SELF-REPRESENTED LITIGANT PETITION FOR DIVORCE (103) (NO MINOR CHILDREN) AND FOR REQUESTING USE OF MAIDEN NAME

THESE FORMS ARE ONLY FOR MARRIED COUPLES WHO HAVE ALREADY BEEN LIVING SEPEATE AND APART FOR AT LEAST SIX (6) MONTHS BEFORE FILING FOR A DIVORCE. If you have not been living apart from your spouse for over (6) months, you cannot use these forms.

You will be filing your divorce as a "self-represented litigant," which means you are responsible for your case and no attorney will be representing you. As the person suing for divorce, you will be known as the **Petitioner** and your spouse will be known as the **Defendant.** All the forms you need to file for a divorce are attached.

HOW TO COMPLETE THE FORMS:

Note: The forms are numbered at the bottom of each page.

1. Make sure that all of the blanks are filled in on those pages marked with a "1" at the bottom. These forms are titled "**PETITION FOR DIVORCE**" and "**VERIFICATION.**" Make at least one **(1)** copy of the form marked "**PETITION FOR DIVORCE**" after you have filled it out.

2. Take all of the pages marked with the number "1" at the bottom to the Clerk of Court's Office located in the parish where you live. You should also bring one **(1)** copy of the form marked Petition For Divorce with you. Go to the Civil Department and tell the clerk that you do not have a lawyer, and that you want to file your divorce.

3. Ask the clerk to file all of the forms marked with the number "1" at the bottom. Also ask the clerk to stamp a date AND write the docket number of your case on the copy you brought of the Petition for Divorce. This is important because you will need your docket number and the date you filed your petition for divorce later. Keep your copy of the Petition for Divorce in a safe place.

4. You will need to check with your local Clerk of Court to determine the case "filing fee." If you cannot afford to pay the fee when you file your case, you can include an "**IN FORMA PAUPERIS AFFIDAVIT,**" which asks the court to *delay* (but not eliminate) the cost of filing. Fill out all sections of the **IN FORMA PAUPERIS AFFIDAVIT**. Reference your check stubs to fill out section (7) and be sure to sign this document in the presence of a notary. This document can be found on the list of available forms, and is labeled with the number "2" at the bottom. If you are able to pay the court fees, you can skip this step.

5. Call the Clerk's office to check to see when your spouse is "served" (recommended to wait about 1-2 weeks before calling to check on service). Once the Clerk's office tells you that your spouse has been served, you must wait at least fifteen (15) days from the date your spouse was served. Then call the Clerk's office again to make sure your spouse has not filed an answer or other pleading.

6. If your spouse has filed an answer to the lawsuit, you should check with the court to see if any hearings have been scheduled.

7. If nothing has been filed by your spouse, take the form titled **MOTION FOR PRELIMINARY DEFAULT** (which is marked "3-default" at the bottom of the page) to the Clerk's office. Be sure to fill in the section at the bottom for your address AND bring two (2) copies of the Motion for Preliminary Default, already filled out, along with the original. Ask the clerk to: 1-file the original copy of the Motion, 2-stamp a date on your copy of the Motion for you to keep, 3- send you the other copy of the Motion for Preliminary Default marked with the date that the Judge signed it (your address should be listed on the bottom of the page

8. You will receive a copy of the Preliminary Default in the mail. It should show the date the Preliminary Default was signed. Now, you must also fill in the form titled **AFFIDAVIT OF CORRECTNESS** (marked with "4" at the bottom of the page). <u>You must sign it in the presence of a notary!</u> You must also fill in the section of the **JUDGMENT OF DIVORCE** titled "Petitioner's Certification" at the bottom of the page—you will need to know the date of service, whether it was domiciliary or personal service, and the date that the Judge signed the Motion for Preliminary Default. Lastly, fill in the document titled "**CERTIFICATE OF DIVORCE** with you and your spouse's personal information."). You should also ask the Clerk of Court whether you are required to file the form titled "**APPENDIX 28.1B: LA. C.C.P. ART. 1702(E) DIVORCE CHECKLIST."**

8. Bring the **AFFIDAVIT OF CORRECTNESS** (marked with a number "4"), the **JUDGMENT OF DIVORCE** (marked with a number "4"), the **CERTIFICATE OF DIVORCE** and the **DIVORCE CHECKLIST** (if necessary) to the Clerk's office. Ask the Clerk to have a Judge sign them.

9. Once a Judge has signed your **JUDGMENT OF DIVORCE,** the Clerk's office will send you a certified copy of it. You are divorced as of the date of the Judge's signature at the bottom of the Judgment of Divorce. Keep this certified copy for your records.

All litigants are better off when represented by a licensed attorney. For help finding representation, visit www.LSBA.org/goto/FindLegalHelp. If you do not understand a legal term, need to have a hearing in open court, or need to clarify the correct response or application to your situation, you may want to seek more information or advice from the following resources:

Louisiana LawHelp: www.louisianalawhelp.org

Free Legal Answers: LA.freelegalanswers.org

Law Library of Louisiana: lasc.libguides.com/resources-for-self-represented-litigants

_____   *   _____ **JUDICIAL DISTRICT COURT**

VERSUS: *   **DOCKET NO:** _____ **DIV.** _____

_____   *   _____ **PARISH, LOUISIANA**

PETITION FOR DIVORCE UNDER CIVIL CODE ARTICLE 103

The petition of _____, *(print your name),* a major domiciled in the Parish of _____, *(print name of parish where you live)* State of Louisiana, respectfully represents:

1.

Made defendant is _____ *(print spouse's name),* a major currently domiciled in the Parish of _____, *(print name of parish where spouse lives)* State of Louisiana.

2.

The parties were married on the _____ day of_____, _____, in _____ Parish, Louisiana. *(print date of marriage and parish where married).*

3.

Petitioner and defendant physically separated on the _____ day of _____, _____, and have continued to live separate and apart since that time. *(print date of separation).*

4.

Of the marriage, no children were born or adopted.

5.

Petitioner requests and is entitled to a divorce under the provisions of Civil Code Article 103(1), based on the parties having lived separate and apart for more than six (6) months without reconciliation.

6.

Petitioner *(only if you are the wife),* wishes to have her name confirmed as _____. *(print your full maiden name).*

7.

Petitioner, due to poverty and want of means, is unable to pay the costs of this suit and desires to file and prosecute this action under the provisions of LA C.C.P., Articles 5181-5188.

WHEREFORE, petitioner prays that after all legal delays and due proceedings, that there be judgment granting petitioner a divorce, that her maiden name be confirmed, and that defendant be cast with all court costs.

Respectfully submitted by:

_____
PETITIONER, In Proper Person *(signature)*
Print your name and address:

(1)   Telephone No._____

_____   *   _____ **JUDICIAL DISTRICT COURT**

VERSUS: *   **DOCKET NO:** _____ **DIV.** _____

_____   *   _____ **PARISH, LOUISIANA**

VERIFICATION

STATE OF LOUISIANA

PARISH OF _____

      BEFORE ME, the undersigned authority, personally came and appeared:

_____

who, after being duly sworn, did depose and say that:

      He/She is the petitioner in the above entitled matter, and all of the allegations contained in

the petition are true and correct to the best of his/her knowledge, information and belief.

_____
              AFFIANT

      SWORN TO AND **SUBSCRIBED** before me, notary, this _____ day of

_____ , 20____ .

_____
             NOTARY PUBLIC

CLERK OF COURT: PLEASE SERVE (if work address is given, service must be personal)

      Defendant
      (name and physical home or work address)

_____

(1)

_____   *   _____ **JUDICIAL DISTRICT COURT**

VERSUS: *   **DOCKET NO: _____ DIV. _____**

_____   *   _____ **PARISH, LOUISIANA**

MOTION FOR PRELIMINARY DEFAULT

ON MOTION OF Petitioner, *(print your name)* _____, and on suggesting to this Honorable Court that:

A verified Petition for Divorce was filed on this matter on the _____ day of _____, 20____. *(print the date that was stamped on your copy of the petition).*

Defendant was served on the _____ day of _____, 20____. *(print the date that your spouse was served).*

No answer or other responsive pleading having been filed, petitioner now moves for entry of Preliminary Default under Code of Civil Procedure Article 1701.

Respectfully submitted by,

_____

PETITIONER, In Proper Person *(signature)*

Clerk's Certification

I hereby certify that a review of the record reveals that no answer or other responsive pleadings have been filed in this case on the issue of divorce.

_____   _____
          Deputy Clerk   Date

ORDER

Considering the above Motion, it is ORDERED that a Preliminary Default be entered in the above captioned cause, in the minutes of this Court.

THUS, DONE AND SIGNED this _____ day of_____, 20___ at _____ Louisiana.

_____

DISTRICT JUDGE

*Note to Clerk of Court: Please return a copy of this Motion and Order, with the date of the Judge's signature to Petitioner at this address:

(print your address):

(3-DEFAULT)

_____   *   _____ **JUDICIAL DISTRICT COURT**

VERSUS: *   **DOCKET NO: _____ DIV. _____**

_____   *   _____ **PARISH, LOUISIANA**

<u>**AFFIDAVIT OF CORRECTNESS**</u>

STATE OF LOUISIANA

PARISH OF_____

      BEFORE ME, the undersigned notary public, personally came and appeared:

_____
Petitioner

Who, being duly sworn, did depose and state:

1. That they are a person of the full age of majority and who is domiciled in _____ *(print name of parish where you live)* Parish, Louisiana;

2. That they are the petitioner in the above entitled and numbered action;

3. That the defendant is a major currently domiciled in the Parish of _____ *(print name of parish where your spouse lives)*;

4. That petitioner and defendant were married on the _____day of _____, _____ *(print date of marriage)*;

5. That of the marriage, no children were born or adopted;

6. That petitioner and defendant physically separated on the _____ day of _____, _____, *(print date of separation)* and have remained living separate and apart without reconciliation since that time;

7. That petitioner desires to obtain a divorce under Civil Code Article 103(1) on the basis of the parties having lived separate and apart without reconciliation for six (6) months or more; and

8. That defendant is not on active duty with the Armed Forces of the United Stated or any of its allies.

_____
PETITIONER

      SWORN TO AND SUBSCRIBED before me, on this_____day of_____ 20____.

_____
NOTARY PUBLIC
_____*(print name and No.)*

(4)

_____   *   _____ **JUDICIAL DISTRICT COURT**

VERSUS: *   **DOCKET NO:** _____ **DIV.** _____

_____   *   _____ **PARISH, LOUISIANA**

CONFIRMATION OF DEFAULT AND JUDGMENT OF DIVORCE

       This matter was considered pursuant to the provisions of Louisiana Civil Code Article 103(1) and Code of Civil Procedure Article 1702(E). The Court having considered the entire record of this matter and petitioner's affidavit of correctness (Exhibit A), and the law and evidence in favor thereof, renders as follows:

       IT IS HEREBY ORDERED ADJUDGED AND DECREED that the preliminary default previously entered herein on the _____ day of _____, 20_____, be now confirmed.

       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that there be a judgment in favor of petitioner _____, and against defendant _____, decreeing a divorce between the parties on the basis of the parties having lived separate and apart continuously and without reconciliation for a period of six (6) months or more as per Civil Code Article 103(1).

       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Petitioner's name is confirmed as _____, which is her maiden name. *(print your full maiden name).*

       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs associated with these proceedings are assessed to the defendant.

       JUDGMENT READ, RENDERED AND SIGNED, this _____ day of _____, 20____ , at _____, Louisiana.

_____
DISTRICT JUDGE

(4)