

## **Remarriage & Waiver of Prohibition Against Remarriage**

### **Sec. 6.801. REMARRIAGE.**

(a) Except as otherwise provided by this subchapter, neither party to a divorce may marry a third party before the 31<sup>st</sup> day after the date the divorce is decreed.

(b) The former spouses may marry each other at any time.

Added by Acts 1997, 75<sup>th</sup> Leg., ch. 7, Sec. 1, eff. April 17, 1997.

### **Sec. 6.802. WAIVER OF PROHIBITION AGAINST REMARRIAGE.**

For good cause shown the court may waive the prohibition against remarriage provided by this subchapter as to either or both spouses if a record of the proceedings is made and preserved or if findings of fact and conclusions of law are filed by the court.

Added by Acts 1997, 75<sup>th</sup> Leg., ch. 7, Sec. 1, eff. April 17, 1997.

**\*\*THIS IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY\*\***

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

Cause No. \_\_\_\_\_

IN RE

§  
§  
§  
§  
§

In the District Court

\_\_\_\_\_

\_\_\_\_\_ Judicial District

of \_\_\_\_\_ County

### **Petition for Waiver of Prohibition Against Remarriage**

This is a suit where discovery is to be conducted under Level 2 / Level 3 (*circle one*) of Rule 190 of the Texas Rules of Civil Procedure.

This is a petition requesting the Court to waive the prohibition of Texas Family Code § 6.802, against remarriage within 30 days following a decree of divorce. The petition is filed by \_\_\_\_\_ as Petitioner.

The court has jurisdiction to hear this cause.

\_\_\_\_\_, Petitioner, is \_\_\_\_\_ years of age and was born on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
Petitioner resides at \_\_\_\_\_  
\_\_\_\_\_.

The Petitioner was divorced in the Cause No. \_\_\_\_\_ in the \_\_\_\_\_ District Court of \_\_\_\_\_ County, Texas. The date of the decree is the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_. That date is less than 30 days before the filing of this petition.

The Petition requests that the Court waive the prohibition against remarriage provided by Texas Family Code, § 6.801. This request is made pursuant to Texas Family Code § 6.802.

Petitioner shall show good cause for the waiver of prohibition against remarriage.

Petitioner prays that the court waive the prohibition against remarriage.

Petitioner prays for general relief.

Respectfully submitted,



\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Your Printed Name*

\_\_\_\_\_  
*Phone*

\_\_\_\_\_  
*Mailing Address*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip*

\_\_\_\_\_  
*Email Address*

\_\_\_\_\_  
*Fax # (if any)*

Cause No. \_\_\_\_\_

IN RE

§  
§  
§  
§  
§

In the District Court

\_\_\_\_\_

\_\_\_\_\_ Judicial District

of \_\_\_\_\_ County

**Findings of Fact and Conclusions of Law  
On Waiver for Prohibition Against Remarriage**

A trial was held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Based upon the pleading and the evidence the Court makes the following findings of fact and conclusions of law in accordance with Texas Family Code § 6.802.

**FINDINGS OF FACT**

Petitioner is \_\_\_\_\_. Petitioner resides in \_\_\_\_\_ County, Texas. Petitioner's age is \_\_\_\_\_. The Petitioner's date of birth is \_\_\_\_\_.

The Petitioner was divorced in cause number \_\_\_\_\_ in the \_\_\_\_\_ District Court of \_\_\_\_\_ County, Texas. The date of the decree is the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

That date is less than 30 days before the filing of this petition.

Petitioner has shown good cause for the waiver of the prohibition against remarriage because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONCLUSIONS OF LAW**

The above facts constitute good cause for the waiver of prohibition against remarriage.

The waiver of the prohibition against remarriage is granted. The prohibition against remarriage is hereby waived and an order is signed to that effect.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING

\_\_\_\_\_ District Court

\_\_\_\_\_ County, Texas

Cause No. \_\_\_\_\_

IN RE

§  
§  
§  
§  
§

In the District Court

\_\_\_\_\_

\_\_\_\_\_ Judicial District

of \_\_\_\_\_ County

### **Order Granting Waiver for Prohibition Against Remarriage**

This case was tried on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
\_\_\_\_\_, *pro se* petitioner, appeared in person and announced ready for trial.

The Court examined the pleadings and heard evidence. The Court finds that all prerequisites of law have been legally satisfied, and that the Court has jurisdiction of the person and subject matter of the cause. The Courts finds that Petitioner has shown good cause for the waiver of prohibition against remarriage provided by Texas Family Code § 6.802.

IT IS ORDERED that the prohibition against remarriage is waived as to Petitioner, \_\_\_\_\_.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING  
\_\_\_\_\_ District Court  
\_\_\_\_\_ County, Texas

## **Courtroom Testimony for Waiver of Prohibition Against Remarriage**

1. My name is \_\_\_\_\_.
2. I am the Petitioner in this case.
3. I reside at \_\_\_\_\_.
4. I am \_\_\_\_ years of age and was born on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.
5. I was divorced in cause no. \_\_\_\_\_, in the  
\_\_\_\_\_ District Court of \_\_\_\_\_ County, Texas.
6. The date of the decree is the \_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.
7. The date is less than 30 days before the filing of this petition.
8. The Petitioner requests that the Court waive the prohibition against remarriage  
as provided by Texas Family Code § 6.802.
9. Good Cause for the waiver is as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. I am respectfully asking this Court to approve my request for the waiver of  
prohibition against remarriage.