days ❑ 1 year from the date the Court approves this Agreement to do so or otherwise take the other spouse's name off of these joint debts.

What if the Defendant does not refinance or pay off the joint debts in that time?
Then the other spouse may take him or her back to Court.
The Court may order the Defendant's assets sold to pay off the joint debt(s).

We Both Agree on How to Divide the Debts

(Hold Harmless Provision)

Both the spouses agree to divide their debts as listed above. The Plaintiff agrees to pay all the debts listed under "Plaintiff's Debts." The Defendant agrees to pay all the debts listed under " Defendant's Debts." The Plaintiff will not try to make the Defendant pay his/her debts. The Defendant will not try to make the Plaintiff pay his/her debts.

The Plaintiff and Defendant understand that creditors can try to collect from both of them. A creditor may get one spouse to pay the other spouse's debt, even after the divorce is final. If that happens, the spouse who has agreed to pay the debt will pay the other spouse back. He or she will pay back any payments and reasonable lawyer's fees the spouse paid. He or she will pay back any costs of trying to stop a creditor from collecting the debt.

Alimony (check **one**):

Warning! This section can be very hard. Please talk with a lawyer if you need help with this section.

Alimony can only be changed if there are significant life changes. Sometimes it cannot be changed at all. You have to get a court order to change alimony.

If you want alimony but do not agree on all the sections below, you cannot use this form.

You must fill out each section.

☐ Neither spouse wants alimony

OR

1. The ☐ Plaintiff ☐ Defendant agrees to pay (amount) $: _____.

2. We agree that the alimony (check all the boxes that are true for your agreement):

   ☐ Will be paid until this date _____

   ☐ Will end when the one who gets the alimony dies or gets married again.

   ☐ Will end when the one who gets the alimony finishes school, or on _____, whichever date comes first.

   ☐ Or if this happens _____

   ☐ Will not be modified.

   The court can modify the alimony due to significant changes in our lives, or if the person receiving alimony lives with another person, with or without a romantic relationship.

3. We agree that the alimony will be paid (you must check **one**):

   ☐ Weekly

   ☐ Monthly

   ☐ Other: _____

   ☐ Lump sum paid all at one time.

Important! Both of us understand alimony may change our federal taxes. Unless we specifically agree otherwise, the payor will be able to deduct it on his/her tax return and the person receiving it will have to declare it as income. Our initials at the bottom of this page show we understand this. We agree we are responsible for knowing, understanding and accepting this.

Name Change

Check below to change a spouse's name back to the name used before this marriage (maiden name or previous married name). A government agency or other business may need proof of this name change. If so, give them a filed copy of this form.

☐ Plaintiff _____

First Middle Last

☐ Defendant _____

First Middle Last

Plaintiff Initials:_____ Date Signed: _____ Defendant Initials: _____ Date Signed: _____

Court Costs will be paid by (check **one**)

- ☐ Plaintiff
- ☐ Defendant
- ☐ Plaintiff and Defendant will each pay half
- ☐ Other (explain): _____

Waiver of Service

By signing this Agreement, the Plaintiff and Defendant agree they do not have to serve each other with divorce papers. This form is only good for 180 days after the last spouse signs it. Your final hearing must be within those 180 days. If the 180 days has passed, you will have to fill out, sign, and file this form again. The spouses understand that they do not have to file an Answer to a Complaint for Divorce.

Entire Agreement

This document says everything the Plaintiff and Defendant agreed to in this divorce. If they agreed with each other about anything else, the court cannot make them do it.

Warning - Changes Modification

This form is a legal contract. It is very important this contract is completely filled out. Make sure that you are OK with everything that is in it before you sign it. Speak to a lawyer before signing or if you have any questions.

Plaintiff Initials:_____ Date Signed: _____ Defendant Initials: _____ Date Signed: _____

Read below, but only sign in front of a notary.
You may sign at a different time than your spouse, if you want.

Plaintiff

I know that Tennessee has laws against lying on purpose (perjury). I swear and affirm that:

- As far as I know, the information on this form is true.
- I have told my spouse about all property and all debts that I know about. I have not kept any property or debts a secret from my spouse before I signed this agreement.
- This is everything we have agreed to.
- Any Agreements we have that are not listed above are no longer any good.

I understand that even if one of us changes his or her mind after we both sign it, the Court may still enforce the Request for Divorce.

SWORN to and SUBSCRIBED before me, on

(date):_____
MM/DD/YYYY

Signed at (city): _____

State of Tennessee, County of _____

By (Plaintiff):

_____

_____
Signature of Notary Public, State of Tennessee
My commission expires on:

_____
MM/DD/YYYY

(Notary's seal)

Read below, but only sign in front of a notary.
You may sign at a different time than your spouse, if you want.

Defendant

I know that Tennessee has laws against lying on purpose (perjury). I swear and affirm that:

- As far as I know, the information on this form is true.
- I have told my spouse about all property and all debts that I know about. I have not kept any property or debts a secret from my spouse before I signed this agreement.
- This is everything we have agreed to.
- Any Agreements we have that are not listed above are no longer any good.

I understand that even if one of us changes his or her mind after we both sign it, the Court may still enforce the Request for Divorce.

SWORN to and SUBSCRIBED before me, on

(date): _____
MM/DD/YYYY

Signed at (city): _____

State of Tennessee, County _____

of By (Defendant):

_____

_____
Signature of Notary Public, State of Tennessee
My commission expires on:

_____
MM/DD/YYYY

(Notary's seal)

Plaintiff Initials:_____ Date Signed: _____ Defendant Initials: _____ Date Signed: _____

DO NOT BRING THE FINAL DECREE WHEN FILING FOR YOUR DIVORCE

YOU WILL NEED TO HAVE THE FINAL DECREE WITH YOU WHEN YOU COME FOR YOUR HEARING WITH THE JUDGE – THE JUDGE WILL SIGN IT AT THAT HEARING OR GIVE YOU FURTHER DIRECTIONS.

State of Tennessee	General Sessions Court	Wilson County
	Final Decree of Divorce (with Marital Dissolution Agreement) (Form 5)	**File No.** _____ **Division** _____

Plaintiff _____
(Name: First, Middle, Last of spouse filing the divorce)

Defendant _____
(Name: First, Middle, Last of the other spouse)

If you are ready to finalize your divorce, you must fill out this form and file it with the court clerk. Only the spouse asking for the divorce must sign it, and that spouse **must go** to the court hearing. **BUT**, it is a good idea for **both** spouses to go in case the court has questions. Ask the court clerk for the rules in your county.

The Judge does not have to sign this Order if he/she thinks your Divorce Agreement is not fair.

Take a copy of this form with you to your court hearing. It is best to take all copies of documents you have filed in this case and take:

- **Divorce Agreement**, Form 5, signed by both spouses and notarized if not filed with Request for Divorce
- **Divorce Certificate** - you must get the official state form and have it filled out before court.

Court Hearing and Findings:

On (Date) _____, there was a court hearing at the court and county listed above .
(MM/DD/YYYY)
before **JUDGE ENSLEY HAGAN**
(Judge's Name)

Parties at the Hearing:

☐ **Plaintiff (Spouse filing the divorce):**

_____
Street or P.O. Box City State Zip Phone #

☐ **Defendant (The other spouse):**

_____
Street or P.O. Box City State Zip Phone #

The Court affirmatively finds as follows:

① The spouses have sworn and affirmed that they do not have any children together who are under 18, in high school, or disabled and neither spouse is pregnant. Children together means children they had together before the marriage and all children born or adopted during their marriage.

② The spouses have both signed under penalty of perjury a Divorce Agreement (Marital Dissolution Agreement). That Agreement has disclosed fully the spouses' assets and liabilities and the court finds it equitably settles any and all property rights between them.

③ **Alimony**

☐ Neither spouse wants alimony OR

☐ The (check one): ☐ Plaintiff ☐ Defendant agrees to pay (amount):$_____
until (date): _____ each

☐ Week ☐ Month ☐ Other _____

☐ The alimony will end on (date): _____ OR

☐ The alimony will end when this happens _____
_____

④ The spouses are now divorced based on irreconcilable differences and are restored to the rights and privileges of unmarried persons. The Divorce Agreement (Marital Dissolution Agreement) is now a part of this Final Decree of Divorce.

⑤ **Orders of Protection** (check **one**):

☐ Neither party has a current Protective Order.

☐ The Court ends the current Protective Order.

☐ The Court continues the current Protective Order from this Court until (MM/DD/YYYY): _____.
Attach a Copy of the Order of Protection. Write the Case Number here: _____

☐ The parties have an Order of Protection in a different court. This Final Divorce Order does not change that Order of Protection.
Attach a Copy of the Order of Protection. Write the Case Number here: _____

Restraining Order (check one):

☐ Neither party has a current restraining order or wants a restraining order.

☐ The Court order both parties not to hurt or threaten the other.

☐ The Court further orders that they cannot contact each other after the divorce is final. They also cannot send messages to each other through other people.

⑥ **Name Change** (check **all that apply**):

☐ This Order does not change either party's name.

☐ This Order changes the Plaintiff's name to:

_____

First Name Middle Name Last Name

☐ This Order changes the Defendant's name to:

_____

First Name Middle Name Last Name

Important! You need to change your name on your driver's license or other records. You may need a certified copy of this Order to do that.

⑦ **Lawyers' fees** (check **one**):

☐ Neither side has a lawyer.

☐ The Plaintiff will pay for his/her lawyer's fees. The Defendant will pay for his/her lawyer's fees.

☐ Other (explain):

_____

⑧ **Court Costs** will be paid as follows (check **one**):

☐ The Plaintiff and Defendant will each pay half of the court costs.

☐ Plaintiff will pay all costs.

☐ Defendant will pay all costs.

☐ Other agreement: _____.

⑨ **Other Orders**

_____

_____

Notice: The Final Decree does not necessarily affect the ability of a creditor to proceed against a party or a party's property, even though the party is not responsible under the terms of the decree for an account, any debt associated with an account or any debt. It may be in a party's best interest to cancel, close or freeze any jointly held accounts. T.C.A. §36-4-134.

What this means: This Order does **not** protect you against creditors. They may try to collect from you, even if your spouse is responsible for the debt. It may be best to cancel, close, or freeze any accounts you have together.

This Order is made on Date (MM/DD/YYYY): _____ by:

_____

Judge's signature

This Order is not final until 30 days after the Judge signs it. During those 30 days, you may have questions about remarrying or buying property. If so, talk to a lawyer.

Presented by: _____

Person Getting the Order

Plaintiff's Signature _____

Date (MM/DD/YYYY):_____ Plaintiff's Phone Number: _____

Defendant's Signature _____

Date: (MM/DD/YYYY)_____ Defendant's Phone Number: _____

If your spouse did not go to this hearing, you must mail him/her a copy of this signed Final Divorce Order. Then fill out the part below.

Certificate of Service:

I swear and affirm that a copy of the Final Divorce Order was given to my spouse. It was delivered in person or sent by first-class U.S. Mail to this address:

_____

_____

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

_____

Spouse who mails it signs here

Date (MM/DD/YYYY):_____.

_____

Street Address

_____

City, State, Zip

_____

Phone number:

ATTACHED:

- ☐ **Divorce Agreement** - Marital Dissolution Agreement (if not already submitted)
- ☐ **Divorce Certificate** (if not already submitted)
- ☐ **Other:** _____

State of Tennessee	General Sessions Court	Wilson County
	Restraining Order for Divorcing Spouses (Statutory Injunction) (Form 6)	**File No.** _____ **Division III**

Plaintiff: _____
(Name: First, Middle, Last of spouse filing this paper)

Defendant: _____
(Name: First, Middle, Last of the other spouse)

Both spouses must obey all state law below until the divorce is granted.
If you do not obey them, you may be held in contempt.

Behavior **You must not:**

- Bother, harass, threaten, assault or abuse your spouse.
- Talk about your spouse in a bad way to or in front of your children, your spouse's children, or your spouse's employer.
- Hide, destroy, or spoil any evidence stored on a computer hard drive or memory storage device.

Property & Money

- **DO NOT** do anything to any property that makes it worth less money. This means you can't sell, spend, destroy, harm, transfer, assign, borrow against, hide, or do anything with it. This is true unless the court orders it or your spouse agrees.
- You may use your income for expenses that:
  - Let you keep living as well as you did when married,
  - Pay the usual costs for your business the same way you always do.
- You must keep records of all expenses. If he/she asks, you must give your spouse copies of those records.

Children **You must not move the children:**

- Out of Tennessee, or
- More than 50 miles from the home where you lived while married. This is true unless the court orders it or your spouse agrees.

Important! Do you have a good reason to be afraid that your spouse might hurt you or your children? Then you may go with your children to a safe place. Later, the other spouse may ask the court for an emergency hearing and new Orders. The court can hold the hearing by phone, if needed.
Important! If you want to move with the children out of Tennessee or more than 50 miles away after the divorce, Tennessee's relocation law applies. You must speak with a lawyer.

Insurance Unless the court orders it or your spouse agrees, **you must not:**

- Change, cancel, or transfer **any** insurance policy that covers either spouse or the children.
- Change, cancel, or transfer **any** insurance policy that names either spouse or the children as beneficiary.
- Stop paying for **any** insurance policy premium that covers either spouse or the children.

You **must** follow this Order unless the court changes or ends it, OR your case is final or dismissed. OR you and your spouse make an agreement. Either spouse may ask the court to change or cancel this Order.

_____
Plaintiff's Signature

_____
Defendant's Signature

State of Tennessee	General Sessions Court	Wilson County
	Notice of Hearing to Approve Irreconcilable Differences Divorce (Form 7)	**File No.: _____** **Division: III**

Plaintiff: _____
(Name: First, Middle, Last of spouse filing the divorce)

Defendant _____
(Name: First, Middle, Last of the other spouse)

This case is set for hearing at the court above on:

_____, 20 _____at _____ ☐ a.m. ☐ p.m.
(Month/Day)

Location: Room #_____
(Street) (City, State, Zip)

Presented by:

_____
Person asking for the Hearing to approve the irreconcilable differences divorce

Certificate of Service

I swear and affirm that a copy of this Notice was given to my spouse. It was delivered in person or sent by first-class U.S. Mail to this address:

_____

_____

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

_____
Person asking for the Order:

_____
Street Address:

_____
City, State, Zip

_____
Phone number: