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What if my Spouse

A program of Tennessee Alliance for Legal Services

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What if my Spouse won't Sign Divorce Papers? – HELP4TN Blog

You can still get a divorce if your spouse won't sign your divorce papers. There are five steps towards getting a divorce finalized. You do not need your spouse's signature or permission to get divorced, but you will probably need a lawyer.

5 Steps in a Divorce

The first is filing a form in court called a *complaint for divorce*, usually with the help of a lawyer. You do not need your spouse's signature or permission to file this form in court.

The second is letting the sheriff's department or private process server deliver, or *serve*, the divorce paperwork to your spouse. This officially notifies them that you are starting the divorce process. In certain circumstances, when you don't know how to locate your spouse, you can serve them through publication in a newspaper.

The third step is waiting up to 30 days for your spouse to file an *answer* in court. Your spouse may choose to not respond to your divorce paperwork.

If your spouse doesn't file an answer in court within 30 days after they were served, your divorce is *uncontested*. Your lawyer should file new paperwork asking the court to move forward with the divorce and set a hearing. This is called a *motion for default judgment* and can help speed your divorce up.

If your spouse does file an answer in court, your divorce is *contested* and you and your lawyer should discuss how to prepare for the divorce hearing.

The fourth step is getting ready for the divorce hearing. If your spouse does not agree with all of the details of the divorce, like how to divide marital property or set parenting schedules, for example, your divorce will be set for a hearing with a judge. You must wait 90 days for the hearing if you have children together under the age of 18, or 60 days if you do not have children

together under the age of 18. It may take longer. These are just minimum waiting periods set by Tennessee law.

The court might require other steps during this divorce waiting period to help you and your children with the divorce process. If you have children, you may need to take a court-approved parenting seminar. You do not need your spouse to attend the same seminar that you attend. You may also need to work through issues with your spouse in a mediation session.

The fifth step is the divorce hearing. Your lawyer should help you with your hearing, but again, you do not need your spouse's permission for this final step.

Resources

Divorces are complicated, but there are resources for free online that can help explain them.

Visit the [Divorce Legal Resources](#) page at Help4TN.org to find booklets on divorce, legal forms, videos on divorce, and ways to get free legal answers or representation.

The Legal Aid Society of Middle Tennessee and the Cumberland has a helpful guide on "[What you need to know about Divorce](#)".

This blog is not legal advice, but it is legal information to help you learn about your rights. Need more help? The HELP4TN free legal helpline has attorneys ready to answer your questions. Give us a call at 844-435-7486.

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