

IN THE _____ CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

Plaintiff [NAME (First, Middle, Last) OF SPOUSE FILING THE DIVORCE]

vs.

Docket No: _____

Defendant [NAME (First, Middle, Last) OF THE OTHER SPOUSE]

Complaint For Divorce

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

- Have children together who are under 18, in high school, or disabled, **AND**
- Have agreed on parenting time, responsibilities, and child support, **AND**
- Agree how to divide their personal property and debt, and have no land, businesses or retirement benefits, except for social security, **AND**
- Agree to sign and notarize the Divorce Agreement and the Parenting Plan; **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 requirements, you **cannot** use these forms. Please talk to a lawyer.

You **cannot use these forms if**:

- One of the children born while you are married is not both spouses' child (**Warning!** If this is true, speak to a lawyer), **OR**
- Somebody else has a Court *Order* giving them custody or visitation; **OR**
- 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 **#8** and **#9** below).

Divorce Certificate:

- Ask the Clerk's Office for this official State form.
- **This Certificate must be filled 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 occurred.
- Our differences arose in Tennessee.

② **Venue** – I am filing for divorce in Davidson County because (check **one**):

- My spouse and I lived in Davidson County when we separated.

Address: _____

- My spouse lives in Davidson County.
- I live in Davidson County **but** my spouse does not live in Tennessee, or is in jail.

③ **Reason for Divorce** (you both **must** sign and have the *Divorce Agreement* notarized to use this form): My spouse and I can no longer get along, and we have irreconcilable differences.

④ **Children:**

List all children you and your spouse have **together**. “*Children together*” means:

- Children you had together that were born before the marriage and all children born or adopted during the marriage – including ALL children either spouse had during the marriage. The children must be:
o Under age 18, **OR**
o Over age 18 and disabled; **OR**
o Over age 18 and still in high school.

If you have children, you may need to speak with a lawyer!

You and your spouse have _____ children together whose names and dates of birth are:

Table with 2 columns: Child's Name, Child's Birth Date. Multiple empty rows for data entry.

The children have lived at this address (children's current address): _____

with (names of people who currently live with children) _____

since (date children began living here) _____, 20_____.

For the last 5 years, the children have lived with (persons, addresses, and dates): _____

Could another Court case impact custody or visitation of a child? [] Yes [] No
(If yes, you cannot use these forms)

Has either spouse been part of a current Court case about these minor children? [] Yes [] No
(If yes, you cannot use these forms)

The Plaintiff is the person filing for divorce. As far as the Plaintiff knows, no one except their spouse has a right to custody or visitation with the minor children. Plaintiff has not been part of any Court case about the minor children in any state. If there is another Court case about the minor children, the Plaintiff does not know about it.

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 (*Complaint for Divorce*); or

The date we started living apart on (mm/dd/yy): _____

We were married on (mm/dd/yy) _____ 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 Case # 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 and write Case # here:** _____

Restraining Order (check **one**):

No Restraining Order other than the attached *Restraining Order for Divorcing Spouses [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 – but may 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 Middle Maiden name Last Name (now)

Address: _____
Street Address City State Zip

Birthplace (City, State or Foreign Country): _____ Birth Date (mm/dd/yy): _____

Race: White Hispanic Black Native American Other: _____

How many marriages before this one? ____	How long have you lived in Tennessee? ____ years ____ months
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Plaintiff's Employer: _____

Active Member of the Armed Services of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No
Reserve Member of the Armed Services of the United States on active duty ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Guard Member of the Armed Services of the United States on active duty ? <input type="checkbox"/> Yes <input type="checkbox"/> No
If the answer to any of these questions is " yes ," talk to a lawyer. You may not be able to use these forms.

9 Defendant's Information:

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

Address: _____
 Street Address City State Zip

Birthplace (City, State or Foreign Country): _____ Birth Date (mm/dd/yy): _____

Race: White Hispanic Black Native American Other: _____

How many marriages before this one? ____	How long have you lived in Tennessee? ____ years ____ months
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Defendant's Employer: _____

Active Member of the Armed Services of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No
Reserve Member of the Armed Services of the United States on active duty ? <input type="checkbox"/> Yes <input type="checkbox"/> No
Guard Member of the Armed Services of the United States on active duty ? <input type="checkbox"/> Yes <input type="checkbox"/> No
If the answer to any of these questions is " yes ," 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 party has real property, you cannot use these forms.]

Personal Property (such as cars, mobile homes [not permanently attached to the ground], bank accounts):

Own property and have filed the *Divorce Agreement* that lists how our property is divided.

Do **NOT** own personal property (such as cars, mobile homes, bank accounts, etc.)

If **either** party has a pension or retirement account (except for Social Security), or owns 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 the *Divorce Agreement* that lists how our debts are divided.
- One or both of us has filed for 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):

Plaintiff requests _____
 First Middle Last

Defendant requests _____
 First Middle Last

(13) Court Costs (check one):

Who will pay the Court costs for this divorce?

- Spouses will each pay 50% of the costs.
- Plaintiff** will pay all costs.
- Defendant** will pay all costs.
- Other agreement: _____.

(14) Divorce Agreement:

Our signed *Divorce Agreement* (FORM 5) and Parenting Plan are attached, and we ask the Court to approve them. I further ask the Court to grant this divorce, make the other orders I have asked for above, and 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): _____

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 (print name of person filing *Complaint for Divorce*): _____

(Signature of Person filing *Complaint for Divorce*):  _____

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

(Notary's seal)

IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE

NOTICE OF STATUTORY INJUNCTION PURSUANT TO T.C.A. §36-4-106(d)

You are hereby notified that upon personal service, or waiver or acceptance of service by the respondent, both parties are bound to abide by the provisions of the law as set forth verbatim below. Violation of this statute may result in a finding of contempt of court.

T.C.A. §36-4-106(d)

(d) Upon the filing of a petition for divorce or legal separation and upon personal service of the complaint and summons on the respondent or upon waiver and acceptance of service by the respondent, the following temporary injunctions shall be in effect against both parties until the final decree of divorce or order of legal separation is entered, the petition is dismissed, the parties reach agreement or until the court modifies or dissolves the injunction, written notice of which shall be served with the complaint:

(1)(A) An injunction restraining and enjoining both parties from transferring, assigning, borrowing against, concealing or in any way dissipating or disposing, without the consent of the other party or an order of the court, of any marital property. Nothing herein is intended to preclude either of the parties from seeking broader injunctive relief from the court.

(B) Expenditures from current income to maintain 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.

(2) An injunction restraining and enjoining both parties from 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 the children, or that names either of the parties or the children as beneficiaries without the consent of the other party or an order of the court. “*Modifying*” includes any change in beneficiary status.

(3) An injunction restraining both parties from 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.

(4) An injunction restraining and enjoining both parties from hiding, destroying or spoiling, in whole or in part, any evidence electronically stored or on computer hard drives or other memory storage devices.

(5) An injunction restraining both parties from relocating any children of the parties outside the State of Tennessee, or more than fifty (50) 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.

(6) The provision of these injunctions shall be attached to the summons and the complaint and shall be served with the complaint. The injunctions shall become an order of the court upon fulfillment of the requirements of subsection (d) of this action. However, nothing in this subsection shall preclude either party from applying to the court for further temporary orders, an expanded temporary injunction or modification or revocation of this temporary injunction.

(7) The temporary injunctions provided in this section shall only apply to the spousal parties named in the petition and shall not apply to any third party named in the petition; provided, however, that nothing in this subsection (d) shall preclude any party from applying to the court for an order of injunctive or extraordinary relief against any other party named in any petition as provided by law or rule.