

# **SELF-REPRESENTED LITIGANT DIVORCE** **UNDER ARTICLE 103(1) (without minor children)**

## **Requirements for filing Petition for Article 103(1) Divorce with Minor Children:**

- You want to divorce your spouse.
- You have NO children that are under 18 (born or adopted) with your spouse.
- You and your spouse lived separate and apart for at least 180 days before today.
- You or your spouse must have lived in Louisiana for at least six months together and/or lived in Louisiana together when you decided to divorce.
- You must not have entered into a covenant marriage.
- Your spouse is not an active member of the United States armed forces or any of its allies.

**Effect of this form:** You will be filing your divorce as a self-represented litigant (SRL), which means without any attorney representing you. All the forms you need to file for a divorce are attached. This packet of forms is not legal advice and cannot take the place of the advice that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action. When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.

## **Information You Will Need:**

- Petitioner's name (your name)
- Defendant's name (your spouse's name)
- The date and location (parish/county) where you were married.
- The location (parish/county) where you and your spouse last lived together.
- The date when you and your spouse began living in separate homes.
- Your spouse's exact current address (home or work).

## **Instructions**

### **Step 1 – Petition for Divorce**

1. Be sure you have the correct form and read all instructions before you begin.
2. Check that you meet the requirements.
3. If you have trouble reading, writing, or understanding what is in this motion, seek help at the 24<sup>th</sup> JDC Self Help Desk.
4. For the Petition's heading, leave "No." and "Division" blank. On the top blank line, write your name. On the second line below "vs.", write your spouse's name.
5. Proceed to neatly fill in all the blanks with 100% accurate information- any false statement made in court or written in a court document may constitute perjury.
6. In the Petition for Divorce, there is an area titled "VERIFICATION". *You must sign this Verification in front of a Notary Public. DO NOT sign until in front of a Notary*
7. Bring your original Petition for Divorce and Verification, along with two photocopies, to the Clerk of Court in the parish where you live. Go to the Civil Department. Tell the clerk you do not have a lawyer and that you want to file for divorce. Ask the clerk to stamp the date on the copy of the petition you brought to keep for yourself.

### **Step 2 – Service**

In order to proceed, your spouse needs to be served a certified copy of the petition after it has been filed. There are two ways to do this:

- **Acceptance of service:** You can deliver it yourself if your spouse signs the Acceptance of Service. An acceptance of service may only be signed after the petition has been filed with the clerk and the defendant has been given a certified copy. The acceptance of service must be signed in front of a notary public.

OR

- **Sheriff:** You can have the Sheriff serve your spouse. Let the Clerk's Office know that your spouse needs to be personally served by the Sheriff.

### Step 3 – Motion for Preliminary Default (MPD)

- If your spouse signed the **Acceptance of Service**, you should bring the signed and notarized form along with a MPD to the Clerk's Office.
- If your spouse has been served by the **sheriff**, he/she is allowed 15 days from the date he/she was served to answer the suit. After 15 days, check with the Clerk's office to see if your spouse has filed an answer or other pleading.
  - If your spouse **has filed** a motion in opposition to the divorce, these forms are no longer applicable and you will need to come to Court.
  - If your spouse **has NOT filed** a response to your petition, fill out a MPD and bring to the Clerk's office.
    - Be sure to bring two (2) copies of the MPD along with the original.
    - You can either personally take the MPD with the record to the Judge's clerk to get the MPD signed or ask the clerk to forward it to the Judge.
    - Either way, ask the Clerk to give you a stamped copy stamped for you to keep. If you choose to have the clerk forward the MPD to the Judge, ask to have the other MPD copy, marked with the date that the Judge signed it, sent to you.

### Step 4 – Final Judgment

The final step is to complete and file the following forms together:

1. Affidavit of Facts
  - You must sign this in front of a notary public.
  - Wait three days after filing your MPD to sign this, but do not wait longer than 30 days.
2. Certification of Self-Represented Litigant
3. Judgment of Divorce
4. Motion to Resume Using Maiden Name (OPTIONAL)
  - If you changed your name when you got married, and you want to return to using your maiden, then you should complete the form titled Motion to Resume Using Maiden Name.

Bring these forms to the Clerk's office. Then, take the complete record to the Judge's clerk and ask for the Judgment of Divorce to be signed. Once the Judge has signed your Judgment of Divorce, the Clerk's office will give 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.

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

DIVISION

\_\_\_\_\_

Vs.

\_\_\_\_\_

**PETITION FOR DIVORCE UNDER CIVIL CODE ARTICLE 103 WITHOUT  
MINOR CHILDREN**

The petition of \_\_\_\_\_ (*your name*), a major domiciled in \_\_\_\_\_ (*parish where you reside*) Parish, with respect represents:

1.

Made defendant is \_\_\_\_\_, (*defendant's name*) a major currently domiciled in \_\_\_\_\_ Parish/County, State of \_\_\_\_\_ (*parish spouse permanently resides*).

2.

The parties were married on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_ Parish/County, State of \_\_\_\_\_. The parties last lived together as husband and wife in \_\_\_\_\_ Parish/County, State of \_\_\_\_\_.

3.

Petitioner and defendant physically separated on the \_\_\_\_\_ day of \_\_\_\_\_ (*month*), \_\_\_\_\_ (*year*), and have lived continuously separate and apart since that date without reconciliation.

4.

The defendant is not an active member of the armed forces of the United States of America or any of its allies.

5.

The parties did not contract a covenant marriage.

6.

No children were born, adopted, or legitimated during the marriage of the parties and the wife is not pregnant at this time.

7.

Petitioner requests and is entitled to a divorce under the provisions of Louisiana Civil Code Article 103(1), based on the parties having lived separate and apart for more than one hundred eighty days without reconciliation.

8.

10.

Petitioner seeks to resume the use of her former maiden name of:

\_\_\_\_\_, born on \_\_\_\_\_.

WHEREFORE, petitioner prays that after all legal delays and due proceedings, there be judgment granting petitioner a divorce in accordance with the provisions of Louisiana Civil Code Article 103.

**CLERK OF COURT** (*Select one of the following.*)

(\_\_\_\_) Defendant to accept service and waive all legal delays and accept petition as drafted.

(\_\_\_\_) Defendant to be served by Sheriff:

\_\_\_\_\_ (Defendant's Full Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (City/State/Zip Code)

\_\_\_\_\_ (Phone Number)

*Incarcerated: Requires personal service to Warden by Clerk of Court – see letter:*

\_\_\_\_\_ (Prison Address)

\_\_\_\_\_ (Warden's Name)

\_\_\_\_\_ (Defendant's Full Name)

\_\_\_\_\_ (Inmate Number)

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

DIVISION

\_\_\_\_\_

vs.

\_\_\_\_\_

**VERIFICATION**

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

BEFORE ME, the undersigned Notary Public, personally came and appeared:

\_\_\_\_\_

PETITIONER

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. Furthermore, that there are no existing prior custody decrees involving the mentioned child(ren) in this state or any other state.

\_\_\_\_\_

AFFIANT

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

NOTARY PUBLIC

Printed Name: \_\_\_\_\_ No.: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

DIVISION

\_\_\_\_\_

vs.

\_\_\_\_\_

**ACCEPTANCE OF SERVICE AND WAIVER OF CITATION AND ALL DELAYS**

STATE OF \_\_\_\_\_

PARISH/COUNTY OF \_\_\_\_\_

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

\_\_\_\_\_

who, after being duly sworn, did state that: Defendant acknowledges receipt of a **certified copy** of the above-captioned "PETITION FOR DIVORCE UNDER CIVIL CODE ARTICLE 103 WITHOUT CHILDREN" entitled \_\_\_\_\_ vs. \_\_\_\_\_ filed \_\_\_\_/\_\_\_\_/\_\_\_\_ with the docket number \_\_\_\_\_ at the 24th Judicial District Court for the Parish of Jefferson, State of Louisiana.

Defendant expressly and formally acknowledges and accepts service of a certified copy of the petition and waives the issuance of formal citation and service of process.

Defendant further waives all legal delays allowed by law, particularly those delays allowed for answering and/or excepting to the pleadings provided in Louisiana Code of Civil Procedure Articles 928, 1001, and 1002.

Defendant further waives notice of trial, and waives Defendant's appearance at trial of this matter.

Defendant acknowledges that by signing Petitioner will be allowed to go forward with this lawsuit in Defendant's absence. Defendant understands Petitioner intends to do so.

Defendant acknowledges that Defendant may be cast with some or all of the court costs in this proceeding.

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Signature)  
\_\_\_\_\_ (Print Name)  
\_\_\_\_\_ (Address)  
\_\_\_\_\_ (City/State/Zip Code)  
\_\_\_\_\_ (Phone Number)

SWORN TO AND SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ **NOTARY PUBLIC**

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

DIVISION

\_\_\_\_\_

vs.

\_\_\_\_\_

**MOTION AND ORDER FOR PRELIMINARY DEFAULT**

ON MOTION OF Petitioner, \_\_\_\_\_, and on suggesting to this Honorable Court that a verified Petition for Divorce was filed in this matter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. *(Select one of the following)*

(\_\_\_\_) Defendant was served on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by *(circle one)* personal / domiciliary service.

(\_\_\_\_) Defendant signed the Acceptance of Service which was filed with the Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

No answer or other responsive pleading having been filed, petitioner now moves for entry of Preliminary Default under Code of Civil Procedure Article 1702(E).

Respectfully submitted,

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (City/St/Zip Code)

\_\_\_\_\_ (Phone Number)

**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 cause.

Deputy Clerk Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ORDER**

Considering the above Motion, **IT IS ORDERED** that a Preliminary Default be entered in the above captioned cause. **THUS DONE AND SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. Gretna, Louisiana.

\_\_\_\_\_

**DISTRICT JUDGE / COMMISSIONER**

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

DIVISION

\_\_\_\_\_

vs.

\_\_\_\_\_

**AFFIDAVIT OF FACTS**

STATE OF LOUISIANA

PARISH OF \_\_\_\_\_

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

\_\_\_\_\_

Who, being duly sworn, did depose and state:

1. That Petitioner is a person of the full age of majority and who is domiciled in \_\_\_\_\_ Parish, Louisiana;
2. That he/she is the petitioner in the above entitled and numbered action;
3. That defendant is a major currently domiciled in the Parish/County of \_\_\_\_\_, State of \_\_\_\_\_;
4. That petitioner and defendant were married on \_\_\_\_/\_\_\_\_/\_\_\_\_;
5. That petitioner and defendant physically separated on \_\_\_\_/\_\_\_\_/\_\_\_\_ and have remained living separate and apart without reconciliation since that time;
6. That no children were born, legitimated or adopted during the marriage of the parties and that the wife is not pregnant;
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 one hundred eighty days or more;
8. That defendant is not a member of the Armed Forces of the United States of America or any of its allies; and
9. That the parties have not contracted a covenant marriage.

Respectfully submitted,

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print Name)

SWORN TO AND SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_ **NOTARY PUBLIC**



24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

DIVISION

\_\_\_\_\_

vs.

\_\_\_\_\_

**CERTIFICATION BY SELF-REPRESENTED LITIGANT**

I, \_\_\_\_\_, Petitioner hereby certify pursuant to code of Civil Procedure Article 1701 E that :

*(Select either "Service by Sheriff" or "Service by Acceptance")*

(\_\_\_\_\_) Defendant waived service of process by authentic act executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and was filed in the record on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. A preliminary default was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(\_\_\_\_\_) Service by Sheriff was made on the defendant in this proceeding on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The service made on Defendant was:

(\_\_\_\_\_) Personal - ("made when a proper officer tenders the citation or other process to the person to be served" La.CC art. 1232)

(\_\_\_\_\_) Domiciliary - ("made when a proper officer leaves the citation or other process at the dwelling house or usual place of abode of the person to be served with a person of suitable age and discretion residing in the domiciliary establishment" La.CC art. 1234).

Respectfully submitted,

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print Name)

Self-Represented Litigant

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

DIVISION

\_\_\_\_\_

vs.

\_\_\_\_\_

**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 facts 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 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ be now confirmed.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Petitioner resume use of their maiden/surname name \_\_\_\_\_.

**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 one hundred eighty days or more as per Civil Code Article 103(1).

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Costs to be cast upon (*see Petition for Divorce; check both if costs were to be shared*):

(\_\_\_\_) Petitioner, \_\_\_\_\_

(\_\_\_\_) Defendant, \_\_\_\_\_

**JUDGMENT READ, RENDERED AND SIGNED**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_. Gretna, Louisiana.

\_\_\_\_\_

**DISTRICT JUDGE/ COMMISSIONER**

24<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

DIVISION

\_\_\_\_\_

vs.

\_\_\_\_\_

**MOTION AND ORDER TO RESUME USING MAIDEN SURNAME**

ON MOTION OF petitioner, \_\_\_\_\_, and on suggesting to this Honorable Court that:

A judgment of divorce was granted in this matter on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (*date Judgment of Divorce was granted*) and (*circle one*) Petitioner / Defendant wishes to resume using her maiden surname of \_\_\_\_\_ .

Respectfully Submitted:

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Address)

\_\_\_\_\_ (City/State/Zip)

\_\_\_\_\_ (Phone Number)

**ORDER**

Considering the above Motion, **IT IS ORDERED** that (*circle one*) Petitioner / Defendant \_\_\_\_\_ (*previous name*) is allowed to resume using maiden name of \_\_\_\_\_ .

THUS DONE AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ (*month*), 20\_\_\_\_\_ .

Gretna, Louisiana.

\_\_\_\_\_

**DISTRICT JUDGE / COMMISSIONER**