



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

## TENNESSEE DIVORCE

### **Eligibility for Divorce in Tennessee.**

Tennessee residents and persons residing in Tennessee for at least six months may file for divorce in Tennessee.

**Grounds for Divorce.** Tennessee provides for both “no-fault” and “fault” divorces. “Fault” based divorce normally requires litigation and therefore is more expensive than “no-fault” divorce. A “no-fault” divorce requires irreconcilable differences as the ground for divorce. This means you must only show marital breakdown with no reasonable prospect for reconciliation. In Tennessee, a “no-fault” divorce will only be granted if the parties agree on all issues, including child custody and division of property. If there is disagreement on any issue the divorce must be grounded on fault. Grounds for a divorce based on fault include adultery, desertion, conviction of a felony, etc. You and your spouse are encouraged to consider counseling and reconciliation. Contact your unit chaplain or the Family Life 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 \$300-\$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. Always discuss the cost of your divorce with your private attorney. Make sure you understand what legal services you receive for the quoted fee. An uncontested case averages 60 to 90 days to finalize, depending on whether there are minor children involved. A contested case 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 (see DFAS website), assuming there is no court order or written agreement between the parties. See 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.

**Divorce Forms When Parties Have Children or Property.** The Tennessee Supreme Court has provided state-wide approved divorced forms on their website: <https://www.tncourts.gov/help-center/court-approved-divorce-forms>. All Tennessee courts that hear divorce cases must accept these

forms if they are correctly filled out. These forms may only be used for divorces where both spouses agree on all aspects of the divorce, there are no minor or dependent children involved, and the spouses do not have a lot of property.

**Divorce Forms When Parties Have Children or Property.** Although the Tennessee Supreme Court divorce forms are the preferred forms, if you have children or property, Southeast Tennessee Legal Services also provides divorce forms which are generally accepted by Tennessee Courts. These forms can be found on [www.SELEGAL.org](http://www.SELEGAL.org). Click on "Helping Yourself" and then "Divorce." Read the information on uncontested divorce.

Follow the detailed instructions included on both websites which explain the divorce process and lists which forms you will need to file.

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

Civil Case Cover Sheet  
Complaint for Divorce  
Divorce Certificate  
Marital Dissolution Agreement  
Permanent Parenting Plan (if there is a child born from the marriage)  
Notice Regarding Insurance Coverage  
Final Decree (w/MDA)

\*\*If you are filing the Tennessee Supreme Court approved divorce forms, you are also required to complete the following forms:

Spouse's Personal Information  
Notice of Hearing to Approve Irreconcilable Differences Divorce  
Court Order for Divorcing Spouses

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

Marital Dissolution Agreement  
Permanent Parenting Plan (if there is a child born from the marriage)  
Final Decree (w/MDA)

\*\*If you are filing the Tennessee Supreme Court approved divorce forms, your spouse also needs to sign:

Court Order for Divorcing Spouses

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With an uncontested Tennessee divorce, only one party must be present in court. No attorneys have to be involved.

**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.