

# STEPS FOR DIVORCE WITH MINOR CHILDREN

## STEP 1: File

Petitioner (person filing for divorce):

- Complete a) Family Law Case Information Sheet, b) Petition with Parenting Plan, Affidavit Verifying Income, and Child Support Worksheet, and c) Summons.
- Sign and date Petition certifying that the information is true and accurate.
- Make 2 copies of Petition and Summons. Make 1 extra copy of Parenting Plan and Property and Debt Schedule (to attach later to Decree).
- Have forms reviewed at full-service Court Assistance Office.
- File originals and copies with Clerk and pay the filing fee. The Clerk will keep the original Petition, stamp your copies and return them to you (1 for you, 1 for Respondent). Some courts issue temporary orders and orders to attend parent education (1 for each of you). 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 and Date.**

**or**

**Third Party Will Deliver to Respondent**

- Fill out Acknowledgment of Service and deliver it to Respondent with 1 copy of the Petition with Exhibits, Summons, any order to attend parent education class and any temporary orders.
- Respondent completes and signs Acknowledgment of Service and returns the form to you.
- Make 2 copies of the Acknowledgement of Service.
- Keep 1 copy, mail 1 copy to Respondent, file original with the court. Return original Summons if you have it.

- Fill out Affidavit of Service and deliver it with 1 copy of the Petition with attachments, Summons, any order to attend parent education class and temporary orders to:
  - A person 18 or older not a party to the case; professional process server; or the County Sheriff; for service.
- Server completes and signs Affidavit of Service.
- Make 2 copies of the form.
- Keep 1 copy, mail 1 copy to the Respondent, file original with the court. Return original Summons if you have it.

## STEP 3: Attend Parent Education Class (if required).

## STEP 4: Finalize

**You and Respondent Agree on Everything and Completed Parent Education**

**or**

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

**or**

**Respondent Files a Response**

- Fill out Stipulation for Entry of Decree, and Decree. Make 1 extra copy of the Decree to attach to the Stipulation.
- Fill out Child Support Order Summary Form.
- Each sign the Stipulation.
- Make 2 copies of Stipulation and 3 copies of Decree. The third copy is for the child support office.
- File Stipulation. Deliver Decree with copies, Certificate of Divorce and CS Order Summary Form to the Clerk. Provide pre-addressed pre-stamped envelopes, 1 addressed to you and 1 to the Respondent.

- Wait 20 days (including weekends and holidays) after date of service.
- Fill out Motion and Affidavit for Default, Default, Affidavit in Support of Default Decree, (2 copies each) Child Support Order Summary Form (no copies) and Decree of Divorce (3 copies).
- Sign default motion. Make copies.
- File default forms. Deliver Decree with copies, Certificate of Divorce and CS Order Summary Form to the Clerk. Provide pre-addressed pre-stamped envelopes, 1 addressed to you and 1 to the Respondent.
- Attend hearing if required.

- Respondent files a response before 20 days (includes weekends and holidays) after 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.