



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

To start your case you will need the following forms:

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

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)

These forms can found on www.SELEGAL.org. Click on "Helping Yourself" and then "Divorce."
Read the information on uncontested divorce.

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.