



OFFICE OF THE STAFF JUDGE ADVOCATE  
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL  
CLIENT SERVICES  
(270) 798-4432

## KENTUCKY DIVORCE

### **Eligibility for Divorce in Kentucky**

Persons residing in Kentucky and Soldiers stationed in Kentucky for at least six months may file for divorce in Kentucky. If you live on the Tennessee side of Fort Campbell, you should file in Tennessee. To obtain a divorce, the parties must be separated for at least 60 days. Separation may include living in the same house so long as no sexual contact between the parties is involved.

### **Grounds for Divorce**

Kentucky is a “no fault” state. The only basis for divorce is marital breakdown with no reasonable prospect for reconciliation. The court will decide whether the marriage is irretrievably broken. Before granting a divorce, the court may order the parties to attend a conciliation conference. You and your spouse are encouraged to consider counseling and reconciliation. Contact your unit chaplain. You may also obtain marital counseling through the Department of Social Work Service.

### **Cost and Length of Divorce**

The cost to obtain a divorce depends primarily on whether it is uncontested or contested. An uncontested divorce is one in which the parties agree to all matters. A contested divorce is one in which the parties are unable to agree on at least one issue. In general, an uncontested case will cost about \$350-\$600. Since the cost may be much greater for contested cases, couples should attempt to discuss and agree upon key issues to reduce the cost of a divorce. If you decide to hire a private attorney, make sure you discuss the cost of the divorce. Ensure you understand what legal services you receive for the quoted fee. An uncontested case with no children averages 45 days. An uncontested case with children averages 75 days. Contested cases may take much longer.

### **Support Requirement**

Until a divorce is final, a soldier must support his/her spouse in accordance with AR 608-99. The amount of support will be determined by the BAH RC/T schedule, assuming there is no court order or written agreement between the parties. See the Family Support info paper for more information.

### **Divorce Issues**

Typical issues to be decided during a divorce are custody and visitation of children, distribution of property (which may include an agreement on how retirement benefits will be divided), who pays what debts, child support (there are state guidelines which the court almost always follows), who gets the dependent tax exemptions, and relocation of the non-military spouse. The final divorce decree will also contain a parenting plan.

### **New Wills**

If you are in the process of obtaining a divorce or you just finalized one, it is advised that you execute a new will. This will ensure that your assets are distributed in accordance with your wishes. You should file your case with the Circuit Court Clerk or Family Court Clerk of the County where you reside.

**To start your case you will need the following forms:**

AOC-105: Civil Summons  
Form #1A (or Form #1B with children): Petition for Dissolution of Marriage  
AOC-FC-3: Case Data Information Sheet  
VS-300: Certificate of Divorce or Annulment  
Form #8: Motion to Proceed without Paying Costs (only used if you are in poverty and cannot pay court costs)  
Form #7: Affidavit for Warning Order Attorney (only used if you do not know where your spouse is)

**After the above forms are completed your spouse needs to sign the following forms below:**

Form #2: Entry of Appearance and Waiver  
Form #3A (or Form #3B with children): Marital Settlement Agreement  
Form #10: Notice-Motion-Order to Schedule Final Hearing (only used if you and spouse don't come to a marital agreement)  
AOC 238.3: Acknowledgment of Preliminary/Final Verified Disclosure Statement  
Form #4: Deposition of Petitioner  
Form #5A (or Form #5B with children): Finding of Fact and Decree of Dissolution of Marriage  
Form #6: Motion for Default Judgment and Decree of Dissolution of Marriage (only used if spouse doesn't file a response within 20 days)  
Form #9: Motion for Final Decree (a divorce will NOT be entered until you and your spouse have been separated for at least 60 days)

\*\*If your spouse is in jail at the time of filing you may need to ask the court to appoint a Guardian Ad Litem for your spouse to represent your spouse during the divorce.

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These forms can be found on [www.kyjustice.org](http://www.kyjustice.org). Click on "Self-Help Forms," "Self-Help Divorce Options for Kentucky Residents," and either "Kentucky Self-Help Divorce Packet –WITH Children" or "Kentucky Self-Help Divorce Packet – WITHOUT Children." You must also type (handwritten forms will not be accepted by the court) the required VS-300 form, which must be printed on 25% cotton bond paper.

**Please note that Fort Campbell Legal Assistance attorneys cannot represent you in court.**

Consultation with Army attorneys is free to eligible clients. If you have questions or need help with legal problems, call the Fort Campbell Legal Assistance Office at 270-798-4432 or come by the office (Building 2765) Monday, Tuesday, Wednesday from 0930 to 1630 hours, on Thursday from 1300-1630, or on Friday 0930 to 1500.