

**SELF-REPRESENTED LITIGANT PETITION FOR 103(1) DIVORCE
(WITH MINOR CHILDREN) FOR DIVORCE ISSUE ONLY and FOR
REQUESTING USE OF ALLOWED LAST NAME**

WHO CAN USE THESE FORMS?

You can only use these forms if ALL of these are true:

- You and your spouse are **currently pregnant** or **have children, regardless of paternity**, currently under age 18 that were born or adopted during your marriage;
- You and your spouse have already been living separate and apart for **at least 365 days**;
- You **or** your spouse **currently live** in Louisiana;
- Your spouse is **not** in prison;
- Your spouse is **not** a servicemember on active duty in the U.S. Military; and
- You and your spouse **are not** in a “covenant marriage.” (You would have agreed to pre-marriage counseling and a longer time for living separate and apart. You would have also completed a “Declaration of Intent” and filed it with your marriage certificate.)

BEFORE YOU START

Please note that these forms are for an uncontested divorce only. The forms do not address spousal support, child support, domestic abuse, or community property. **You may need to address these issues using separate forms or by finding a lawyer to represent you.** You should consult a lawyer before using these forms if domestic violence or interim spousal support relief are essential to your case as the timing of a divorce may affect the relief obtained.

You will be filing your divorce as a “self-represented litigant.” That means you are moving your case forward without a lawyer. As the person suing for divorce, you are the “**Petitioner**” and your spouse is the “**Defendant**.” All the forms you need to file for a divorce are attached or referenced in these instructions. The forms assume that your spouse will not challenge or respond to the divorce.

To learn more about the divorce process, visit LouisianaLegalNavigator.org or LouisianaLawHelp.org. To find help, visit bit.ly/legal-referrals or <http://www.LSBA.org/goto/FindLegalHelp>.

HOW TO COMPLETE THE FORMS

Read instructions all the way through before starting.

1. **Decide in which court you must file your case.** If you file your case in the wrong court, you might lose your filing fees. If the case accidentally goes forward in the wrong parish, your divorce will not be valid, and you will not be legally divorced. You can only file your divorce case in:
 - The parish you are currently “domiciled” in (which means where you live and is your permanent/legal home); **OR**
 - The parish your spouse is domiciled in; **OR**
 - The parish where you and your spouse last lived together as a married couple.

Most people file their divorce where they are currently domiciled.

2. **Consider how you will serve your divorce on your spouse.** If you and your spouse agree about getting a divorce and are willing to speak about the process, you can ask your spouse to “waive” service of process and other legal delays. This will make the process go faster. Your spouse will just need to sign a waiver form before a notary. If your spouse will not waive service and they live in Louisiana, you must ask the court to have the Sheriff serve him/her at home or work. If your spouse will not waive service and they live in another state, you will have to use the “Long Arm” process to serve your spouse (more instructions below).

3. **Figure out your case “filing fees.”** To do that, call the Clerk at the Court you decided to file your case in and ask about the costs to file for divorce. If you can pay the court fees, get your payment ready – a money order or debit/credit card is best. If you cannot afford to pay the court fees, you can fill out an “**IN FORMA PAUPERIS AFFIDAVIT**” or “IFP” (bit.ly/in-forma-pauperis). The IFP asks the court to *delay* (but not eliminate) the cost of filing. **You may still have to pay fees at the end of the case.** The court could also order your spouse to pay them, or the two of you to split the costs, but you must ask for the payment arrangement you want in your petition. If required, fill out the IFP but do not sign it yet.
4. **Get your petition ready to file.** Fill in the top part (called the “caption”) and all blanks on the pages marked “(1a - PETITION)” and “(1b – VERIFICATION),” but do not sign yet. Find a notary (bit.ly/la-notaries), ask about their fees, and schedule an appointment. Bring your Photo ID and your original, unsigned documents to your appointment. If you are filing the “IFP,” bring **an adult witness that can speak to your financial situation** to your appointment as well. Sign the VERIFICATION (and IFP, if required) in front of the notary. Make at least **one (1) copy** of your completed PETITION.
5. **File your petition with the court.** Take your filing fees or IFP, your copy of the PETITION, and all of the original pages marked with “1a” and “1b” at the bottom to the Clerk of Court’s Office where you will file your case. Go to the Civil Department and tell the staff that you do not have a lawyer, and that you want to file your divorce. Ask the Clerk of Court to stamp a date AND write the docket number of your case on your copy of the PETITION. You will need your docket number and the date you filed your petition for other documents you file in your case. Keep your copy of the Petition for Divorce in a safe place.
- 6a. **If your spouse is willing to waive service of process,** ask the Clerk of Court’s office for a “certified copy” of your Petition when you file. Hand or mail your spouse the certified copy of your divorce, along with the “Sworn Affidavit of Waiver of Service and Process,” which is marked “(2a – WAIVER).” They will need to find a notary and sign the WAIVER in the notary’s presence, then get the waiver back to you or file it directly with the Clerk of Court. If your spouse doesn’t file it for you, you must file the WAIVER in your case with the Clerk of Court. After the WAIVER is filed, you then must wait two days (not counting holidays or weekends) before moving on to Step 7 below.
- 6b. **If regular service is required on your spouse and they live in Louisiana,** you will provide information about how to serve them at the end of the PETITION. About 1-2 weeks after you have filed your case, call the Clerk of Court’s office to check to see if your spouse has been “served” by the Sheriff. Once the Clerk of Court’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 before moving on to Step 7 below.
- 6c. **If regular service is required on your spouse and your spouse lives in another state,** ask the Clerk of Court for a “certified copy” of your Petition and a “Citation for Long Arm Service” when you file. Have the certified copy of the Petition delivered to your out-of-state spouse at their physical address either by **USPS certified mail** or a **commercial delivery service** (like FedEx or UPS). You **must** have a return receipt or proof of delivery to submit to the court. Once you receive the return receipt or proof of delivery, fill out the AFFIDAVIT OF LONG ARM SERVICE, which is marked “(2b – LONG ARM)” and sign it in front of a notary. Then, you may file that document and your proof of delivery in your case with the Clerk of Court. You must then wait thirty (30) days from the date you **filed** the AFFIDAVIT OF LONG ARM SERVICE before moving on to Step 7 below.
7. **Call the Clerk of Court to check the status of your case.** Make sure your spouse has not filed an “Answer” or other pleading. If your spouse has filed an “Answer” to the lawsuit, check with the court to see if any hearings have been scheduled. When you call, ask the Clerk of Court whether you are required to file the form titled “**APPENDIX 28.1B: LA. C.C.P. ART. 1702(F1) DIVORCE CHECKLIST**.” Also ask the Clerk of Court if the assigned judge requires in-court testimony and not Affidavits of Correctness.

8. **Finalize your divorce paperwork.** If nothing has been filed by your spouse, the next step is to complete the form marked “(3-AFFIDAVIT OF CORRECTNESS)” and sign it in the presence of a notary! If the Clerk of Court told you that you **do not** have to fill out the “Appendix 28.1B Divorce Checklist” mentioned above, make sure you fill out the “Petitioner’s Certification” on the page marked “(4-DEFAULT JUDGMENT).” For the “Petitioner’s Certification” you will need to know the date of service and whether it was domiciliary or personal service.
9. **File for your Judgment of Divorce.** Bring a copy and the original of: the AFFIDAVIT OF CORRECTNESS (marked “(3-AFFIDAVIT OF CORRECTNESS)”), the DEFAULT JUDGMENT OF 103(1) DIVORCE with MINOR CHILDREN (marked “(3-DEFAULT)”), and the completed Appendix 28.1B DIVORCE CHECKLIST (if necessary) to the Clerk of Court’s office. Ask the Clerk of Court to have a Judge sign them.

You are considered legally divorced as of the date your Judge has **signed** your DEFAULT JUDGMENT OF 103(1) DIVORCE with MINOR CHILDREN. If you were granted “In Forma Pauperis” status, the court should send you a certified copy of your Default Judgment of Divorce. If not, you can request one for a fee. Keep this certified copy for your records.

All litigants are better off when represented by a licensed lawyer. For help finding representation, visit bit.ly/legal-referrals or 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 seek advice from a lawyer or more information from the following resources:

Law Library of Louisiana: www.lasc.libguides.com/resources-for-self-represented-litigants

Louisiana Civil Legal Navigator: www.louisianalegalnavigator.org

Louisiana LawHelp: www.louisianalawhelp.org

Free Legal Answers: LA.freelegalanswers.org

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

PETITION FOR 103(1) DIVORCE WITH MINOR CHILDREN
for DIVORCE ISSUE ONLY

The petition of _____, (*print your name*)
 a major domiciled in the County/Parish of _____, (*print name of county/parish where you live*) State of _____, respectfully represents that this court is
 the appropriate venue because: (*check all that apply*)

- Petitioner is domiciled in the parish of filing.
- Defendant is domiciled in the parish of filing.
- The parties last lived together as spouses in the parish of filing.

1.

The defendant is _____, (*print spouse's name*) a
 major currently domiciled in the County/Parish of _____, (*print name of county/parish where your spouse lives*) State of _____.

2.

The parties were married on the _____ day of _____,
 (*print date of marriage*) in _____ County/Parish, State of
 _____, (*print county/parish and state where you and your spouse were married*) and last lived as spouses in _____ County/Parish, State of _____.

3.

Petitioner and defendant physically separated on the _____ day of _____,
 _____, (*print date of physical separation*) and have continued to live separate and apart
 since that time with the intent to be divorced.

4.

The Defendant is not a service member in military service as defined by the Military
 Servicemembers Civil Relief Act (SCRA), and this was not a covenant marriage.

(1a - PETITION)

5.

There are _____ (*print number of minor children*) minor children of the marriage, whose names and ages, are (*print your child(ren)'s name(s) and age(s) from oldest to youngest, separated by commas*): _____

6.

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 365 days without reconciliation **before** the filing date of this Petition for Divorce.

7.

Petitioner (*check, if applicable*) wishes to have his/her name last name confirmed as _____.

Defendant (*check, if applicable*) wishes to have his/her name last name confirmed as _____.

(If you or your spouse took the other's last name during the marriage and want to return to: (1) a pre-marriage last name, (2) the name of your/their minor children, or (3) the last name on a birth certificate, print the last name. Do not check this off for your spouse unless you have asked, and they have told you they would like this. If you do not need this, do not check the boxes.)

7.

The Defendant is not an active-duty service member with the U.S. Armed Forces or its allies, as defined by the Military Servicemembers Civil Relief Act (SCRA), and the spouses did not enter into a covenant marriage.

8.

(*check if filling IFP*) 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. (*If you do not need this, put a line across the number 8.*)

WHEREFORE, petitioner prays that after all legal delays and due proceedings, that there be judgment granting petitioner a divorce, that the requested pre-marriage name(s) be confirmed, and for all general and equitable relief.

(1a - PETITION)

PETITIONER FURTHER PRAYS that: *(select one of the following)*

- Petitioner be cast with the costs of these proceedings.
- Defendant be cast with the costs of these proceedings.
- The parties share the costs of these proceedings in equal amounts.

Respectfully submitted by:

PETITIONER, Self-Represented (*signature*)

Print your name and address:

Telephone No. _____

Email Address* _____

****(Provide a private and secure email address.
You must regularly check this address
because you may be served official court
documents during the case).***

(1a - PETITION)

(Check one of the service options below)

CLERK OF COURT:

- NO SERVICE IS REQUIRED AS THE DEFENDANT WILL ACCEPT SERVICE**
(Please provide a certified copy of the Petition to the Petitioner)
- PETITIONER WILL COMPLETE LONG ARM SERVICE**
(Please provide a certified copy of the Petition to the Petitioner)
- PLEASE SERVE DEFENDANT:**

(Fill in name and physical home or work address)

Best days/times to serve: _____

(1a - PETITION)

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

VERIFICATION

STATE OF _____

PARISH/COUNTY OF _____

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

PETITIONER

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

The undersigned 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.

PETITIONER (Affiant) Signature

SWORN TO AND SUBSCRIBED before me, notary, this _____ day of

_____, 20_____.

NOTARY PUBLIC

(Print name and notary/bar roll number)

(1b - VERIFICATION)

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

**ACCEPTANCE OF SERVICE, WAIVER OF FORMAL CITATION
AND ALL LEGAL DELAYS, AND APPEARANCE AT TRIAL**

STATE OF _____
 COUNTY/PARISH OF _____

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in this state,
 personally appeared:

DEFENDANT

Who, after being duly sworn, did depose and state that they are the Defendant in the above and
 foregoing numbered and entitled cause and that:

1. Defendant acknowledges and accepts receipt of a certified copy of the Petition for
 Divorce in the above numbered and entitled case;
2. Defendant expressly waives the issuance of formal citation, service of process, all legal
 delays, notice of trial, and appearance at trial; and
3. Defendant acknowledges that by signing this waiver, Petitioner will be able to go forward
 and obtain a Default Judgment of Divorce in Defendant's absence.
4. Defendant would like to revert to their pre-marriage name of _____.
(Put a line through this sentence if you do not need to change your last name.)

 Defendant (Affiant) signature

(Print name)

SWORN TO AND SUBSCRIBED BEFORE ME, NOTARY PUBLIC
 THIS _____ DAY OF _____, 20_____.

 NOTARY PUBLIC

(Print name and No.)

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.

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

AFFIDAVIT OF LONG ARM SERVICE

STATE OF _____
 PARISH/COUNTY OF _____

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in this state, personally appeared:

PETITIONER

Who, after being duly sworn, did depose and state that they are the Petitioner in the above and foregoing numbered and entitled cause and that (*check one*):

Petitioner sent a certified copy of the Petition and Citation by registered or certified mail, after having enclosed it in an envelope properly addressed to the Defendant, with sufficient postage affixed, and deposited in the United State mail on _____ (*write in the date you mailed the documents by registered/certified mail*). The return receipt from the postal service of the Defendant is attached to this affidavit and will be filed into the record.

Petitioner used the services of _____ (*write in the commercial delivery service you used*), a commercial courier, to make delivery of a certified copy of the Petition and Citation. The delivery was made on _____ (*write in the date the delivery was made*) at the following address: _____ (*write in the delivery address*). The confirmation of delivery is attached to this affidavit and will be filed into the record.

 Petitioner (Affiant) signature

SWORN TO AND SUBSCRIBED BEFORE ME, NOTARY PUBLIC
 THIS _____ DAY OF _____, 20_____.

 NOTARY PUBLIC

(*Print name and notary/bar roll number.*)

(2b – LONG ARM)

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

AFFIDAVIT OF CORRECTNESS

STATE OF _____

PARISH/COUNTY OF _____

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

PETITIONER

Who, being duly sworn, did depose and state:

1. That Petitioner is a person of the full age of majority and who, when the petition was filed, was domiciled in _____ County/Parish, State of _____; *(print name of county/parish and state where you lived at the time the petition was filed)*
2. That they are the petitioner in the above entitled and numbered action;
3. That the defendant is a major who is currently domiciled in _____ County/Parish, State of _____; *(print name of county/parish and state where your spouse lives)*
4. That petitioner and defendant were married on the _____ day of _____, _____; *(print date of marriage)*, and last lived together as spouses in _____ County/Parish, State of _____. *(print name of county/parish and state you last lived as spouses)*
5. That there is/are _____ *(print number of minor children)* children born or adopted of the marriage between the parties;
6. That petitioner and defendant physically separated on the _____ day of _____, _____, *(print date of physical separation)* and have remained living separate and apart without reconciliation since that time with the intent to be divorced;
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 365 days or more; and

(3 – AFFIDAVIT OF CORRECTNESS)

8. The Defendant is not an active-duty service member with the U.S. Armed Forces or its allies, as defined by the Military Servicemembers (SCRA) Civil Relief Act, and the spouses did not enter into a covenant marriage.

PETITIONER

SWORN TO AND SUBSCRIBED before me, on this _____ day of _____
20____.

NOTARY PUBLIC

(Print name and notary/bar roll number)

(3 – AFFIDAVIT OF CORRECTNESS)

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

DEFAULT JUDGMENT OF 103(1) DIVORCE with MINOR CHILDREN

This 103(1) Divorce with minor children matter came before the Court pursuant to La. C.C.P. Art. 1702(F1 or F2). The Court ***did not require a hearing in open court*** and having considered the entire record in this matter, including the: ***(check all that apply)***

- Sworn Affidavit of Waiver by the Defendant,
- Petitioner’s Affidavit of Correctness reflecting the facts in this case and that there are minor children of the marriage,
- APPENDIX 28.1B Checklist,

and upon finding the law and evidence in favor of the Petitioner, rendered and signed the Default Judgment which shall also be entered in the minutes of this Court:

OR (please select one)

This 103(1) Divorce with minor children matter came before the Court on the _____ day of _____, 20____, pursuant to the Court’s directive that a hearing be had. Parties who were present were: Petitioner Defendant.

The Court having considered the entire record in this matter, the testimony of the witnesses, and after finding the law and evidence in favor of the Petitioner, rendered judgment as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that there be a judgment in favor of petitioner _____ ***(print your name)*** and against defendant _____, ***(print your spouse’s name)*** 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 365 days or more prior to the filing of the Petition for Divorce, and that there are minor children of the marriage, as per Civil Code Article 103(1).

(check if applicable) **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that:

- Petitioner’s last name is confirmed as _____, ***(print your pre-marriage last name, if required)*** which is his/her pre-marriage last name.

Defendant's last name is confirmed as _____, (*print your spouse's pre-marriage last name, if required*) which is his/her pre-marriage last name.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all costs associated with these proceedings are assessed to:

Defendant (*because Petitioner was granted In Forma Pauperis status and prevailed in this matter*)

_____ (*other cost arrangement*)

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, pursuant to Louisiana Code of Civil Procedure Article 5184(A)(4) and Petitioner's *In Forma Pauperis* status, the Clerk of Court shall provide petitioner with a certified copy of the Default Judgment of 103(1) Divorce with Minor Children.

JUDGMENT RENDERED this _____ day of _____, 20____, at _____, Louisiana.

DISTRICT JUDGE

Respectfully submitted by:

PETITIONER, Self-Represented (*signature*)

Print your name and address:

Telephone No. _____

Email Address* _____

**(Provide a private and secure email address. You must regularly check this address because you may be served official court documents during the case).*

(4 – DEFAULT JUDGMENT)

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)*
- Was served by Long Arm Service on _____, *(write the date of service)* and the Affidavit of Long Arm Service was filed herein on _____. *(fill in the date you filed the Affidavit of Long Arm Service)*
- Has executed a sworn Acceptance of Service and Waiver of Citation and all Delays, which was filed herein on _____. *(fill in the date you filed the waiver of service)*

Petitioner

Date

CLERK OF COURT:

Please send a copy of the judgment to both parties at the following addresses:

PETITIONER

DEFENDANT

(Fill in your name mailing address)

(Fill in your spouse's name mailing address)
