SELF-REPRESENTED LITIGANT PETITION FOR DIVORCE (103) (NO MINOR CHILDREN) FOR DIVORCE ISSUE ONLY 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.

If you have not been living apart from your husband/wife for at least (6) months or you have minor children of the marriage, do not use these forms. Please note that these forms are for a simple uncontested divorce only. The forms do not address spousal support, domestic abuse, or community property. You may need to address these issues using separate forms, or by finding an attorney to represent you. You should consult a lawyer if domestic violence or interim spousal support relief are essential to your case as the timing of a divorce may compromise the relief obtained.

To learn more about the divorce process, visit the [Louisiana Civil Legal Navigator](http://www.louisianalegalnavigator.org) [LouisianaLawHelp.org](https://louisianalawhelp.org/resource/the-timeline-of-a-divorce-article). To find help, visit [bit.ly/legal-referrals](file:///C:\Users\amand\Downloads\bit.ly\legal-referrals) or <http://www.LSBA.org/goto/FindLegalHelp>.

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 the blanks are filled in on those pages marked with a “(1)” at the bottom. These forms are titled “**PETITION** **FOR** **DIVORCE**” and “**VERIFICATION**.” The **VERIFICATION** must be signed in front of a notary. (Find a notary at <bit.ly/la-notaries>). Make at least one **(1)** copy of the form marked “**PETITION FOR DIVORCE**” after you have filled it out.

**2.** 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**](http://www.bit.ly/in-forma-pauperis),” which asks the court to *delay* (but not eliminate) the cost of filing. Fill out all sections of the [**IN FORMA PAUPERIS AFFIDAVIT**](http://www.bit.ly/in-forma-pauperis). Reference your check stubs to fill out section (7) and be sure to sign this document in the presence of a notary. If you fill out this form, include it with the forms labeled “(1).” If you can pay the court fees, you can skip this step.

**3.** Take all ofthe 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. Be sure to bring your filing fee or “In Forma Pauperis” Affidavit.

**4.** 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 thecopy 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.

**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 twenty-one (21) 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, the next step is to bring the form titled **“AFFIDAVIT OF CORRECTNESS”** (which is marked “(2)” at the bottom of the page) to the Clerk’s office. You must sign it in the presence of a notary! You must also fill in the section of the **DEFAULT** **JUDGMENT OF DIVORCE** (which is marked “(3)”) titled “Petitioner’s Certification” at the bottom of the page—you will need to know the date of service and whether it was [domiciliary or personal service](https://louisianalawhelp.org/resource/understanding-service-of-process-article). 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**](https://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_28.1B.pdf)**.”**

**9**. Bring the **AFFIDAVIT OF CORRECTNESS** (marked with a number “(2)”), the **DEFAULT JUDGMENT OF 103(1) DIVORCE without MINOR CHILDREN** (marked with a number “(3)”) and the **DIVORCE CHECKLIST** (if necessary) to the Clerk’s office. Ask the Clerk to have a Judge sign them.

**10.** 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**](http://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:**

Law Library of Louisiana: [www.lasc.libguides.com/resources-for-self-represented-litigants](http://www.lasc.libguides.com/resources-for-self-represented-litigants)

Louisiana Civil Legal Navigator: [www.louisianalegalnavigator.org](http://www.louisianalegalnavigator.org)

Louisiana LawHelp: <www.louisianalawhelp.org>

Free Legal Answers: [LA.freelegalanswers.org](http://www.la.freelegalanswers.org)

**{{ judicial\_district1 }} JUDICIAL DISTRICT COURT**

**DOCKET NO: \_\_\_\_\_\_\_\_\_\_\_ DIV. \_\_\_\_\_**

**{{ filing\_parish1 }} PARISH, LOUISIANA**

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**{{ petitioner1 }}**

**VERSUS:**

**{{ respondent1 }}**

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**PETITION FOR DIVORCE UNDER CIVIL CODE ARTICLE 103**

The petition of {{ petitioner2 }}, a major domiciled in the Parish of {{ user\_domicile }}, State of Louisiana, respectfully represents:

**1.**

Made defendant is {{ respondent2 }}*,* a major currently domiciled in the Parish of {{ respondent\_domicile1 }},State of Louisiana.

**2.**

The parties were married on the {{ marriage\_day1 }} day of {{ marriage\_month1 }}, {{ marriage\_year1 }} in {{ marriage\_parish }} Parish, Louisiana.

**3.**

Petitioner and defendant physically separated on the {{ separation\_day1 }} day of {{ separation\_month1 }}, {{ separation\_year1 }}, and have continued to live separate and apart since that time.

**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.**

{% if revert\_to\_maiden\_name %} Petitioner wishes to have her name confirmed as {{ maiden\_name1 }}. {% else %} The petitioner does not require confirmation of a maiden name. {% endif %}

**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, {% if revert\_to\_maiden\_name %} that their maiden name be confirmed, {% else %} {% endif %}and that defendant be cast with all court costs.

Respectfully submitted by:

{{ user\_signature }}

{{ petitioner3 }}, In Proper Person

{{ petitioner\_address\_on\_one\_line }}

Telephone No. {{ petitioner\_telephone }}

{{ petitioner\_email }}

**(1)**

**{{ judicial\_district2 }} JUDICIAL DISTRICT COURT**

**DOCKET NO: \_\_\_\_\_\_\_\_\_\_\_ DIV. \_\_\_\_\_**

**{{ filing\_parish2 }} PARISH, LOUISIANA**

**{{ petitioner4 }}**

**VERSUS:**

**{{ respondent3 }}**

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**(1)**

**VERIFICATION**

**STATE OF LOUISIANA**

**PARISH OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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

**{{ petitioner5 }}**

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

They are the petitioner in the above entitled matter, and all of the allegations contained in the petition are true and correct to the best of their 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**

**{{ respondent4 }}**

{{ respondent\_address }}

**{{ judicial\_district4 }} JUDICIAL DISTRICT COURT**

**DOCKET NO: \_\_\_\_\_\_\_\_\_\_\_ DIV. \_\_\_\_\_**

**{{ filing\_parish5 }} PARISH, LOUISIANA**

**{{ petitioner9 }}**

**VERSUS:**

**{{ respondent6 }}**

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**AFFIDAVIT OF CORRECTNESS**

**STATE OF LOUISIANA**

**PARISH OF\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

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

**{{ petitioner10 }}**

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 {{ petitioner\_domicile }} 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 {{ respondent\_domicile2 }} Parish, State of Louisiana;

4. That petitioner and defendant were married on the {{ marriage\_day2 }} day of {{ marriage\_month2 }}, {{ marriage\_year2 }};

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

6. That petitioner and defendant physically separated on the {{ separation\_day2 }} day of {{ separation\_month2 }}, {{ separation\_year2 }}, 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.)***

**(3)**

**{{ judicial\_district5 }} JUDICIAL DISTRICT COURT**

**DOCKET NO: \_\_\_\_\_\_\_\_\_\_\_ DIV. \_\_\_\_\_**

**{{ filing\_parish6 }} PARISH, LOUISIANA**

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**{{ petitioner11 }}**

**VERSUS:**

**{{ respondent7 }}**

**DEFAULT JUDGMENT OF 103(1) DIVORCE without MINOR CHILDREN**

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 ORDERED, ADJUDGED, AND DECREED** that there be a judgment in favor of petitioner {{ petitioner12 }} and against defendant {{ respondent8 }}, 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).

{% if revert\_to\_maiden\_name %} **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Petitioner’s name is confirmed as {{ maiden\_name1 }}, which is his/her maiden name. {% else %}{% endif %}

**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**

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.

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Deputy Clerk Date

Petitioner’s Certification

***(sign and date below to indicate that you have reviewed the record)***

I hereby certify that defendant was served domiciliary/personal ***(circle one)*** on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ***(write the date of service).***

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

Petitioner Date