WARNING: **By signing this form, you give up all your legal rights in this case.** Do not sign it if you want to know what the court will order in your divorce. You can waive your right to be served, but keep your other rights, by filing an *Answer* instead. You can find an *Answer* form at www.FreeTexasForms.org with the Divorce – With Children forms.

Instructions: If you decide to use this *Waiver of Service* form:

- Make sure the Petitioner has already filed a *Petition for Divorce* with the court. Do not sign this *Waiver of Service* until after the *Petition* is filed and you have been given a copy. If you sign it before the *Petition* is filed, it must be redone. The official court stamp on the *Petition* will tell you when it was filed.
- Fill out the *Waiver of Service* completely. You MUST include your address.
- Sign the *Waiver of Service* in front of a notary.
- Give the *Waiver of Service* to the Petitioner or file it in the clerk's office.

Cause Number: _____

IN THE MATTER OF THE MARRIAGE OF

Petitioner: _____
(Print first, middle and last name of the spouse filing for divorce.)

And

Respondent: _____
(Print first, middle and last name of other spouse.)

In the _____
(Court Number)

☐ District Court ☐ County Court of:

_____ County, Texas

Names of the children born to Petitioner and Respondent who are under 18:

1. _____ 2. _____ 3. _____
4. _____ 5. _____ 6. _____

Waiver of Service – Divorce (With Children)

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

"I am the Respondent in this case.

"My name is: _____.
First *Middle* *Last*

"My mailing address is: _____.
Mailing Address *City* *State* *Zip*

"My phone number is: (_____) _____-_____.

"The last three numbers of my driver's license number are: ___ ___ ___. My driver's license was issued in *(State)*: _____.

Or "☐ I do not have a driver's license number.

"The last three numbers of my social security number are: ___ ___ ___.

Or "☐ I do not have a social security number.

"I have been given a copy of the *Petition for Divorce* filed in this case. I have read the *Petition for Divorce* and understand what it says.

"I understand that I have the right to be given a copy of the *Petition for Divorce* and official notice of this case by a constable, sheriff or other official process server. This process is called *issuance and service of citation*. I do not want to be given official notice. I give up my right to *issuance and service of citation* in this case and enter my appearance in this case for all purposes.

"I also give up my right to be notified of any and all hearings in this case.

"I agree that a Judge or Associate Judge in the county and state where this case is filed may make decisions about my divorce, even if the divorce should have been filed in another county. I do not want a court reporter to make a record of the testimony in this case.

"I understand that I must let the Court, my spouse and my spouse's attorney(if my spouse has an attorney) know in writing if my mailing address or phone number changes during this case

"If I am in the military, I waive all rights, privileges, and exemptions I may have under the Servicemembers Civil Relief Act in this case, including having a lawyer appointed to represent me.

"I agree that the judge may make decisions about my divorce without further notice to me."

(Check only one):

"☐ I am NOT asking the court to change my name."

"☐ I ask the Court to change my name back to a name I had before my marriage*:*

_____.
"

First *Middle* *Last*

Do not sign until you are in front of a Notary

▶ _____
Respondent's signature

Notary fills out below

State of Texas, County of _____
(Print the name of county where this affidavit is notarized.)

Sworn to and subscribed before me, the undersigned Notary, on this date: _____
by _____.
(Print the first and last names of the Respondent who is signing this affidavit.)

I, the Notary Public, who signature appears below, certify that I am not an attorney in this case.

(Notary's seal here)

→ _____
Notary's signature