



OFFICE OF THE STAFF JUDGE ADVOCATE
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
CLIENT SERVICES OFFICE
2765 TENNESSEE AVENUE
FORT CAMPBELL, KENTUCKY

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 and please refer to the Tennessee Divorce Information Paper. Both parties must be separated and living apart for at least 60 days to obtain a divorce.

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. The divorce is either (1) contested or (2) uncontested. It may be possible for you to agree with your spouse on all the terms of a divorce and proceed with filing all paperwork required for an uncontested divorce. If you and your spouse cannot reach an agreement on all terms, then you have a contested divorce case, which requires filing a lawsuit against your spouse for divorce.

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. You may file an uncontested divorce using a local civilian attorney to prepare all the paperwork or fill out the paperwork on your own. The filing fee for an uncontested divorce is \$223. Once filed with the court clerk the divorce, if the forms are correct, will likely be granted within a short period, usually less than 30 days if no minor children are involved. Couples with minor children will have to wait at least 60 days before the divorce can be finalized. For a contested case where there is not total agreement on all terms of the divorce, it is highly recommended that civilian legal counsel be utilized. The contested divorce process takes longer and costs more than an uncontested case. Depending upon the complexity of the divorce and the court’s schedule the contested divorce will likely take many months to resolve. The fee required by attorneys for a contested case varies with individual attorneys and the complexity of the case.

Forms for Uncontested Divorce. The forms for an uncontested divorce can be found at <https://www.kycourts.gov/Legal-Help/Pages/Self-Help-Portal.aspx>. You must also fill out the required VS-300 form.

Divorce Issues. Typical issues to be decided during a divorce are: (1) custody and visitation of children; (2) distribution of property, which may include an agreement on how retirement benefits will be divided; (3) who pays what debts; (4) child support (there are state guidelines which the court almost always follows); (5) who gets the dependent tax exemptions; and (6) relocation of the non-military spouse.

Notes for military personnel and spouses using the state-approved forms. You will follow the detailed instructions included in Kentucky divorce forms packet which explain the divorce process and lists the forms you will need to file. Noted below are some additional guidance for military personnel and dependents proceeding with a Kentucky uncontested divorce.

WAIVER OF FILING FEE - You will have no need to fill out the Motion for Waiver of Costs and Fees, Form 1 since at least one party has a regular income

If You and Your Spouse Agree on Your Divorce. After you have printed your divorce forms, you need to read over them very carefully to input the correct information. Make sure that all the information is correct and current. Do not sign your forms until you are with a notary – a function the Fort Campbell, Kentucky Legal Assistance Office can provide. You cannot file your forms with the Court Clerk without signing them in front of a notary. Since you are in agreement with your spouse, your spouse will also need to sign the forms which require the signature of the respondent in front of a notary. Your spouse will sign as the respondent, while you are the petitioner. If you cannot get your spouse to sign the agreement you have a contested divorce which will most likely require you to retain a civilian attorney at your own expense in order to get a divorce.

If you reside in Hopkinsville or within Christian County, KY take your forms to Christian County Circuit Court Clerk. It is located at:

Christian County Justice Center
100 Justice Way
Hopkinsville, KY 42240
2nd Floor Circuit Clerks Office, Family Court
(270) 889-6539, Ext 22496

Be sure to include a completed **Certificate of Divorce (VS-300)**. It is now available in an online version at <https://ovs.chfs.ky.gov/divorce/details.aspx>. You should not write in the information on this form, the online version will produce a typed PDF document and only after it is printed, should it be signed as indicated on the form. Do not make any alterations or edits to the form.

File the following documents with the clerk:

- Certificate of Divorce (VS-300) (This comes from website noted above)
- Worksheet for Monthly Child Support Obligation (only if minor children are involved)
- The Civil Case Cover Sheet (AOC-104)
- The Case Data Information Sheet (AOC-FC-3) (redacted and un-redacted)
- Petition for Dissolution of Marriage (redacted and un-redacted)
- Verified Financial Disclosure Form (AOC 238/238.1 form)
- Entry of Appearance and Waiver
- Marital Settlement Agreement
- Deposition of Petitioner
- Findings of Fact and Decree of Dissolution of Marriage

It is very important to provide the clerk accurate contact information to include address and telephone number. If all paperwork is in proper order, then in most cases the judge signs the divorce decree with no court hearing required and both parties are mailed a copy of the divorce. You are not divorced until you have received the Decree of Dissolution back from the Court, signed by the judge, and entered by the Court.

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

If you have any questions concerning these matters, please come to the Client Services Office (Building 2765) 2765 Tennessee Avenue, Fort Campbell, KY 42223. Office hours are Monday, Tuesday, Wednesday from 0900 to 1600 hours, on Thursday from 1300-1600, or on Friday 0900 to 1500 (we close for lunch every day from 1145-1300).