

**Important:** You may use this script to “prove up” an agreed or default same-sex divorce without children. Read it carefully before you go to court. When you read it in court you will be under oath. If you lie under oath, you could be criminally prosecuted. Do not read any part of this script in court that is not true and correct.

## Sample Testimony for Same-Sex Divorce without Children

### About you and about the marriage.

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.

### Check only the statement that applies. In court, read only the statement that applies.

We were married on or about \_\_\_\_\_ (date).

We had an informal (common-law) marriage.

(If you check this option, be ready to explain why there is a common-law marriage. Read <https://texaslawhelp.org/article/common-law-marriage>.)

I am asking for a divorce because our marriage has become unworkable and there is no reasonable expectation that we will get back together.

### No Children of the Marriage

My spouse and I do not have any children together who are under 18 or still in high school.

### If a wife is testifying in a same-sex divorce, read the testimony below:

1) I am not currently expecting a child. Neither is my spouse. (See note below on pregnancy.)

Then read the testimony below that is true for you.

1) I did not give birth to any children during this marriage who are now under 18 or still in high school. **or**

2) I gave birth to \_\_\_ child(ren) during this marriage who are now under 18 or still in high school. My spouse is not the legal parent of  that child  those children.

### Then read the testimony below that is true for your spouse.

1) My spouse did not give birth to any children during this marriage who are now under 18 or still in high school. **or**

2) My spouse gave birth to \_\_\_ child(ren) during this marriage who are now under 18 or still in high school. I am not the legal parent of  that child  those children.

**Note:** Talk to a lawyer **before** going to court if either spouse is pregnant or gave birth during the marriage. If either spouse is pregnant, you may not be able to finish your divorce until the child is born. If either spouse gave birth during the marriage you may not be able to finish the divorce until parentage of the child is established by court order.

**Family violence statement:** Check only the statement that applies. In court, read only the statement that applies.

- . There has been no pattern of child neglect or family violence by any party to this case during this lawsuit, while the divorce was pending, or during the two years prior to the filing of this lawsuit.
- There **has** been family violence during this lawsuit, while the divorce was pending, or during the two years prior to the filing of this lawsuit.

**Property and Debt**

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.

(Be ready to summarize how the property and debts will be divided. You can write some notes here.)

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**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.

**Name Change**

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.

That's all I have, Judge.