

**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. Read it carefully before you go to court. When you read it in court you will be under oath. Do not read any part of this script in court that is not true and correct.

## **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 \_\_\_\_\_ child/children, who is/are under 18 or still in high school. There is already a final court order for custody and support of our child/children and I am not asking to change that order at this time. The order was made in \_\_\_\_\_ County and \_\_\_\_\_ 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 –***

I am not expecting a child now **and** I did not have children with anyone else during this marriage.

#### **OR**

I am not expecting a child now. 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 & denial of paternity. A copy of that court order or acknowledgment & denial of paternity is attached to my proposed Decree of Divorce.

### ***If Husband is testifying –***

My wife is not expecting a child now **and** she did not have children with anyone else during this marriage.

#### **OR**

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 & denial of paternity. A copy of that court order or acknowledgment & 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. 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 my divorce.

**Remember:** You cannot finish your divorce while the wife 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.