

Important: You may use this script to “prove up” an agreed or default divorce IF you already have a final court order for custody and support of your children AND you are not asking the court to change that order. Complete the script. Check the boxes that apply to your situation (this will help you read the right testimony). Read it carefully. Practice it before you go to court. When you read it in court you will be under oath. Making a false statement under oath is illegal (Texas Penal Code 37.02). Do not read any part of this script in court that is not true and correct, or that does not apply to your situation. Have a copy of your Final Decree with you when you read this script.

Sample Testimony for Divorce with Prior Final Order Regarding Children

Your Honor, my name is _____.
(State your full name)

I filed this suit for divorce from my spouse _____.
(State your spouse’s full name)

At the time I filed for divorce, I had lived in Texas for at least the last six (6) months, and in _____ County for at least ninety (90) days.

I am asking for a divorce because our marriage has become unworkable and there is no reasonable expectation that we will get back together.

My spouse and I have

- a child who is under 18 or still in high school.
- children who are under 18 or still in high school.

There is already a final court order for custody and support of our child children.

I am not asking to change that order at this time.

The order was made in _____ County of the State of _____.
Fill in the name of the county. Fill in the name of the state.

The cause number for the order is _____.

I have attached a copy of the order to my Final Decree of Divorce as an Exhibit.

If Wife is testifying: Check and read only the option that applies:

- I am not expecting a child now **and** I did not have children with anyone else during this marriage.
- I am not expecting a child now. But, I did have a child children with someone else during this marriage.
Paternity of that child those children has been established by court order or properly filed Acknowledgment and Denial of Paternity.
A copy of that court order or Acknowledgment and Denial of Paternity is attached to my proposed Decree of Divorce.

DO NOT FILE THIS DOCUMENT WITH THE COURT.

If Husband is testifying. Check and read only the option that applies.

- My wife is not expecting a child now **and** did not have children with anyone else during this marriage.
- My wife is not expecting a child now. She did have a child children with someone else during this marriage.
Paternity of that child those children has been established by court order or properly filed Acknowledgment and Denial of paternity.
A copy of that court order or Acknowledgment and Denial of Paternity is attached to my proposed Decree of Divorce.

I ask that our property and debts be divided as set out in the Decree of Divorce I have presented to the Court.

Explain how you want the court to divide the property. Before court, you should have filled in all the information about the property and debt division in Section 6 of the Final Decree of Divorce (When there is Already a Final Court Order for Custody and Support of Your Children).

I believe this division is fair to both me and my spouse.

Note: If this is a default, you must also tell the judge the value of the property awarded to you and your spouse and the reasons your proposed division of that property is fair.

If either spouse is asking for a name change –

I am (or my spouse is) requesting a name change to a name that was used before we were married: _____.
(State the name used before marriage)

I respectfully ask the court to grant this divorce.

That is all I have, your Honor.

Remember: You cannot finish your divorce while a spouse is pregnant. And, if the wife had children with another man while married to the husband, you cannot finish your divorce until paternity of those children has been established.