

# STEPS FOR DIVORCE WITHOUT MINOR CHILDREN

## STEP 1: File

Petitioner (person filing for divorce):

- Complete the Petition, Summons, and Family Law Case Information Sheet then sign and date them.
- Make 2 copies of the Petition and Summons. Make 1 extra copy of the Schedules (to attach later to Decree).
- Have forms reviewed at full-service Court Assistance Office.
- File originals and copies with Clerk (filing fee \$207.00). The Clerk will keep the original, stamp your copies and return them to you (one for you, one for Respondent). Some courts issue temporary orders for both parties. If the Clerk gives you the original Summons, keep it safe to return after Service.
- Pick up Certificate of Divorce to complete and return to the Clerk.

## STEP 2: Serve

### Respondent Will Sign in front of a Notary

or

### Third Party Will Deliver to Respondent

- Fill out Acknowledgment of Service and deliver it to Respondent (spouse) with 1 copy of the Complaint, Summons, and any temporary orders.
- Your spouse completes and signs the Acknowledgment of Service in front of a Notary and returns it to you.
- Make 2 copies of the notarized Acknowledgment of Service.
- Keep 1 copy, mail 1 copy to your spouse, & file the original with the court. Return the original Summons if you have it.

- Fill out Affidavit of Service and deliver it with 1 copy of the Complaint, Summons, and temporary orders to:
  - A person 18 or older not a party to the case; professional process server; or the County Sherriff; for service.
- The server completes and signs the Affidavit of Service.
- Make 2 copies of the Affidavit.
- Keep 1 copy, mail 1 copy to your spouse, file original with the court. Return original Summons if you have it.

## STEP 3: Finalize

### You and Respondent Agree and Both will Sign

or

### Respondent Does Not File a Response (Default)

or

### Respondent Files a Response

- Fill out Sworn Stipulation for Entry of Decree, Certificate of Divorce and Decree. Make 1 extra copy of the Decree to attach to the Stipulation.
- Both you and your spouse sign & date the Sworn Stipulation.
- Make 2 copies of Sworn Stipulation and Decree.
- File Sworn Stipulation. Deliver Decree with copies, and completed Certificate of Divorce to the Clerk. Provide pre-addressed pre-stamped envelopes, 1 for you and 1 for Respondent.

- Wait 21 days (including weekends and holidays) after date of service.
- Fill out Motion and Affidavit for Default, Default, Affidavit in Support of Default Decree, and Decree of Divorce.
- Sign & date the default motions. Make 2 copies of the default forms and Decree.
- File default forms. Deliver Decree with copies and Certificate of Divorce to the Clerk. Provide pre-addressed pre-stamped envelopes, 1 for you and 1 for Respondent.

- Your spouse files a response within 21 days (includes weekends and holidays) from the date served.
- Consult with an attorney about your options or schedule mediation to see if you both can agree. If you can't agree, your case will go to trial.