

Guide: Filing for Divorce

Step 1: Petition

- Divorce (*with no minor children*): Must have lived separate and apart for **180 days**
- Divorce (*with minor children*): Must have lived separate and apart for **365 days**
 - For divorce w/ minor children: custody arrangement of children must be detailed in the Petition
- *Jurisdiction*: either the Petitioner or Defendant must **permanently reside in Parish where filing.**
- **Forms filed together:** "Petition for Divorce" & "Verification"

Step 2: Issuing Service: *Waiver* OR *Sheriff Service* OR *Long Arm/Green Card*

<p>1) <u>Waiver</u>: Acceptance of Service Form</p> <p>Get a certified copy of Petition after it has been filed from the Clerk. Certified copy is 5\$.</p> <p>You (Petitioner) personally give your spouse the certified copy and the "Acceptance of Service" form to sign in front of notary</p>	<p>2) <u>Sheriff Service</u></p> <p><u>Sheriff Delivery:</u> Clerk's Office will serve your spouse either personally or at their last known residence</p>	<p>3) <u>Long Arm/Green Card</u></p> <p>Form: <u>Affidavit of Service via Certified Mail</u> Request service by long arm in pleadings if defendant is out of state. Clerk will mail you a packet to send to defendant. Send documents via certified mail.</p> <p>You should get a return from the post office ("green card"). Fill out affidavit, have it notarized, & file it.</p>
<p>0 Days – defendant waived legal delays provided by law</p>	<p>Spouse is allowed 15 days from <i>date served</i> to answer suit before proceeding.</p>	<p>You have to wait 30 days from date Affidavit of Service via Certified Mail was filed before proceeding.</p>

Step 3: Preliminary Default (PD)

<p>If spouse (Defendant) signs "Acceptance of Service", file Acceptance of Service/Waiver and Motion for Preliminary Default together</p>	<p>Check to make sure spouse (Defendant) has not filed an answer or other pleading with the Clerk of Court. After 15 days, you can file Motion for Preliminary Default.</p>	<p>After 30 days, you may file Motion for Preliminary Default.</p>
<p>Once "Motion for Preliminary Default" has been signed and filed, you must wait THREE (3) days before signing the form "Affidavit of Facts"</p>		

Step 4: Final Judgment

- **Forms filed together:** "Affidavit of Facts", "Certification by Self-Represented Litigant", and "Judgment of Divorce"
- Take **complete record to the Clerk of the Judge/Commissioner** and ask for the Judgment to be signed. The Clerk's office will **GIVE** you a certified copy
- *You are divorced as of the date of the Judge's/Commissioner's signature at the bottom of the Judgment of Divorce*
- If you want to return to using your maiden name or the name of your minor children from a previous marriage, then complete the form "**Motion to Resume Using Maiden Name/Name of Minor Children.**" You may file this at the same time you file the "Affidavit of Facts" and the Final Judgment of Divorce for the Judge/Commissioner to sign.