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

Form provided as a courtesy the Louisiana Access to Justice Commission. No enrollment of counsel is expressed or implied. Every factual situation is different, and all litigants are encouraged to explore options for representation at www.LSBA.org/goto/FindLegalHelp.

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). You must sign it in the presence of a notary! 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."**

9. 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.

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. 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

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_____	*	_____ **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:

_____

_____

Telephone No._____

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_____ * **_____ 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)
_____
_____
_____
_____

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_____	*	_____ **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)

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APPENDIX 28.1B: LA. C.C.P. ART. 1702(E) DIVORCE CHECKLIST

LOUISIANA CIVIL CODE ARTICLE 103(1) OR ARTICLE 103(5) DIVORCE
Certification for Default Confirmation under Louisiana Code of Civil Procedure Article 1702(E)

Note: Must be completed by Petitioner or his/her attorney and submitted/filed with the Judgment of Divorce.

_____ DOCKET NUMBER: _____
Petitioner

versus

_____ PARISH OF _____
Defendant

A. Dates

1. Petition for Divorce: _____ Date Petition Filed
2. Parties physically separated: _____ Date of Separation
3. Service of the Petition:
   a. If Sheriff's return is in the record, indicate date and type of service:
      Personal/Domiciliary (*Circle one*) _____ Date of Service
      If Domiciliary, then name of person served _____ and the relationship?:_____
      OR OR
   b. If a Waiver of Service is filed into the record, provide date of execution and filing : _____ Date Waiver Executed
      _____ Date Waiver Filed
4. Preliminary default entered: _____ Date PD Entered
   By Oral/Written Motion (*Circle one*)
5. Have two days, exclusive of holidays, elapsed since the entry of preliminary default, with no answer or other opposition having been filed? __ Yes

B. Pleadings

1. Is the Petition for Divorce in the record? __ Yes
2. Are proper jurisdiction and venue expressly alleged in the Petition? __ Yes
3. Does the petitioner's Affidavit submitted or filed with the Judgment specifically attest to the facts sufficient to obtain a divorce or will testimony be offered in lieu thereof? __ Yes
4. If the defendant has made an appearance in the case, was notice of the preliminary default sent to defendant by certified mail pursuant to La. C.C.P. Art. 1702(A) or is there a filed waiver of the notice by the defendant? __ Yes; or
   __ Yes (Waiver)
5. Are the original and at least one copy of the proposed final Judgment attached? Yes

C. Grounds for Divorce (La. C.C. Art. 103/ C.C.P. Art. 1702(E))

1. The parties have minor children, and have been living separate and apart **365 days or more** without reconciliation. __ Yes
   OR
2. The parties have no minor children and have been living separate and apart **180 days or more** without reconciliation. __ Yes
   OR
3. On __/__/20__, after a contradictory hearing, or consent decree, a protective order or an injunction was issued during the marriage in accordance with law, against the defendant in order to protect the petitioner who seeks the divorce or a child of one of the spouses from abuse. __ Yes

PETITIONER'S/ATTORNEY'S CERTIFICATION

I hereby certify that I have examined the record or conformed copies of all pleadings in the above-captioned case, and the information provided herein is true and correct based upon my personal knowledge, information, and belief.

_____	_____	_____
Date of Record Examination	Signed by Petitioner/Attorney for Petitioner	Attorney's Bar Number
_____	_____	_____
Date of Certification	Address	Telephone Number

CLERK'S CERTIFICATION

Two days, exclusive of holidays, have elapsed since the preliminary default was entered and no answer or opposition has been filed.

_____ _____
Date Signature of Minute Clerk

HEARING OFFICER RECOMMENDATION

Considering the record in this case, the submission of the petitioner/mover's counsel, it being the finding of the hearing officer that all legal requirements for granting a divorce under Louisiana Civil Code Article 103(1) or Article 103(5) have been met, **IT IS HEREBY RECOMMENDED** that the attached Judgment of Divorce be made the Order of this Court, no objection having been made by either party.

_____, Louisiana, this ____ day of _____, 20____.

_____
Hearing Officer

Save Form Print Form

_____	*****	**_____ JUDICIAL DISTRICT COURT**
VERSUS:	*****	**DOCKET NO: _____ DIV. _____**
_____	*****	**_____ PARISH, LOUISIANA**

AFFIDAVIT OF CORRECTNESS

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

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_____	*****	**_____ 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

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.

_____ _____

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)*** and a preliminary default judgment was entered on _____ ***(write the date of the preliminary default judgment).***

_____ _____

Petitioner Date

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