

CIRCUIT COURT

STATE OF TENNESSEE

DIVORCE PACKAGE

ADULT CHILDREN

With or Without Property

Control Number TN-004-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.
All forms to be filed with the clerk must be printed on bond paper.

INFORMATION ABOUT DIVORCE

1. **WHO MAY USE THESE FORMS:** You may use this petition form for divorce only when all of the following facts are true;
 - (a) The breakdown of the marriage must be due to irreconcilable differences between the parties.
 - (b) There are no minor children, and the wife is not pregnant.
 - (c) There are property or/and assets of the marriage and the parties have agreed to all of the terms of division of those assets/property in the separation and property settlement agreement.
 - (d) You were a resident of Tennessee when the grounds for divorce arose.
2. **THE BASICS:** In a typical divorce, there are basic two requirements that must be met before you can file for a divorce. Those requirements are below:
 - (a) You must satisfy the *residency* requirements.
 - (b) You must satisfy the *no-fault procedures*.
3. **RESIDENCY REQUIREMENTS:** Tennessee law requires that the acts complained of must have been committed while the plaintiff was a resident of the state. If the acts complained of were committed outside of Tennessee and the plaintiff resided outside of the state at the time, either of the parties must have resided in Tennessee for six (6) months prior to the filing of the petition. TCA 36-4-104
4. **VENUE:** The petition for divorce may be filed in the county where the parties last shared a residence, where the defendant resides if a resident of Tennessee, or where the plaintiff resides if the defendant is a non-resident. TCA 36-4-105.
5. **COURT:** An action for divorce filed in the State of Tennessee is filed in the Circuit or Chancery Court. The title of the action initiating the divorce is the Petition for Divorce, while the title of the action granting the divorce is referred to as the Final Decree of Divorce. The party filing the action for divorce is called the Petitioner, while the other party is referred to as the Respondent. TCA 36-4-105. This package was prepared for use in Circuit Court.
6. **WAITING PERIOD:** Divorces filed upon the grounds of irreconcilable differences require that there be a sixty (60) day waiting period between the time of the filing of the petition and the hearing of the divorce if the parties have no minor children. If the parties have minor children, the Tennessee law requires a ninety (90) day waiting period between the filing of the petition and the hearing of the action. TCA 36-4-103
7. **GROUND FOR DIVORCE:** Tennessee law permits divorces based upon the irreconcilable differences.

8. **DISTRIBUTION OF PROPERTY:** Since this is an agreed divorce the parties will agreed to property distributions
9. **NAME CHANGE:** A spouse may petition the court requesting that upon divorce the court restore the party to the use of a former or maiden name.
10. **LEGAL SEPARATION:** Tennessee law permits a judgment of separation. **TCA 36-4-102**
11. **ALIMONY:** The courts may award alimony to either spouse. Alimony may be periodic, lump sum, or rehabilitative. Some of the factors the court considers in determining the amount and term of alimony include:
 1. The value of any separate property and the value of each party's marital property.
 2. Whether the spouse seeking alimony is the custodian of a child whose circumstances are such that the spouse can not seek employment.
 3. The need of the spouse seeking alimony to seek additional training or education to find appropriate employment.
 4. The standard of living established during the marriage.
 5. The duration of the marriage.
 6. The needs and obligations of each spouse.
 7. The comparative financial resources of each spouse, and
 8. Any factor the court deems equitable and just. **TCA 36-6-100**

For more information, see the Missouri Divorce Law Summary.

FORMS LIST

This packet contains the following:

1. Petition for Divorce (**TN-801D**)
2. Spouses' Personal Information (**TN-810D**)
3. Health Insurance Notice (**TN-811D**)
4. Non-Military Affidavit (**TN-803D**)
5. Property Settlement and Marital Dissolution Agreement (**TN-804D**)
6. Final Decree of Divorce (**TN-806D**)
7. *Certificate of Dissolution of Marriage and/or Statistical Form
8. Notice of Hearing (**TN-808D**)

* The Certificate of Dissolution of Marriage and/or Statistical Form must be obtained from the Clerk of the Court.

Note: Additional forms such as a Civil Cover or Information sheet may be required. Financial Information may also be required. If these forms are required in your County they should be available from the Clerk.

FORM EXPLANATIONS

All forms included in this package, or needed, are identified below.

1. **Petition for Divorce (TN-801D)** - The Petition for Divorce is the document in which you are asking the court to grant your divorce along with any other relief requested.
2. **Spouses' Personal Information (TN-810D)** – This document is used to gather all the personal information for both spouses.
3. **Health Insurance Notice (TN-811D)** – This document is used to give notice of health insurance information.
4. **Non-Military Affidavit (TN-803D)** – This document is used by the Petitioner to certify that the Respondent is not on active duty with any branch of the U.S. Armed Forces.
5. **Property Settlement and Marital Dissolution Agreement (TN-804D)**
– This document may be completed by both parties and signed before a notary public.
6. **Final Decree of Divorce (TN-806D)** – This document grants the divorce and any other relief requested.
7. **Certificate of Dissolution of Marriage and/or Statistical Form** – You must obtain this document from your Clerk of Court.
8. **Notice of Hearing** – This document is used by the circuit court clerk to notify parties of the date and time of a hearing and the name of the judge before whom the hearing will be held for a particular matter.

STEPS TO NO-FAULT DIVORCE

STEP 1: Complete the following forms:

Form 1: Petition for Divorce

Form 2: Non-Military Affidavit

Form 3: Property Settlement and Marital Dissolution Agreement

Form 4: Final Decree of Divorce

One party completes the Petition for Divorce and both parties complete the Property Settlement and Marital Dissolution Agreement. The Petitioner or person signing the Petition must sign it in front of a notary public.

The Property Settlement and Marital Dissolution Agreement must be signed by both parties in front of a notary public. This can be the same or different notaries.

The Final Decree of Divorce should be completed and signed at the end by both parties.

STEP 2: Make three copies of the signed and notarized Petition, Non-Military Affidavit and Property Settlement and Marital Dissolution Agreement. Go to the Circuit Clerk's office and file these forms and present to the clerk Form 6, the Notice of Hearing. Pay the filing fee. A Civil Cover sheet may be required and should be available from the clerk.

STEP 3: Wait at least 61 days from the date the Petition was filed.

STEP 4: Contact the clerk for a time to present the Final Decree of Divorce to the Court. Ask the clerk what procedures the Judge uses in your county for presenting the Final Decree of Divorce and follow this procedure. Take the Final Decree of Divorce and attach the Property Settlement and Marital Dissolution Agreement and make four copies to present to the Court.

STEP 5: File the Final Decree of Divorce and get several certified copies. Mail one certified copy to the Defendant.

CHECKLIST

- ☐ Petition for Divorce completed and filed.
- ☐ Non-Military Affidavit completed and filed.
- ☐ Property Settlement and Marital Dissolution Agreement completed and filed.
- ☐ Final Decree of Divorce completed and signed by parties.
- ☐ Notice of Hearing completed and presented to clerk.
- ☐ Wait 61 days. Contact clerk to present Final Decree of Divorce to Court.
- ☐ Final Decree of Divorce presented to Court after required waiting period has elapsed.
- ☐ Additional required forms completed.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

To complete the forms click on the gray shaded areas and type the information. For the separation agreement complete the gray shaded areas and also make any other changes or additions to resolve all issues.

Some forms are locked which means that the content of the forms cannot be changed unless the form is unlocked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes relock the form, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

DISCLAIMER

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THESE FORMS WERE PREPARED FOR STATEWIDE USE. HOWEVER, SOME COUNTIES OR JUDGES MAY REQUIRE CERTAIN MODIFICATIONS TO THE FORMS FOR USE IN YOUR PARTICULAR COUNTY AND MAY REQUIRE SPECIAL FORMS NOT INCLUDED. CHANGES REQUIRED BY PARTICULAR JUDGES ARE NOT UNCOMMON EVEN IF THE FORMS HAD BEEN PREPARED BY YOUR ATTORNEY. REGARDLESS, YOU SHOULD BE ABLE TO USE THESE FORMS AND INSTRUCTIONS, WITH ANY REQUIRED MODIFICATIONS, TO MAKE IT THROUGH THE PROCESS. IF YOU NEED TO MAKE CHANGES, OR IF SPECIAL FORMS ARE REQUIRED IN YOUR COUNTY, YOU CAN MAKE THE CHANGES AND REFILE, OR OBTAIN THE SPECIAL FORMS EITHER FROM THE CLERK OR A CLOSED DIVORCE FILE WHICH YOU CAN USE AS AN EXAMPLE.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/TN/TN-004-D.htm>