

## **SELF-REPRESENTED LITIGANT**

### **PETITION FOR DIVORCE, ARTICLE 103(1), WITHOUT MINOR CHILDREN**

This form is intended for litigants who:

- Have no minor children and wish to ask the court for a divorce under Louisiana Civil Code Article 103 (1).
- Do not have a covenant marriage

#### **Information you will Need:**

- The exact date and location (parish) where you were married.
- The location (parish) where you and your spouse last lived together.
- The exact date when you and your spouse began living in separate homes.
- The exact name and current address of your spouse.

#### **Instructions:**

These instructions are meant to guide you through the process of asking the court for a divorce. There are multiple types of divorce in Louisiana and these forms addresses Article 103 only. 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.

- Be sure you have the correct form.
- Read all instructions before you begin.
- Fill in the blanks with 100% accurate information- any false statement made in court or written in a court document may constitute perjury.
- Check all options that pertain to your situation.

#### **Instructions for Filing Petition**

- You must have no children (together with your spouse) that are under 18, born or adopted.
- You must live separate and apart from your spouse for at least one hundred eighty (180) days before filing for divorce.
- You or your spouse must have lived in Louisiana for at least six months 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.
- You will be filing your divorce as a self-represented litigant (SRL), which means without any attorney representing you. As the person suing for divorce you will be called the Petitioner and your spouse will be called the Defendant. All the forms you need to file for a divorce are attached.

Please Print all Information Clearly! Make sure all blanks are filled in on all pages.

The first form is titled "PETITION FOR DIVORCE". The Petition for Divorce includes an area titled "VERIFICATION". You must sign this Verification in front of a Notary Public.

Bring your original Petition for Divorce and Verification, along with 2 additional photocopies, to the Clerk of Court in the parish where you live. Go to the Civil Department and 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 one of the copies of the petition you brought to keep for yourself.

To proceed, your spouse needs to be given a **certified copy** of the petition after it has been filed. You can deliver it yourself if your spouse signs the Acceptance of Service OR you can have the Sheriff deliver (or "serve") your spouse. An acceptance of service may only be signed after the petition is filed with the clerk and the defendant has been given a certified copy. Also, the acceptance of service must be signed in front of a notary public. If your spouse cannot or will not sign the Acceptance of Service document, you will need to ask the Sheriff to serve him/her.

If you are going to have the Sheriff serve your spouse, let the Clerk's Office know you need your spouse to be personally served by a Sheriff's Deputy. You need to give the Clerk an address

(home or work) where the Sheriff can find your spouse to deliver the divorce papers. If the address is hard to find, give the Clerk directions. You will need to check back with the Clerk's Office to see if your spouse has been served. You may have to pay for this service and the amount varies by location. *If your spouse lives outside Louisiana or is incarcerated, there are additional service requirements.*

If your spouse signs the Acceptance of Service, bring the completed form along with a MOTION FOR PRELIMINARY DEFAULT to the Clerk's Office. If your spouse has been served by the Sheriff, they have fifteen (15) days from the date they were served to answer the suit. After 15 days, you must check with the Clerk's office to see if your spouse filed an answer or other pleading. If your spouse filed an answer (or some other document opposing the divorce), these forms can no longer be used. You will need to schedule a court hearing.

If your spouse has NOT filed a response, take the form titled MOTION FOR PRELIMINARY DEFAULT to the Clerk's office. Be sure to bring two (2) copies of the Motion for Preliminary Default along with the original. You have the option of taking the motion with the record to the Judge/Commissioner's clerk to get the preliminary default signed or asking the clerk to forward it to the Judge/Commissioner. Either way, ask the Clerk to give you a copy stamped with the date for you to keep. If you choose to have the clerk forward the motion to the Judge/Commissioner, ask to have the other copy of the Motion for Preliminary Default, which is marked with the date that the Judge/Commissioner signed it, sent to you.

Once your preliminary default has been signed by the Judge/Commissioner complete the form titled AFFIDAVIT OF FACTS. You must sign this form in the presence of a Notary Public. Also, complete the certification by self-represented litigant. Bring the Affidavit of Facts, the certification by self-represented litigant and the JUDGMENT OF DIVORCE to the Clerk's office. Take the complete record to the clerk of the Judge/Commissioner for the Judgment to be signed. Once the Judge/Commissioner 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/Commissioner's signature at the bottom of the Judgment of Divorce. Keep this certified copy for your records.

If, when you got married, you chose to use your spouse's name or a combination of your maiden name and your spouse name and you want to return to using your maiden name or the name of your minor child (ren) from a previous marriage, then you should complete the form titled 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. Ask that the motion and order be presented to the Judge

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

Number:

Division:

\_\_\_\_\_

VERSUS

\_\_\_\_\_

FILED:

DEPUTY CLERK:

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

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

1.

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

2.

The parties were married on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, (*date of  
marriage*) in Parish/County, State of \_\_\_\_\_ (*location of marriage*). The  
parties last lived together in \_\_\_\_\_, Parish/County, State of  
\_\_\_\_\_ (*where you last lived together as husband and wife*).

3.

Petitioner and defendant physically separated on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, 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.

**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.

**PETITIONER FURTHER PRAYS that:**

(\_\_\_\_) Petitioner does not have the ability to pre-pay the court costs or to pay the costs as they accrue, and requests that Petitioner be allowed to file *in forma pauperis* under the Code of Civil Procedure Articles 5185-5188. Uniform IFP form provided by the Clerk of Court should be included with the petition.

(\_\_\_\_) Petitioner is able to pay and will pay the court costs in addition to any service charge.

(\_\_\_\_) Petitioner requests that the Defendant be cast with all costs for said reasons:

\_\_\_\_\_  
(\_\_\_\_) Petitioner requests Defendant share equally in the court costs.

Respectfully submitted,

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

**CLERK OF COURT:**

(\_\_\_\_) **DEFENDANT TO ACCEPT SERVICE** (*and sign "Acceptance of Service"*)

(\_\_\_\_) **PLEASE SERVE:** *If out of state or incarcerated, please see additional forms)*

\_\_\_\_\_(DEFENDANT'S FULL NAME)  
\_\_\_\_\_(STREET ADDRESS)  
\_\_\_\_\_(CITY/STATE/ZIP CODE)  
\_\_\_\_\_(TELEPHONE NUMBER)

**CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS**

**STATE OF LOUISIANA**

**NO.**

**DIVISION**

**VERSUS**

**FILED:**

**DEPUTY CLERK**

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**VERIFICATION**

**STATE OF LOUISIANA**  
**PARISH OF \_\_\_\_\_**

**BEFORE ME, the undersigned Notary Public**, 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. 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**

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

DIVISION

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DEPUTY CLERK

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ACCEPTANCE OF SERVICE AND WAIVER OF CITATION AND ALL DELAYS

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

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

\_\_\_\_\_, (*Defendant*) 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 \_\_\_\_\_ v.

\_\_\_\_\_, filed on \_\_\_\_ day of \_\_\_\_\_, 20\_\_ with the case number \_\_\_\_\_

on the docket of the Civil District Court for the Parish of Orleans, 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 La. Code of Civil Proc. Art. 928, 1001, and 1002.

Defendant acknowledges that by signing here Petitioner will be allowed to go forward with this lawsuit in Defendant's absence, and Defendant understands that Petitioner intends to do so. Defendant further waives notice of trial and further waives their appearance in the event of a trial on this matter.

Defendant acknowledges they may be cast with some or all court costs in this proceeding.

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Signature)  
(Print Name)  
(Address)  
(City/State/ZIP)  
(Telephone Number)

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

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

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

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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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (date Petition for Divorce was filed with the Clerk of Court). Defendant was served on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (date your spouse was served with a copy of the Petition ).

OR

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

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)
\_\_\_\_\_(Street Address)
\_\_\_\_\_(City/State/Zip Code)
\_\_\_\_\_(Telephone 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: \_\_\_\_\_ 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\_\_ at New Orleans, Louisiana.

\_\_\_\_\_  
JUDGE

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

DIVISION

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**MOTION FOR CONFIRMATION OF DIVORCE JUDGMENT BY  
DEFAULT WITHOUT A HEARING**

On motion of Petitioner, \_\_\_\_\_, and upon suggesting to the Court that:

1.

*(Please check **one** of the following)*

(\_\_\_\_\_) Defendant accepted service, waived citation, and all legal delays, as evidenced by the **Acceptance of Service** filed herein, executed by defendant on \_\_\_ day of \_\_\_\_\_, 20\_\_.

(\_\_\_\_\_) Defendant was **served** with the Divorce Petition on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

(\_\_\_\_\_) Defendant was served under **long-arm statute by certified mail** and at least 30 days have elapsed since date Petitioner filed "Affidavit of Service" on \_\_\_ day of \_\_\_\_\_, 20\_\_.

2.

A **preliminary default** was entered on the \_\_\_ day of \_\_\_\_\_, 20\_\_.

3.

More than two days, exclusive of holidays, have elapsed since entry of the default judgment, and defendant has not filed an answer or other pleading or opposition.

4.

Petitioner has filed an affidavit attesting to and testifying as to the truth of the factual allegations contained in the petition.

5.

An original and not less than one copy of the proposed final judgment is attached to this motion.

**WHEREFORE**, Petitioner moves this Court to sign the attached Judgment of Divorce, without requiring a hearing in open court, in accordance with Code of Civil Procedure article 1702(E).

Respectfully submitted,

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

**PETITIONER'S CERTIFICATION**

I hereby certify:

1.

That a Preliminary Default was entered on this matter on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and

2.

*(Please check **one** of the following)*

(\_\_\_\_\_) That \_\_\_\_\_ (*Defendant*) has executed a sworn Acceptance of Service and Waiver of Citation and all Delays in the above proceeding which as been filed herein on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(\_\_\_\_\_) That \_\_\_\_\_ (*Defendant*) was served with the Divorce Petition on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(\_\_\_\_\_) That \_\_\_\_\_ (*Defendant*) was served under **long-arm statute** by certified mail and at least 30 days have elapsed since the Petition filed an Affidavit of Service on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)

**CLERK'S CERTIFICATION**

I hereby certify that as of \_\_\_\_\_ o'clock \_\_\_\_m., on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. According to my records of my office and the docket of the court, no answer or other opposition has been filed in this cause by the Defendant, \_\_\_\_\_.

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

DIVISION

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AFFIDAVIT OF FACTS

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 Petitioner is a person of the full age of majority and who is domiciled in \_\_\_\_\_ Parish/County, State of \_\_\_\_\_;
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/County of \_\_\_\_\_, State of \_\_\_\_\_ .
4. That no children were born, legitimated or adopted during the marriage of the parties and that neither party is pregnant at this time;
5. That petitioner and defendant physically separated on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ and have remained living separate and apart without reconciliation since that time;
6. 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 three hundred sixty five days or more;
7. That defendant is not a member of the Armed Forces of the United States of America or any of its allies; and
8. That the parties have not contracted a covenant marriage.

\_\_\_\_\_  
(PETITIONER SIGNATURE)

\_\_\_\_\_  
(PRINTED FULL NAME)

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

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

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

DIVISION

VERSUS

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**CERTIFICATION BY SELF-REPRESENTED LITIGANT**

I, \_\_\_\_\_, Petitioner hereby certify pursuant to code of Civil Procedure Article 1701(E) that service was made on the defendant in this proceeding on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The defendant was served:

*Service Return where Sheriff attests to how Defendant was served.*

(\_\_\_\_\_) Personal Service

(\_\_\_\_\_) Domiciliary Service

A preliminary default was entered on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**OR**

The 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\_\_\_\_.and, that a preliminary default was entered on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(PETITIONER SIGNATURE)

\_\_\_\_\_  
(PRINTED FULL NAME)

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

DIVISION

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**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 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 three hundred and sixty-five days or more as per Civil Code Article 103(1).

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\_\_\_\_, at \_\_\_\_\_, Louisiana.

\_\_\_\_\_  
**DISTRICT JUDGE/ COMMISSIONER**

Judgment submitted by:

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

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

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

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

\_\_\_\_\_ (Telephone Number)

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

DIVISION

VERSUS

FILED:

DEPUTY CLERK

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**MOTION AND ORDER TO RESUME USING MAIDEN NAME/MINOR CHILD'S NAME**

ON MOTION OF petitioner/defendant (*circle one*), \_\_\_\_\_,  
and on suggesting to this Honorable Court that a Judgment of Divorce was granted in this matter  
on \_\_\_\_day of \_\_\_\_\_, 20\_\_ mover wishes to resume using her maiden name/minor  
children's name of \_\_\_\_\_.

Respectfully Submitted:

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

**ORDER**

Considering the above Motion, **IT IS ORDERED** that mover s allowed to resume using  
her (circle one) maiden name / minor children's name of \_\_\_\_\_.

THUS DONE AND SIGNED this \_\_\_\_day of \_\_\_\_\_, 20\_\_ at New Orleans,  
Louisiana.

\_\_\_\_\_  
DISTRICT JUDGE