

**WARNING:** Without the advice and help of an attorney, you may be putting yourself, your personal property, and your money at risk. To get a referral to an attorney, call the State Bar of Texas Lawyer Referral Information Service at 1-800-252-9690. If you are a victim of domestic violence, or if at any time you feel unsafe, you can get confidential help from the National Domestic Violence Hotline at 1-800-799-7233 or legal help from the Texas Advocacy Project Family Violence Legal Line at 1-800-374-4673.

Print court information exactly as it appears on your Original Petition for Divorce.

(Print your answers in blue ink)

Cause Number: \_\_\_\_\_

**IN THE MATTER OF THE MARRIAGE OF**

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

In the (check one):

District Court  
*(Court Number)*

County Court at Law of:

And

Respondent: \_\_\_\_\_  
*(Print first, middle, and last name of other spouse)*

\_\_\_\_\_ County, Texas  
*(County)*

**Waiver of Service**

**(Divorce Set 1 - Uncontested, No Minor Children, No Real Property)**

**WARNING to Respondent:**

Do not use this form if:

- You and your spouse disagree about any issue in your divorce.
- You or your spouse wants to file specific grounds for divorce, such as cruelty or adultery.
- The wife is pregnant, even if the husband is not the father.
- The wife has had a child by another man since the date of marriage.
- You and your spouse have a disabled child, regardless of that child's age.
- You and your spouse have a biological or adopted child together who is either under 18 years old or who is 18 years old and still in high school.
- You or your spouse wants spousal support or maintenance, referred to as "alimony" in some states.
- You or your spouse owns or is buying real property (such as a house, building, piece of land, or other real estate).
- You or your spouse has an ongoing bankruptcy case.

Note on Retirement Funds (for example, pension, profit-sharing, and stock option plans, 401ks, and IRAs):

- If you use these forms to divide retirement funds, you will need to obtain an additional court order, usually called a "qualified domestic relations order" (QDRO), to make the division effective. A QDRO form is not included in this Divorce Set. It is recommended that you hire a lawyer to prepare a QDRO. If you and your spouse keep your own retirement funds or do not have any retirement funds, you do not need a QDRO.

**INSTRUCTIONS to Respondent:**

Talk to a lawyer if you don't understand this form, or read the instructions for this *Divorce Set 1 - Uncontested, No Minor Children, No Real Property*, which can be found at [www.TexasLawHelp.org](http://www.TexasLawHelp.org). If you do use this form:

- Do not sign it until **at least one day after** the *Original Petition for Divorce* has been filed with the clerk's office. Your spouse should have given you a copy of the *Original Petition for Divorce* when he or she gave you this form. The official court stamp on your copy will tell you when it was filed. If you sign this form before then, you will need to redo it.
- Fill out this form completely. You must include your address.
- **Sign this form in front of a notary.** If you sign it beforehand, you will need to redo it.
- Give the original signed form back to your spouse or file it (turn it in) to the court where your spouse filed the *Original Petition for Divorce*. Keep a copy for your records.

**The person who signed this affidavit appeared, in person, before me, the undersigned notary, and stated under oath:**

"I am the Respondent in this case.

"My name is: \_\_\_\_\_  
*First Middle Last*

"My mailing address is: \_\_\_\_\_  
*Mailing Address City State Zip*

"My phone number is: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_\_. "The last three numbers of my driver's license number are: \_\_\_\_\_. My driver's license was issued in \_\_\_\_\_ (State).

Or  I do not have a driver's license number. "The last three numbers of my social security number are: \_\_\_\_\_

Or  I do not have a social security number.

I have been given a copy of the *Original Petition for Divorce* filed in this case. I have read the *Original Petition for Divorce* and understand what it says. I do not give up my right to review a different *Petition for Divorce* if it gets changed (*amended*).

I understand that I have the right to be given a copy of the *Original Petition for Divorce* by a constable, sheriff or other official process server (legal notice). I do not want to be given legal notice. I give up my right to legal notice.

I request that the Court not enter any orders or judgment if they are not signed by me or if I have not received prior written notice of the date, time, and place of any hearings.

If I reach an agreement and sign a *Decree of Divorce*, the court can enter the *Decree* without giving me notice.

I understand that I must let the Court and my spouse (or my spouse's attorney) know in writing if my mailing address or phone number changes during this case. If I don't, then I understand that any notices about this case will be sent to me at the address on this form.

I understand that by signing this form I am entering an appearance and am not required to go to Court to tell the judge my side of the case. I agree that a Judge or Associate Judge in the county and state where this case is filed may make decisions about my divorce, even if the divorce should have been filed in another county. I do not want a court reporter to make a record of the testimony.

**Military Status**

(Check only one)

I am not in the military.

I am in the military. I agree to the provisions stated above and I waive only the rights, privileges, and exemptions I have under the Servicemembers Civil Relief Act that are contrary to those provisions.

**Name Change**

(Check only one)

Note: You cannot use this form to change your name to anything other than a name that you used before you got married.

I am NOT asking the court to change my name.

I ask the Court to change my name back to a name I had before my marriage. I am not asking the court to change my name to avoid criminal prosecution or creditors."

\_\_\_\_\_  
First Middle Last  
Signature of Person Signing Affidavit Date

**Notary fills out below.**

State of \_\_\_\_\_ County of \_\_\_\_\_  
(Print name of state where this Affidavit is notarized) (Print the name of the county where this Affidavit is notarized)

Sworn to and subscribed before me, the undersigned notary, on this date: \_\_\_\_ / \_\_\_\_ / 20\_\_\_\_ at \_\_\_\_ a.m./p.m.  
month day year time circle one

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

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