

SELF-REPRESENTED LITIGANT DIVORCE **UNDER ARTICLE 103(1) (with minor children)**

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

- You want to divorce your spouse.
- You have children that are under 18 (born or adopted) with your spouse.
- You and your spouse lived separate and apart for at least 365 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).
- The names and birth dates of all children born or adopted of the marriage.

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 24th 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/Name of Minor Children (OPTIONAL)
 - If you changed your name when you got married, and you want to return to using your maiden name or your minor children's name from a previous marriage, then you should complete the form titled Motion to Resume Using Maiden Name/Name of Minor Children.

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.

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA

NO.

DIVISION

vs.

PETITION FOR DIVORCE UNDER CIVIL CODE ARTICLE 103 WITH
MINOR CHILDREN

The petition of _____ (*Petitioner's 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
_____ (*where 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 and have lived continuously separate and
apart without reconciliation since the _____ day of _____.

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.

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 three hundred sixty five (365) days without reconciliation.

7.

There were _____ (number) children born, adopted, or legitimated between the Petitioner and Defendant during the course of their marriage. Those that are minor children (under 18) are: (Provide full name and Date of Birth):

_____ D.O.B. _____

_____ D.O.B. _____

_____ D.O.B. _____

Those that are major children (over 18) are: (Provide full name and Date of Birth):

_____ D.O.B. _____

_____ D.O.B. _____

8.

Petitioner believes it is in the best interest of the child(ren) that the Court render judgment awarding custody of the minor children as follows: (please select one of the following):

(_____) Petitioner requests the parties be awarded joint custody, with _____ designated as domiciliary parent, and custodial periods awarded to defendant as follows:

(_____) Petitioner requests the parties be awarded joint custody, with _____ designated as domiciliary parent, and with the parties sharing equal time with the minor child(ren) as follows: _____

(_____) Petitioner requests they be awarded sole custody subject to one of the following by the Respondent: (please select an additional one of the following)

(____) Petitioner requests the Respondent be awarded reasonable visitation as follows: _____

(____) Petitioner requests the Respondent be awarded supervised visitation as follows: _____

(____) Petitioner requests the Respondent not be awarded any visitation.

9.

(Select one of the following.)

(____) Petitioner **requests** a rule to show cause ordering defendant to appear on a day and time to show why custody of the minor children should not be awarded as requested. *(Petitioner's initials confirming selection: _____)*

(____) An interpreter is needed for hearing – LANGUAGE: _____

(____) Petitioner **does not request** a rule to show cause. *(Petitioner's initials confirming selection: _____)*

10.

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

_____, born on _____.

11.

(Select one of the following.)

(____) Petitioner and Defendant have not acquired community property during the marriage.

(____) Petitioner and Defendant acquired community property during the marriage. Petitioner is entitled to a partition of the community property, by order of this court, existing between the parties and Petitioner hereby reserves Petitioner's right to a partition of the community property.

(____) Petitioner and defendant own property that is part of the community of acquets and gains, consisting principally of: *(if real estate, place full address here)*

Irreparable injury, loss or damage may otherwise result to petitioner since defendant will

dispose of, encumber, or conceal such items of community property and it is thus necessary that a temporary restraining order issue, without bond and without prior notice, and then an injunction issue after hearing, enjoining the defendant from alienating, encumbering, donating, wasting, concealing, or destroying, any items of community property belonging to and in the name of _____ or _____.

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. As requested, a rule to show cause issue herein ordering the defendant to appear on a day and time to be determined by the court and to show cause why the petitioner should not be awarded custody as requested herein. That all other ancillary relief requested in this petition be granted in due course.

Respectfully submitted,

_____ (Signature)

_____ (Print Name)

_____ (Address)

_____ (City/St/Zip Code)

_____ (Phone Number)

**24TH 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: _____

**24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA**

NO.

DIVISION:

VERSUS

File: _____ **Deputy Clerk:** _____

ORDER

Considering the above and foregoing:

IT IS ORDERED that defendant appear on the _____ day of _____,
20_____, at _____, Louisiana, at _____ o'clock a.m./p.m as to why
custody of the minor child/ren should not be awarded as follows:

Joint custody (*briefly describe the prayed terms*): _____

Sole custody (*briefly describe the prayed terms*): _____

Thus signed in Gretna, Louisiana this _____ day of _____, 20_____.

DISTRICT JUDGE / COMMISSIONER
CLERK OF COURT (*Select one of the following.*)

(_____) Defendant to Accept Service and waive all legal delays and accept petition as drafted.

(_____) Sheriff Service: (*See additional documents for incarcerated/out of state*)

_____ (Defendant's Full Name)

_____ (Address)

_____ (City/State/Zip Code)

_____ (Phone Number)

If incarcerated, Warden's Name: _____

Inmate ID #: _____

**24TH 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 WITH 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

24TH 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

24TH 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:

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, 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. _____ child(ren) were born of the marriage, namely:
 - (a) _____, d/o/b ____/____/____
 - (b) _____, d/o/b ____/____/____
 - (c) _____, d/o/b ____/____/____
 - (d) _____, d/o/b ____/____/____
 - (e) _____, d/o/b ____/____/____
6. That petitioner and defendant physically separated on ____/____/____ 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 three hundred sixty five 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;

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

Print Name: _____ No.: _____ My Commission Expires: ____

**24TH 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 "Waiver of 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

**24TH 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 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 sixty-five days or more as per Civil Code Article 103(1).

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

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

24TH 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