



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

## 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. If you live on the Kentucky side of Fort Campbell, you should file in Kentucky. The court documents are filed in the county you reside in.

**Grounds for Divorce.** Tennessee provides for both “no-fault” and “fault” divorces. “Fault” based divorce 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.

**Cost and Length of Divorce.** The cost to obtain a divorce depends primarily on whether it is uncontested or contested. The filing fee for an uncontested case is \$475 with minor children and \$375 without minor children, in Montgomery County. Since the attorney’s fees and other costs 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 divorce without minor children has a mandatory 60 day waiting period, and an uncontested divorce with minor children has a 90-day waiting period. A contested case may take much longer.

**Divorce Issues.** Typical issues to be decided during a divorce are distribution of property, who pays what debts, and if there are minor children from the marriage then issues such as custody and visitation of children and 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.

**Divorce without Children.** The Tennessee Supreme Court has provided state-wide approved divorce 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, do not own buildings, land, or a business with your spouse, or have retirement benefits.

**Divorce with Children.** The Tennessee Supreme Court has provided state-wide approved divorce forms on their website: <https://www.tncourts.gov/node/4684225>. These forms may only be used for divorces where both spouses agree on all aspects of the divorce, these forms allow for minor or dependent children to be included. These forms may not be used if you own buildings, land, or a business with your spouse, or have retirement benefits.

**Notes for military personnel and spouses using the state-approved forms.** You will follow the detailed instructions included in state-approved 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 Tennessee uncontested divorce.

WAIVER OF FILING FEE - You will have no need to fill out the Request to Postpone Filing Fees and Order, Form 3 since at least one party has a regular income.

MILITARY STATUS - The instructions and forms ask whether a person is in the military and this in no way indicates the forms may not be used, rather it must be correctly noted in the Request for Divorce (Complaint) if someone is in the military or not.

RETIREMENT - The instructions and forms ask if either party has retirement benefits. Anyone serving in the U.S. military has potential retirement benefits, but the forms may still be used by persons serving in the military. If both parties agree to waive the right to claim a portion of the other's retirement, civilian retirement or military retirement, then this should be noted in writing in the forms (e.g. "Each party waives the right to claim any portion of the other's retirement pay or benefits." or similar language) and the state-approved forms may still be used. However, if either spouse desires to claim a portion of the other's retirement benefits then the state-approved forms may not be used. Dividing military retirement or civilian retirement is complex and a civilian attorney would then be required to address any division of retired pay.

**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)  
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)  
Court Order for Divorcing Spouses

**Court attendance.** With an uncontested Tennessee divorce, only one party must be present in court, usually the Plaintiff who filed the divorce case. No attorneys must be involved. The date and time for the hearing for the judge to sign the divorce decree is set by the court clerk who may provide that date/time when the divorce is filed or within a few days of filing. When the hearing date is provided by the court clerk the other spouse should receive the official Notice of Hearing form with the applicable date and time listed and may but is not required to appear. There will be no trial on the hearing date nor is sworn testimony required at the final hearing. It is wise to pay for additional certified copies of the divorce decree while at the courthouse since both parties may require multiple certified copies in the future. The military party should promptly take certified copies of the divorce decree to ID Card/DEERS and to their unit personnel clerk.

**Please note that Fort Campbell Client Services 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).