

GENERAL INFORMATION AND INSTRUCTIONS

FOR PEOPLE WHO REPRESENT THEMSELVES IN A DIVORCE

NO-FAULT DIVORCE WITH CHILDREN UNDER 18 YEARS OF AGE

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 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 and the parenting arrangements for your children. 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 parenting and property division or only one party is participating in the divorce. 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, taking money out of your paycheck to pay child support, or limiting when you can see your child. 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 (and the Parenting Plan if there are children involved) 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 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). 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 neutral 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 parent your children and 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 and a plan for the future of your children, 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 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 minor children together, you may receive a Final Decree as soon as 90 days following the filing of the Complaint for Divorce. **Please note that both you and your spouse must be willing to sign the Marital Dissolution Agreement, otherwise these forms will not be appropriate for your situation** and it may take longer for your divorce to become finalized.

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 or the family chooses for one parent to stay at home with the children.

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.**

Who decides where the children will live and how much support will be paid for the children?

If you and your spouse have children together (either by birth or adoption) under the age of 18, you must complete a Parenting Plan. A Parenting Plan is a document that states exactly where your children will live and how much time they will spend with each parent on a regular basis, on weekends, holidays and on vacations. It will state the responsibility of each parent for time spent with the child(ren) as well as the responsibility of each parent to pay child support. The Parenting Plan will state which parent is responsible for the health insurance, daycare, and extra expenses of the child(ren). In addition to completing a Parenting Plan, both parties to the divorce will be required to take a parenting class.

The child support to be paid will depend on each parent’s income as well as the amount of time the child spends with each parent. The support is determined by following the Child Support Guidelines. More information about the Child Support Guidelines can be found on page 59 of this booklet.

If you and your spouse cannot agree on a Permanent Parenting Plan, you will not be able to obtain an irreconcilable differences divorce using the forms found in this booklet. If you and your spouse are having trouble reaching an agreement about the Parenting Plan, you might consider mediation as a way to help you and your spouse reach an agreement. More information about the Parenting Plan can be found on page 36 of this booklet.

Instructions for Filing Forms Contained in this Booklet

These forms and instructions are for uncontested, irreconcilable differences divorce cases where the parties have 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. 18

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. 27

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. 31

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. 35

(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.)

Divorce Certificate - 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. Check with your local clerk's office to determine when this is filed.

• **Motion and Order to Waive Mediation (Form 1(a))- pg. 24**

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.

Temporary Injunction against Both Parties (Form VII) - pg. 82

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 or relocating your children.

Marital Dissolution Agreement (Form IV) - pg. 43

Permanent Parenting Plan (Form V) - pg. 59

Step 2: Set a date for a Final Divorce Hearing and Attend Parenting Class

After you have filed the Complaint for Divorce and the accompanying forms listed above, you must wait at least **90 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 90 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, along with the Permanent Parenting Plan and Child Support Worksheet with you on the date of the hearing.

During the 90 day waiting period, both you and your spouse must also attend a parent education class if you have children together who are under the age of 18. This class will last a minimum of four hours, but may be longer depending on where you live. This class is extremely helpful to understanding how your children are affected by the divorce, according to their developmental needs. The cost of this class varies depending on the location. There is financial help for attending this class if you cannot afford it. The Court Clerk will either send you information about which classes you may attend or you may call the Court Clerk to get that information. You should try to attend the class within 30 days of filing of the Complaint for Divorce. Once you have completed the course, you must file a certificate of completion (provided to you by the course instructor) with the court. You and your spouse do not have to attend the same class. If your spouse does not attend a class, the Court may summon him or her to Court and he or she may be held in contempt of court for failing to attend. You can, however, get the divorce without your spouse having attended the class. **It is in the best interest of your children for both you and your spouse to complete the parenting class.**

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):

Permanent Parenting Plan (Form V)

Marital Dissolution Agreement (Form IV)

Final Decree of Divorce (Form VI)

Divorce Certificate (filled out with the Complaint) - You need to pick this form up from the Court Clerk's Office. You can not use a photocopy.

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. Usually, it is best not to bring your children to the hearing, but if it is not possible to make other arrangements, bring someone to supervise them so they do not disturb others in the courtroom. 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. My spouse and I have signed a Permanent Parenting Plan which provides a schedule where our children will reside and the amount of child support.**

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 the Permanent Parenting Plan provides for the care of you and your spouse's children
- Whether the amount of child support you and your spouse have agreed to is the same amount of child support provided for in the Tennessee Child Support Guidelines. If it is not the same amount, why not
- Whether you and your spouse have completed the required parenting class
- Whether any additional children are expected of the marriage (Are you or your spouse currently pregnant?)
- Whether you want the Marital Dissolution Agreement and the Permanent Parenting Plan 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 and the Permanent Parenting Plan, 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 and what you would like the Court to do concerning your child(ren). **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 aid 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, parenting responsibilities, as well as sign the Marital Dissolution Agreement. **If you do not know where your spouse is, cannot agree on property division or how to split parenting responsibilities, 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 (or that of a child) 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 (or that of a child) 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 or child abuse in your family.

4. THE CHILDREN. Make a list of all your children that are from your current marriage (either born of the marriage or adopted during the marriage). Include each child's full name, birth date and social security number. In the second block, list the addresses where each child has lived during the last five years and with whom the child has lived. You will also need to state where the children are currently living at the time the Complaint is filed. In the next block, check if the wife is pregnant or not. In the next block, **attach a copy of any orders that affect you or your children, such as Orders of Protection, Temporary or Permanent Orders of Custody or Residential Placement from a Juvenile Court or the Court of another county or state.** Make sure you list all proceedings regarding your children, so that the Court can be sure that they are the court responsible for making the final custody decision.

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 deal with your children in the future (if you have them) and 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 equitably 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 and the Parenting Plan. 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 (mainly property division, child support and parenting responsibilities) 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 and/or a Proposed Parenting Plan, 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 and/or Parenting Plan 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 <i>(Must be completed):</i>	COUNTY <i>(Must be completed):</i>
COMPLAINT FOR DIVORCE		FILE#: <i>(Must be completed; Clerk assigns #)</i>
		DIVISION:
PLAINTIFF <i>(Name - First, Middle, Last):</i>		DEFENDANT <i>(Name - First, Middle, Last):</i>

STATEMENT OF FACTS

(Attach additional pages if needed)

1. Wife

Full Name <i>(First, Middle, MAIDEN, Last):</i>
Address:
Telephone Numbers <i>(Home):</i> _____ <i>(Work):</i> _____ <i>(Other):</i> _____
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.? <input type="checkbox"/> Yes <input type="checkbox"/> No

Employer and Address:

2. Husband

Full Name <i>(First, Middle, Last)</i> :
Address:
Telephone Numbers <i>(Home)</i> : _____ <i>(Work)</i> : _____ <i>(Other)</i> : _____
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.? <input type="checkbox"/> Yes <input type="checkbox"/> 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 _____ (number of children) born of this marriage who are minors, disabled, or in high school.

The children are:

Child's Full Name	Birth Date	Social Security No.

For the last five years, each child (list each child) has lived at the following addresses:

Child's Full Name	Address <i>(Street, City, State, Zip Code)</i>	Lived here from _____ to _____	And now lives with <i>(Me, spouse, or list other person and their relationship to child)</i>

The Wife is: Pregnant Not pregnant
 Could another court case affect the custody decision? Yes No (If yes, attach a copy)

5. The Court

This case should be in this court because:

Pick one or more 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 one or more 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 listed ground:

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

7. Property

Pick one or more 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 one of the following:

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

Pick one of the following:

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

9. Alimony

Pick one 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.
 - Approve the Permanent Parenting Plan, 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.

FORM 1(a)

Motion and Order Waiving Mediation

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

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 <i>(Must be completed):</i>	COUNTY <i>(Must be completed):</i>
INFORMATION FOR PARTIES TO THE DIVORCE T.C.A. §36-		FILE#: <i>(Must be completed; Clerk assigns #)</i> DIVISION:
PLAINTIFF <i>(Name - First, Middle, Last):</i>	DEFENDANT <i>(Name - First, Middle, Last):</i>	

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: _____

Information for Minor Children Born of the Marriage

Full Name: _____

Current Mailing Address: _____

Social Security Number: _____

Date of Birth: _____

Full Name: _____

Current Mailing Address: _____

Social Security Number: _____

Date of Birth: _____

Full Name: _____

Current Mailing Address: _____

Social Security Number: _____

Date of Birth: _____

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 (pg.*) 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. 24) 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 <i>(Must be completed):</i>	COUNTY <i>(Must be completed):</i>
---------------------------	--	---

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 _____ **PLAINTIFF**
Date

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 V). 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.”)

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 V) and any appropriate attachments with the Court 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 first box if you have no children. Check the second box if you have children with your spouse under the age of 18. Remember to attach the Permanent Parenting Plan (including the Child Support Worksheet) to the MDA.

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 V).

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

STATE OF TENNESSEE	COURT <i>(Must be completed):</i>	COUNTY <i>(Must be completed):</i>
MARITAL DISSOLUTION AGREEMENT		FILE#: <i>(Must be completed; Clerk assigns #)</i>
PLAINTIFF <i>(Name - First, Middle, Last):</i>	DEFENDANT <i>(Name - First, Middle, Last):</i>	
DIVISION:		

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.
- The Court has jurisdiction over each child in the Permanent Parenting Plan which is attached to this Marital Dissolution Agreement.

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 and 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 pay alimony 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
COUNTY OF _____

STATE OF TENNESSEE
COUNTY OF _____

Sworn to and subscribed before me
this the ____ day of _____, 20 ____.

Sworn to and subscribed before me
this the ____ day of _____, 20____.

NOTARY PUBLIC

NOTARY PUBLIC

My commission expires: _____

My commission expires: _____

Instructions for Completing a Permanent Parenting Plan
(Form V)

This workbook explains each section of the parenting plan in detail. The laws and regulations regarding child support are continuously being revised, so you will have to check with your attorney or the DHS website at <http://www.state.tn.us/humanserv/is/incomeshares.htm> for any changes in the calculation of child support.

Each section of a parenting plan is explained. You may wish to make a copy of your parenting plan form, so that you will fill out the form as your first draft and recopy it in its final form so that it can be filed with the court.

All information in this workbook is general in nature. Each family is unique and has its own specific situation. This workbook is not intended to give ANY legal advice that applies to your situation. If you have any questions about how the law applies to your specific situation, it is suggested that you consult with an

attorney.

TYPES OF PARENTING PLANS IN AN ID DIVORCE

Agreed Parenting Plan

If both parents can reach an agreement on every item in a parenting plan, both can sign an agreed parenting plan and file it with the court.

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 minor children together.

THE CAPTION

The boxes at the very top of the parenting plan contain the "Caption". The caption tells the clerk where to file your parenting plan.

1. **Check the appropriate box** as to whether this is a Proposed Parenting Plan (your proposal); an Agreed Parenting Plan (signed by both of you); or a Court Ordered Plan (after a hearing before the judge).
2. In the box called "**File No.**" you do not have to write this number. This is the number assigned to your file by the clerk. This will be the same File No. that you have on the Complaint and MDA.
3. The box entitled "**Plaintiff**" is the name of the person who first files or if this is an agreed plan, the parent who agrees to be the plaintiff. The "**Defendant**" is the other parent. Write each full name and check the appropriate box "mother" and "father".
4. Check the box if this is a new plan, a modification of a Parenting Plan or modification of an existing order that had no Parenting Plan. After the caption, you must indicate whether this is the first parenting plan or whether you are changing an existing parenting plan. For most divorces, this will be a new plan.

CHILDREN'S INFORMATION

Fill out the names of all children and their birthdates in your family, unless they are from a prior marriage or relationship.

I. RESIDENTIAL PARENTING TIME

A. RESIDENTIAL TIME WITH EACH PARENT

The parent who has the children more than one-half of the time is the “Primary Residential Parent.” If there is exactly equal time between the parents, the parent with the lowest income is the “Primary Residential Parent.” The other parent is called the “Alternative Residential Parent.”

When you have completed the residential schedule and you know how many days the children are with each parent, you must count up the days the children will be with each parent. “Days” are defined in the child support guidelines as the majority of a 24 hour, 12 hours or more, day generally with an overnight. This can be done after you fill out the Day to Day Schedule.

B. DAY TO DAY SCHEDULE

This section provides for the time that each parent will spend with the child on a weekday and on the weekend. The schedule will vary depending on the age and needs of the child, on the parents’ work schedule, the capability of each parent to care for the child, the space available to properly keep the child overnight, the distance between the parents, whether the child attends school, and how well the parents get along. Each family is unique.

Traditionally, one parent has had the child during the week and the other parent every other weekend. Some parents will pick up the child from school and return to school on a Monday morning. Some parents will have the child(ren) for a portion of a week. Some will alternate the child(ren) every week. The **KEY** is what is most beneficial to the children. If the children’s schedules are very different, such as a pre-school child and a teenager, you may have to work out different schedules. The key to success with your children is **Consistency**. Children are flexible, but they need to know when and where they are at each parent’s homes. This is particularly true at the beginning of the separation between the parties and post-divorce.

Fill out the specific times and days in the schedule.

C. HOLIDAYS

Most parents alternate holidays. There are major holidays which are days off work for many parents. These are New Year’s Day, Easter Sunday, Memorial Day, July 4th, Labor Day, and Thanksgiving weekend. Christmas or winter vacation will be discussed separately. There are also minor holidays where children are not in school, but many parents are still working. These are: Martin Luther King Day, President’s Day, Columbus Day, and Veteran’s Day. Moms always have the children on Mother’s Day and dads always have them on Father’s Day.

You should identify when the holiday begins and ends. At the bottom of the column of holidays, it says that the holiday begins the night before at 6 p.m., unless otherwise noted. If that is not what you mean, then you must note that in the line below the note.

(If you are going to have the children on Easter - does that mean Easter Sunday or Easter weekend?)

If you do not want a schedule for a particular holiday listed in the chart, cross it out. If you want the children to be with you on a particular holiday every year, write in "EVERY", such as Mother's Day and Father's Day. For those holidays which should be alternated, write "EVEN" for one parent and "ODD" for the other parent. This refers to the year that the parent will have the child - 2002 would be an "EVEN" year whereas 2003 would be an "ODD" year. If the parents want to alternate, simply alternate EVEN and ODD down each column.

Many parents split the children's birthdays. If this is what you would like to do, write down "HALF". If this is the case, one parent would have then child half of the day (either morning or evening) and the other parent would have the child the other half of the day. If this is not what you would like, write your own schedule. Add any other holidays you would like to include.

Increasingly, schools are on a year-round schedule. Take that into consideration, when filling out the schedule.

Christmas is not on this list because it is covered in another section of the parenting plan.

D. FALL VACATION/YEAR ROUND SCHOOL YEAR

Some school systems have a Fall Break. If your children have a Fall Break, fill out the section below. If there is no Fall Break, cross out the entire block. As mentioned above, if the children have multiple longer breaks, you may wish to provide an alternate schedule than that used during the school year, when the children are in school every week.

E. CHRISTMAS OR WINTER VACATION

This schedule presumes that each parent has approximately one week before and one week after Christmas. Many persons alternate these weeks, with one parent having Christmas Eve and one having Christmas Day. Think about when your family typically celebrates Christmas, and when the other parent's family typically celebrates it. If you live in the same area, one parent can have the children on Christmas morning and the other parent can pick them up on Christmas afternoon. For this reason, you may not want to alternate Christmas so one parent has the children for the entire Christmas break one year, and the other parent has them the next. Or, you create a tradition which each family replicates each year. If one parent lives in another state, you might simply alternate the entire winter break. Just remember, Christmas Day is a time for children. Don't stress them too much by dragging them back and forth. —

If you have a special agreement, write it out on the space provided.

F. SPRING BREAK

You may wish to make specific arrangements for time with the children during their spring break from school. Some parents alternate the spring break from year-to-year. Some parents divide the spring break into two parts, and the children are with both parents during part of the spring break.

G. SUMMER

During the summer, parents are not bound by school schedules, and can be more flexible. Where one parent has the children for a longer time during the school year, the other parent may want to have two weeks without interruption or a month or six weeks with alternating weekends. With young children, it may be better to space out the weeks during the summer. With older children, they may be at camp or have very defined activities. Typically, the children are returned to the parent having primary responsibility one week before school begins. The beginning of the school year is always hectic, buying supplies, school clothes and getting the children back into a routine.

If your Parenting Plan schedule states two weeks in the summer or one month, the parent must give the primary parent some kind of notice as to the date that the schedule will begin. You can specify that date in the Parenting Plan to avoid squabbling.

H. TRANSPORTATION ARRANGEMENTS

Low level conflict parents pick up and deliver their children at each parent's houses. Specify in the Parenting Plan who picks up and who delivers the children. If this encounter leads to arguments, consider picking up the children from school or daycare and returning them to school or daycare on either an overnight or a weekend on Monday. If the children are young or the parents live far apart, a central location such as Wal-Mart or McDonalds is helpful. If the parties have long distance costs, decide how those costs will be paid. If not, cross that part out.

Use common sense. If there is a known stressor (such as a new girlfriend or boyfriend), leave them at home. The children should not get a stomach ache simply changing parents.

If a parent does not have a valid driver's license, under Tennessee law, that parent cannot drive with the children.

I. SUPERVISED PARENTING TIME

It is not normal for a judge to order that one parent must be supervised when he or she is with the children. If there are safety issues, such as severe alcohol abuse, drug abuse, or child abuse issues, a judge may consider supervised parenting time.

If you truly believe that your children are in danger when they are with the other parent, fill out this section with a proposed supervisor, who is not you.

*****WARNING*** If this situation applies to you, it is strongly recommended that you consult with an attorney.**

J. OTHER PROVISIONS

The remaining section is for any provisions that might be unique to your family. If you have no other provisions, cross this section out.

II. DECISION MAKING

When a parent has the children in the schedule you filled out in Part I, that parent will make the day-to-day decisions. If there is a medical emergency while the children are with a parent, that parent must make emergency decisions. However, that parent must notify the other parent about the emergency as soon as possible.

A Parenting Plan must provide for who makes the major decisions that are not emergency decisions. The Parenting Plan suggests that you must decide whether the Mother or the Father (or both) makes education decisions, non-emergency health decisions, religious upbringing and extracurricular activities. Under "other" you should think about issues which could be the source of arguments—for example, who decides to cut the daughter's hair or pierce ears. You can also make these decisions "joint decisions".

III. FINANCIAL SUPPORT

A. CHILD SUPPORT

Child support is set by the Tennessee guidelines. These guidelines changed completely on January 18, 2005 and were modified by the 2006 Tennessee Legislature.

The new guidelines look at the income of both parents. Both parents' income are combined, and then percentages are determined. These percentages are used to determine each parent's share of the support obligation, the share of the cost of work-related child care, the share of the cost of insurance premiums and the share of the cost of medical and dental care not covered by insurance.

At the end of these instructions, you will find a list of documents the judge might want to see to calculate child support. The Judge will not calculate child support - the parties must. You will also find additional instructions for completing the child support worksheets using a computer. It is extremely difficult to complete these worksheets without the assistance of a computer. The new guidelines are complex, and this booklet

does not discuss all of the complexities to calculate child support. The following is an overview of the new guidelines and information you will need to calculate child support under most circumstances.

First, both the Mother and Father's gross monthly income must be determined.

Gross income is defined as more than a parent's base pay. Gross income includes: wages, salaries, commissions, bonuses, overtime payments, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers' compensation benefits, judgments for personal injuries, unemployment, gifts, prizes, lottery winnings, alimony, and income from self-employment. Depreciation, home offices, excessive promotional, travel, car expenses or personal expenses should not be considered business expenses when determining gross income from self-employment. Benefits like a company car, on-post housing, and meal cards are added to income. Members of the military must use all income, including BAH, BAS, family separation pay, flight pay, and other similar entitlements.

If you do not know the other parent's gross income, put down the amount you believe he or she is capable of making, based upon their past income. If you have no idea of that parent's income capabilities, and there is No Other Reliable Information, the court may use the Tennessee averages, which is \$36,369.00 for fathers (averages out to \$3,030.75 per month) and \$26,989.00 for mothers (averages out to \$2,249.08 per month).

Second, the number of days the children are with each parent will affect child support.

The parent who has the children more than 50% of the time is the Primary Residential Parent. The other parent is called the Alternative Residential Parent. If the alternative residential parent has the children for more than 92 days, he or she will get a small reduction in child support. If the alternative residential parent has the children for less than 68 days that parent will pay more child support. "Days" are defined as at least 12 hours or more of a 24 hour day and the parent must spend a reasonable amount of resources on the children. Even if the parents have equal time, the parent with the greater income will still pay support to the other parent, even in a 50/50 arrangement.

Third, how much are the medical and dental insurance premiums for the children and which parent will pay them?

You will have to know the amount of the premiums for the children alone and whether this amount is payroll deducted or paid like any other bill.

Fourth, how much does each parent pay for work-related child care?

Child care must be work-related. Child care while a parent is going to school in order to increase their income counts as "work-related" child care. Child care should be averaged over the year to find an average monthly amount. Child care during the summer is usually higher than child care during the school year.

Finally, are there other children being supported by either parent?

The child support worksheets include a separate worksheet (called the Credit Worksheet) which reduces a parent's gross income if that parent is supporting children from another relationship. There are three categories: (1) previous child support orders which are being paid; (2) children who live with a parent more than 50% of the time; and (3) children who are being supported by one of the parents, but who do not live with that parent more than 50% of the time.

If there is a previous child support order, you must know the amount which has been ordered to be paid each month for ongoing child support. Any amount being paid toward back child support does not count.

If a parent has children from another relationship who live with the parent more than 50% of the time, the Credit Worksheet will automatically calculate the credit for those children.

If a parent has children from another relationship who do not live with the parent more than 50% of the time, the Credit Worksheet will also automatically calculate the credit. However, the question is whether the parent is actually paying that amount for the support of these children. Only monetary contributions will count. Buying things for the children such as clothing, diapers and food are usually not counted.

Fill in the blanks for purposes of the Parenting Plan as well as for the calculation. This helps the court to approve the Plan and for future modification.

Once you have determined the amount from the worksheet to calculate child support, fill in the blanks as to the amount, the payor, the frequency and the date of payment. If the parties agree to a different number than in the Child Support Guidelines, **this deviation must be written out on the Parenting Plan.**

If the payor of the child support has not paid all the support under a prior order, fill in the amount owed to the date of the Parenting Plan. This plan awards a judgment. The payoff of the **Retroactive Support** is paid in installments until the judgment is paid. Also include the date of the first payment. You should calculate Retroactive Support by multiplying the amount of Child Support you should receive per week by the amount of weeks your spouse has not been paying child support.

The final section states whether the child support is paid directly to the parent by check or by direct deposit or to the Child Support Receiving Unit, which requires a **Wage Assignment**, which is another document attached to the Parenting Plan.

B. FEDERAL INCOME TAX EXEMPTION

Fill out which parent will take the income tax exemption. One parent may take both exemptions, you can alternate years with the other parent OR each parent can take one or more children. Since the IRS assumes that the parent who provides one-half of the

child's support takes the exemption, it will be necessary for the other parent to sign an IRS form on a year-by-year basis. NOTE: The child support schedule assumptions in the guidelines assume that the parent receiving the child support will get the tax exemptions for the child. The guidelines state that the Primary Residential Parent is the one to obtain both exemptions, otherwise the child support calculation has to be amended.

C. PROOF OF INCOME AND CHILD CARE

Because child support is based on both parents' income, both are now required to send proof of income to the other parent every year. If the parent with the children is receiving any form of benefits, for example Families First, food stamps or TennCare, both parents must complete a form required by the Department of Human Services showing proof of income.

D. HEALTH AND DENTAL INSURANCE

Check the box as to which parent will carry the health insurance on your children. The parent who covers the children must send proof of insurance every year to the other parent. Fill in which parent (s) will pay the uncovered expenses either fully, split or in accordance with their income percentages, which you calculated on the child support worksheet. If available, one parent may cover dental, orthodontic or optical insurance.

E. LIFE INSURANCE

If both parents agree, fill in the amount of life insurance each parent should carry on the children. If you currently have life insurance, the other parent (or a trustee for the children) should be named as a beneficiary. When the children are no longer minors, you would be free to change beneficiaries.

IV. PRIMARY RESIDENCE FOR OTHER LEGAL PURPOSES

Even though Tennessee divorce law emphasizes "shared parenting", other Tennessee laws still use the terms "sole custody" or "joint custody". This section says that for purposes of other laws, the parent who has the children more than 50% of the time is the primary custodian. If the parents have "joint decision making", then for purposes of health insurance or other insurance, they can be considered to have "joint custody."

V. DISAGREEMENT OR MODIFICATION

Children change, work schedules change, and unforeseen situations arise. No one can

anticipate every single situation that might come until your children reach adulthood. Parenting plans are not intended to last until your children reach adulthood without making some changes. Check which method of resolution you choose: Mediation (Mediation is a method of resolving disputes between you and your spouse by using a neutral 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. If you and your spouse cannot agree on any issue regarding your divorce, such as a Parenting Plan or alimony, you should consider seeking help from a mediator), Arbitration, which is similar to court without appeal or court process if there has been an Order of Protection, or you can go back to Court and let the judge decide in circumstances concerning Orders of Protection. If you have to modify your Parenting Plan, you must go through mediation or arbitration before returning to court, unless there was domestic violence. The parents may agree on a mediator or arbitrator or the court will provide such services on a sliding scale.

You must check the box showing how the other parent will be notified that you wish to change the parenting plan. You can do this by written notice, certified mail or some other method. Certified mail, return receipt requested, is usually the best option.

VI. RIGHTS OF PARENTS

Tennessee law provides for parental rights. Your parenting plan lists all of those rights. Make yourself familiar with these rights, because if you interfere with the other parent’s rights, you can find yourself facing contempt of court charges. Contempt charges can lead to fines, jail time, and denial of parental rights can be a basis to change the residential schedule.

If you believe that there are safety issues concerning your children, a judge can modify these parental rights. **If significant safety issues are present, you should consult an attorney.**

VII. NOTICE REGARDING PARENTAL RELOCATION

The general rule in Tennessee is that if a parent is going to move more than 100 miles away from the other parent (who remains in Tennessee) OR is going to move out of the state, that parent must send a notice to the other parent. This applies particularly to the parent who is planning on moving the children.

The parent who is planning to move must send a notice by **certified mail** informing the other parent about the move. The Parenting Plan tells you what information must be in the notice. This notice must be sent at least 60 days prior to the move. Once the other parent has received the notice, he or she has 30 days to file a petition with the court to stop the move if they want to. If no petition is filed, the parent may move with the

children.

VIII. PARENT EDUCATION CLASS

Tennessee law currently requires parents who are going through a divorce to take a class on the impact of divorce on children. Check with your court clerk to find out where and when this class is offered.

This part of the parenting plan tells the court if one or both of you have already taken the class. While both parents are required to take the class, the divorce cannot be held up if one parent does not take the class. If the other parent does not take the class voluntarily, the court may order him or her to take the class within 60 days of the final hearing, or be subject to contempt charges.

IX. COMPLETING THE FORMS

If you have filled out each section you now have a draft or final version of your parenting plan. **To use the instructions in this booklet, you and you spouse must be able to agree on the terms of the Parenting Plan. If you can not agree on the terms, you should seek the advice of an attorney.**

Once you and your spouse have reached an agreement and are ready to file the Parenting Plan, both parents sign the last page. Make copies for each of you, and file the one with your original signatures with the court. If you are in agreement, your signatures do not need to be notarized. When you take it to the court clerk for filing, ask whether you need to schedule a hearing for the judge to approve your plan.

FORM V
PERMANENT PARENTING PLAN

The G mother G father shall have responsibility for the care of the child or children except at the following times when the other parent shall have responsibility:

From _____ to _____
Day and Time Day and Time

every week every other week other: _____.

The other parent shall also have responsibility for the care of the child or children at the additional parenting times specified below:

From _____ to _____
Day and Time Day and Time

every week every other week other: _____.

This parenting schedule begins _____ **or** the date of the Court's Order.

Day and Time

C. HOLIDAY SCHEDULE AND OTHER SCHOOL FREE DAYS

Indicate if child or children will be with parent in ODD or EVEN numbered years or EVERY year:

	MOTHER	FATHER
New Year's Day	_____	_____
Martin Luther King Day	_____	_____
Presidents' Day	_____	_____
Easter Day (unless otherwise coinciding with Spring Vacation)	_____	_____
Passover Day (unless otherwise coinciding with Spring Vacation)	_____	_____
Mother's Day	_____	_____
Memorial Day (if no school)	_____	_____
Father's Day	_____	_____
July 4 th	_____	_____
Labor Day	_____	_____
Halloween	_____	_____
Thanksgiving Day & Friday	_____	_____
Children's Birthdays	_____	_____
Other School-Free Days	_____	_____
Mother's Birthday	_____	_____
Father's Birthday	_____	_____
Other:	_____	_____

A holiday shall begin at 6:00 p.m. on the night preceding the holiday and end at 6:00

p.m. the night of the holiday, unless otherwise noted here _____.

D. FALL VACATION *(If applicable)*

The day to day schedule shall apply except as follows: _____
_____ beginning _____.

E. WINTER (CHRISTMAS) VACATION

The mother father shall have the child or children for the first period from the day and time school is dismissed until December _____ at _____ a.m./p.m. in odd-numbered years in even-numbered years every year. The other parent will have the child or children for the second period from the day and time indicated above until 6:00 p.m. on the evening before school resumes. The parties shall alternate the first and second periods each year.

Other agreement of the parents: _____

F. SPRING VACATION *(If applicable)*

The day-to-day schedule shall apply except as follows: _____
_____ beginning _____.

G. SUMMER VACATION

The day-to-day schedule shall apply except as follows: _____
_____ beginning _____.

Is written notice required? Yes No. If so, _____ number of days.

H. TRANSPORTATION ARRANGEMENTS

The place of meeting for the exchange of the child or children shall be: _____

Payment of long distance transportation costs *(if applicable)*: mother father both equally.

Other arrangements: _____.

If a parent does not possess a valid driver's license, he or she must make reasonable transportation arrangements to protect the child or children while in the care of that parent.

I. SUPERVISION OF PARENTING TIME *(If applicable)*

Check if applicable

Supervised parenting time shall apply during the day-to-day schedule as follows:

Place:

_____.

Person or organization supervising:

_____.

Responsibility for cost, if any: mother father both equally.

J. OTHER

The following special provisions apply:

II. DECISION-MAKING

A. DAY-TO-DAY DECISIONS

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child. If an emergency situation should arise, the other parent should be notified as soon as possible.

B. MAJOR DECISIONS

Major decisions regarding each child shall be made as follows:

Educational decisions mother father joint

Non-emergency health care mother father joint

Religious upbringing mother father joint

Extracurricular activities mother father joint

_____ mother father joint

III. FINANCIAL SUPPORT

A. CHILD SUPPORT

Father's gross monthly income is \$ _____

Mother's gross monthly income is \$ _____

1. The final child support order is as follows:

a. The mother father shall pay to the other parent as regular child support the sum of \$ _____ weekly monthly twice per month every two weeks. The Child Support Worksheet shall be attached to this Order as an Exhibit.*

If this is a deviation from the Child Support Guidelines, explain why:

2. Retroactive Support: A judgment is hereby awarded in the amount of \$ _____ to mother father against the child support payor representing retroactive support required under Section 1240-2-4.06 of the D.H.S. Income Shares Child Support Guidelines dating from _____ which shall be paid (including pre/post judgment interest) at the rate of \$ _____ per week month twice per month every two weeks until the judgment is paid in full.

3. Payments shall begin on the _____ day of _____, 20____.

This support shall be paid:

- directly to the other parent.
- to the Central Child Support Receipting Unit, P. O. Box 305200, Nashville, Tennessee 37229, and sent from there to the other parent at:

_____.

A Wage Assignment Order is attached to this Parenting Plan.

by direct deposit to the other parent at _____ Bank for deposit in account no. _____.

other: _____.

The parents acknowledge that court approval must be obtained before child support can be reduced or modified.

*Child Support Worksheet can be found on DHS website at <http://www.state.tn.us/humanserv/is/incomeshares.htm> or at your local child support offices.

B. FEDERAL INCOME TAX EXEMPTION

The mother father is the parent receiving child support.

The Mother shall claim the following children:

The Father shall claim the following children:

The mother father may claim the exemptions for the child or children so long as child support payments are current by the claiming parent on January 15 of the year when the return is due. The exemptions may be claimed in: alternate years starting _____ OR each year OR other: _____.

The mother father will furnish IRS Form 8332 to the parent entitled to the exemption by February 15 of the year the tax return is due.

C. PROOF OF INCOME AND WORK-RELATED CHILD CARE EXPENSES

Each parent shall send proof of income to the other parent for the prior calendar year as follows:

- IRS Forms W-2 and 1099 shall be sent to the other parent on or before February 15.
- A copy of his or her federal income tax return shall be sent to the other parent on or before April 15 or any later date when it is due because of an extension of time for filing.
- The completed form required by the Department of Human Services shall be sent to the Department on or before the date the federal income tax return is due by the parent paying child support. *This requirement applies only if a parent is receiving benefits from the Department for a child.*

The parent paying work-related child care expenses shall send proof of expenses to the other parent for the prior calendar year and an estimate for the next calendar year, on or before February 15.

D. HEALTH AND DENTAL INSURANCE

Reasonable health insurance on the child or children will be:

- maintained by the mother
- maintained by the father
- maintained by both

Proof of continuing coverage shall be furnished to the other parent annually or as coverage changes. The parent maintaining coverage shall authorize the other parent to consult with the insurance carrier regarding the coverage in effect.

Uncovered reasonable and necessary medical expenses, which may include but is not limited to, deductibles or co-payments, eyeglasses, contact lens, routine annual

physicals, and counseling will be paid by mother OR father OR in percentages in accordance with each parent's incomes. After insurance has paid its portion, the parent receiving the bill will send it to the other parent within ten days. The other parent will pay his or her share within 30 days of receipt of the bill.

If available through work, the mother father shall maintain dental, orthodontic, and optical insurance on the minor child or children.

E. LIFE INSURANCE

If agreed upon by the parties, the mother father both shall insure his/her own life in the minimum amount of \$_____ by whole life or term insurance. Until the child support obligation has been completed, each policy shall name the child/children as sole irrevocable primary beneficiary, with the other parent other _____, as trustee for the benefit of the child(ren), to serve without bond or accounting.

IV. PRIMARY RESIDENTIAL PARENT (CUSTODIAN) FOR OTHER LEGAL PURPOSES

The child or children are scheduled to reside the majority of the time with the mother father. This parent is designated as the primary residential parent also known as the custodian, **SOLELY** for purposes of any other applicable state and federal laws. If the parents are listed in Section II as joint decision-makers, then, for purposes of obtaining health or other insurance, they shall be considered to be joint custodians. **THIS DESIGNATION DOES NOT AFFECT EITHER PARENT'S RIGHTS OR RESPONSIBILITIES UNDER THIS PARENTING PLAN.**

V. DISAGREEMENTS OR MODIFICATION OF PLAN

Should the parents disagree about this Parenting Plan or wish to modify it, they must make a good faith effort to resolve the issue by the process selected below before returning to Court. *Except for financial support issues including child support, health and dental insurance, uncovered medical and dental expenses, and life insurance, disputes must be submitted to:*

- Mediation by a neutral party chosen by the parents or the Court.
- Arbitration by a neutral party selected by parents or the Court.
- The Court **DUE TO ORDER OF PROTECTION OR RESTRICTIONS.**

The costs of this process may be determined by the alternative dispute process or may be assessed by the Court based upon the incomes of the parents. It must be commenced by notifying the other parent and the Court by written request certified mail

other: _____.

In the dispute resolution process:

- A. Preference shall be given to carrying out this Parenting Plan.
- B. The parents shall use the process to resolve disputes relating to implementation of the Plan.
- C. A written record shall be prepared of any agreement reached, and it shall be provided to each parent.
- D. If the Court finds that a parent willfully failed to appear without good reason, the Court, upon motion, may award attorney fees and financial sanctions to the prevailing parent.

VI. RIGHTS OF PARENTS

Under T.C.A. § 36-6-101 of Tennessee law, both parents are entitled to the following rights:

- (1) The right to unimpeded telephone conversations with the child at least twice a week at reasonable times and for reasonable durations;
- (2) The right to send mail to the child which the other parent shall not open or censor;
- (3) The right to receive notice and relevant information as soon as practicable but within twenty-four (24) hours of any event of hospitalization, major illness or death of the child;
- (4) The right to receive directly from the child's school any school records customarily made available to parents. (The school may require a written request which includes a current mailing address and upon payment of reasonable costs of duplicating.) These include copies of the child's report cards, attendance records, names of teachers, class schedules, and standardized test scores;
- (5) Unless otherwise provided by law, the right to receive copies of the child's medical health or other treatment records directly from the physician or health care provider who provided treatment or health care. (The keeper of the records may require a written request which contains a current mailing address and the payment of reasonable costs of duplication.) No person who receives the mailing address of a parent as a result of this requirement shall provide such address to the other parent or a third person;
- (6) The right to be free of unwarranted derogatory remarks made about the parent or his or her family by the other parent to the child or in the presence of the child;
- (7) The right to be given at least forty-eight (48) hours notice, whenever possible, of all extra-curricular activities, and the opportunity to participate or observe them. These include the following: school activities, athletic activities, church activities and other activities where parental participation or observation would be appropriate;
- (8) The right to receive from the other parent, in the event the other parent leaves the state with the minor child or children for more than two (2) days, an itinerary including telephone numbers for use in the event of an emergency;
- (9) The right to access and participation in education on the same basis that is provided to all parents. This includes the right of access to the child for lunch

and other activities. However participation or access must be reasonable and not interfere with day-to-day operations or with the child's educational performance.

VII. NOTICE REGARDING PARENTAL RELOCATION

The Tennessee statute (T.C.A. § 36-6-108) which governs the notice to be given in connection with the relocation of a parent reads in pertinent part as follows:

If a parent who is spending intervals of time with a child desires to relocate outside the state or more than one hundred (100) miles from the other parent within the state, the relocating parent shall send a notice to the other parent at the other parent's last known address by registered or certified mail. Unless excused by the court for exigent circumstances, the notice shall be mailed not later than sixty (60) days prior to the move. The notice shall contain the following:

- (1) Statement of intent to move;
- (2) Location of proposed new residence;
- (3) Reasons for proposed relocation; and
- (4) Statement that the other parent may file a petition in opposition to the move within thirty (30) days of receipt of the notice.

VIII. PARENT EDUCATION CLASS

This requirement has been fulfilled by both parents mother father neither.

Failure to attend the parent education class within 60 days of this order is punishable by contempt.

Under penalty of perjury, we declare that this plan has been proposed in good faith and is in the best interest of each minor child and that the statements herein and on the attached child support worksheets are true and correct. (A notary public is required if this is a proposed plan by one parent rather than one agreed by both parents.)

Mother Date and Place Signed

Sworn to and subscribed before me this _____ day of _____,
20____.

My commission expires: _____

Notary Public

Father

Date and Place Signed

Sworn to and subscribed before me this _____ day of _____,
20____.

My commission expires: _____

Notary Public

APPROVED FOR ENTRY:

Attorney for Mother

Attorney for Father

Address

Address

Address

Address

Phone and BPR Number

Phone and BPR Number

Note: The judge or chancellor may sign below or, instead, sign a Final Decree or a separate Order incorporating this plan.

COURT COSTS (If applicable)

Court costs, if any, are taxed as follows: _____.

It is so ORDERED this the _____ day of _____, _____.

Judge or Chancellor

Online Child Support Calculator

The Tennessee Department of Human Services provides an online calculator which provides a simple, guided method for computing child support. Simply enter the information requested in each of the nine steps, and a completed worksheet will be generated for you. The calculator is available on the Department's website at <http://www.state.tn.us/humanserv/is/incomeshares.htm>.

In order to use the calculator, you must have Internet Explorer (version 6.0 recommended). The calculator is not compatible with MacOS. To download the calculator, go to <http://www.state.tn.us/humanserv/is/incomeshares.htm> and follow these instructions:

- 1 - Click the "Download Calculator" link below and choose to "Save" the file.
- 2 - When asked for a location, choose to save it to your "Desktop."
- 3 - Double-Click on the "ISCalcZipV3.exe" file now on your desktop.
- 4 - Click the "Browse" button, and again choose your "Desktop."
- 5 - Click "Unzip" and, once the program notifies you that it is finished, click "Close" to close the extractor. You no longer need "ISCalcZip.exe" and you may delete this file.
- 6 - Double-click the extracted file named "ISCalculatorV3.htm" to run the program.

Once you have downloaded the calculator, you are ready to begin filling out the child support worksheet.

STEP ONE:

Fill in the names of the Mother and Father of the child(ren).

If the child(ren) live with one (or both) parents, leave "non-parent caretaker" blank. If the child(ren) live with a relative or a friend or are in state custody (live with a foster parent, for example), fill in this space with the name of the person the child(ren) live with.

The TCSES number is generally only used by the child support enforcement office. Most people do not have a TCSES number or do not know their TCSES number. If you don't have one (or don't know it), leave it blank.

The docket number is the file number for your court case. You can find this number at the top of any document, such as a Complaint for Divorce, which you have filed with the court. If you haven't filed any documents with the court yet, leave this area blank.

Fill in the name of the court that will be deciding child support. Typically this is Chancery, Circuit or General Sessions Court.

STEP TWO:

Fill in the name of each child involved in this case, their date of birth, the number of days this child will spend with the Mother each year (if any), the number of days this child will spend with the Father each year (if any), and the number of days this child will spend with a caretaker each year (if any). The total number of days should add up to 365. If you are not sure of the schedule you and your spouse will be using, but want a beginning calculation, use standard parenting figures (285 days for the primary residential parent and 80 days for the alternative residential parent).

A day means that a child spends the majority of a twenty-four (24) hour calendar day with or under the control of a parent and that parent expends a reasonable amount of resources on the child during this time period (such as the cost of a meal or other such costs directly related to the care and supervision of the child). Partial days of parenting time that are not consistent with this definition shall not be considered a day under these guidelines. A day under the control of a parent includes a day the child is not in the parent's home, but is under the parent's control, for example, with the parent's permission at camp or with friends.

STEP THREE:

Enter the Mother and Father's **monthly gross income** in the appropriate blanks. Your gross income is your income before taxes and deductions have been subtracted. Do not include in your gross income child support payments received on behalf of other children or benefits received from means-tested public assistance programs.

Enter one-half of the amount of **self-employment tax** the Mother and/or Father pay each month (if any). Self-employment tax is the amount of federal taxes that would otherwise be paid by the parent's employer if the parent were not self-employed. The parent gets credit against gross income for the monthly average of self-employment taxes actually paid over the prior twelve months. For self-employed parents who are actually paying self-employment tax, a deduction of FICA six and two-tenths percent (6.2%) Social Security + one and forty-five hundredths (1.45%) Medicare is deducted from a parent's gross income earned from self employment, up to \$2,697 FICA annually, and the full 1.45% Medicare tax on all self employment earnings.

Enter the amount of money provided under Title II of the **Social Security Act** for the child's benefit which is drawn from the Mother and/or Father's account (if any).

STEP FOUR:

Does either parent have other children living in their home (more than 50% of the time) that they are legally obligated to support? If yes, fill out

the child's name and date of birth. If no, go directly to step five.

STEP FIVE:

Does either parent have other children they are legally obligated to support who do not have a pre-existing support order, and who live with someone else more than 50% of the time? If no, go directly to step six. If yes, fill out the child's name and date of birth and the amount of support which has been paid (average it monthly) which that parent can actually document. Purchasing things for the children does not count as support. Only direct monetary support, such as a check written to the child's day care provider, counts as support under the child support guidelines.

STEP SIX:

Determine the monthly amount the Mother, Father, and/or Caretaker pay for the child(ren)'s health insurance. This amount should be calculated only for those child(ren) covered by the child support order (not for other children born outside of the marriage, for example). If the **health insurance** premium being paid by the parent covers more than just the children for whom support is being calculated, the amount of the premium should be pro-rated among all individuals covered by the policy and an appropriate amount of the premium should be allocated to the children for whom support is being calculated.

Determine the monthly amount the Mother, Father, and/or Caretaker pay for the child(ren)'s **recurring uninsured medical expenses**. This amount should be calculated only for those child(ren) covered by the child support order (not for other children born outside of the marriage, for example). Recurring uninsured medical expenses are amounts of uninsured medical expenses that are paid on a regular basis and can be determined at the time the child support order is being calculated. The child's uninsured medical expenses include, but are not limited to, health insurance co-payments, deductibles, and such other costs as are reasonably necessary for orthodontia, dental treatment, asthma treatments, physical therapy, vision care, and any acute or chronic medical/health problem, or mental health illness, including counseling and other medical or mental health expenses, that are not covered by insurance.

Determine the monthly amount the Mother, Father, and/or Caretaker pay for the child(ren)'s **work-related childcare**. This amount should be calculated only for those child(ren) covered by the child support order (not for other children born outside of the marriage, for example). Work-related childcare monthly costs are expenses for the care of the child for whom support is being determined which are due to employment of either parent. In some cases, the tribunal may consider the childcare costs associated with a parent's job search or the training or education of either parent necessary to obtain a job or enhance earning potential, not to exceed a

reasonable time as determined by the tribunal, if the parent proves by a preponderance of the evidence that the job search, job training, or education will benefit the children being supported.

Don't forget to average the amounts paid during the summer as well as the amounts paid during the school year.

STEP SEVEN:

If you do not have a current child support order, you may skip this step and proceed directly to step eight.

If you have a current child support order, and you would like to find out whether you might qualify for a modification, enter the current monthly amount of the current child support order for Mother and Father in the case under consideration, excluding arrearage payments.

A **low-income provider** is a person who is not willfully and voluntarily unemployed or underemployed when working at his/her full capacity according to his/her education and experience and has an adjusted gross income at or below the federal poverty level for a single adult. The federal poverty level for a single adult is \$9,800.00.

A **flat percentage order** is a child support order which was entered under guidelines which require a certain percentage of the obligor's income to be paid as child support. In Tennessee, this would include any order entered prior to January 18, 2005.

STEP EIGHT:

Enter any monthly deviation amounts for Mother and/or Father. If none, proceed to step nine.

Possible deviations include extraordinary educational expenses, special expenses (including, but not limited to, summer camp, music or art lessons, travel, school-sponsored extra-curricular activities, such as band, clubs, and athletics, and other activities intended to enhance the athletic, social or cultural development of a child), time-related travel expenses, extreme economic hardship, rebuttal of statutory threshold, and deviations for low-income persons.

STEP NINE: Calculate the worksheets

Once you have completed steps one through eight, you may print the worksheet by clicking on step nine.

If you need to make any changes to the worksheet after you have reached step nine, you can click "Reset" to clear all of the information you entered and start over, or you can simply click on one of the steps to go back and change any of the values you entered.

You can save the worksheet and all of the entered data by clicking on "Click to Save Current Values" in step nine. A dialog box will pop up asking you where you would like to save the file, and what you would like to name it. NOTE: The filename must end with either ".htm" or ".html" for the save function to work. Then, click "Save." This file may be opened at a later date, and the values may still be changed. If the function does not work, make certain that you have the most current version of Internet Explorer and the Calculator, and that ".htm" or ".html" is entered at the end of the filename.

**INSTRUCTIONS FOR FILLING OUT THE FINAL DECREE OF
DIVORCE BASED ON IRRECONCILABLE DIFFERENCES**
(Form V)

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), the Permanent Parenting Plan, 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 have made “adequate and sufficient” arrangements for the care of you children in the Parenting Plan.

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 spouses who have children under 18 years of age, check the second box. You **MUST** attach the Permanent Parenting Plan to the Final Decree so that the Judge can look it over and make sure it is adequate. The Judge will not sign off on the Final Decree if you have children and no Parenting Plan is attached to this form.

Payment of Child Support that Is in Arrears: This section talks about the amount of child support that the Primary Residential Parent (the parent who primarily lives with the child) is owed. This is the amount of money that should have been paid to the Primary Residential Parent since the time of the separation.

Fill in the amount of money that is owed in the first blank. In the second blank, fill in the date that you are requesting the money be paid from. For example if you and your spouse separated on January 1 and you have not received money to support your child since then, January 1 is the date you would put in the box. Check either mother or father, depending on who is supposed to be paying the money. In the next blank, fill out

how much money the other parent should pay, and state how often this payment is supposed to be made until the total amount is paid off to the owed parent. You should calculate retroactive child support (child support that you have not been paid) by multiplying the amount of child support you should be receiving per week by the amount of weeks that you have not received any child support. For example if your weekly child support is \$100, and your spouse has not paid for 3 months (12 weeks), your retroactive child support (child support in arrears) would be \$1200.

Use of Child Support Guidelines: This section tells the Court whether you have calculated the amount of child support given to the Primary Residential Parent along the guidelines of the Tennessee Child Support Guidelines, or if you have determined an amount that is different from those. You can NOT determine an amount of child support that is lower than the total amount determined by the Tennessee Child Support Guidelines, but you are allowed to increase the amount of money that you give to the Primary Residential Parent every month.

Check the first box if there is no change from the amount calculated by the Tennessee Child Support Guidelines. Check the second box if you have decided to modify the amount of child support paid per month. You will need to fill in the first blank with the amount required by the Tennessee Child Support Guidelines and the second blank with the modified amount of child support that has been agreed upon by you and your spouse.

You must attach the Permanent Parenting Plan to this Final Decree.

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 the Permanent Parenting Plan, the Marital Dissolution Agreement, the Title IV-D Child Support Information, (which you can obtain from the

Clerk's Office if you are receiving IV-D assistance), if you are working with the state you'll know that you have this sort of information - Divorce Certificate, and Order of Protection (if applicable).

FORM VI
FINAL DECREE OF DIVORCE

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

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.
- The Court finds that the parties have made adequate and sufficient provisions for the children in the Permanent Parenting Plan. ***The Permanent Parenting Plan is attached and incorporated as part of this Decree as Exhibit 2.***

Payment of Child Support that Is in Arrears:

A judgment is granted to the Primary Residential Parent in the amount of \$ _____ dating from _____. The mother father shall pay this judgment (which includes 12% post-judgment interest) at the rate of \$ _____ weekly monthly twice per month every two weeks until the judgment is paid in full.

Use of Child Support Guidelines:

- There is no change (neither up nor down) from the Tennessee Child Support Guidelines.
- The amount of child support that would have been ordered using the Tennessee Child Support Guidelines would have been \$ _____ per month. The Court finds that application of the Tennessee Child Support Guidelines would be unjust or inappropriate in this case. The Court has considered the best interest of each child for whom the support award is being established or modified. The amount of child support that will be paid to the mother father will be \$ _____ per month.

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

- Permanent Parenting Plan
- Title IV-D Information
- 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 (Parenting Plan, MDA, and Final Decree).
Give to the Judge at the final hearing.

FORM VII

STATUTORY INJUNCTION AGAINST BOTH PARTIES

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

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

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 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;

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

