

# 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) <b>Waiver:</b> Acceptance of Service Form</p> <p>Get a <b>certified copy</b> of Petition <b>after it has been filed</b> from the Clerk. Certified copy is 5\$.</p> <p>You (Petitioner) personally give your spouse the certified copy and the "Acceptance of Service" form <b>to sign in front of notary</b></p>	<p>2) <b>Sheriff Service:</b> A deputy will serve your spouse either personally or at their last known residence (domicillary)</p> <p>3) <b>Incarcerated Defendant Service:</b> Warden of the Correctional Facility is served; direct clerk to do so via letter (La.CCP art 1235.1)*</p>	<p>4) <b>Long Arm Service: (Defendant outside LA)</b> Request service by long-arm in the petition. The Clerk will mail defendants' documents to you. Mail this packet to your defendant using a service that requires signature at delivery. When the defendant signs, you will receive a signature card in the mail. This is your evidence of service. You then attach this proof to an <i>affidavit</i> stating how the defendant was served and file it in the record.</p>
<p><b>0 Days</b> – defendant waived legal delays provided by law</p>	<p>Spouse is allowed <b>15 days</b> from <i>date served</i> to answer suit before proceeding.</p>	<p>Wait <b>30 days</b> from date <i>Affidavit of Service via Certified Mail</i> was filed in the court records before proceeding.</p>

## Step 3: Preliminary Default (PD)

<p>If spouse (Defendant) signs "Acceptance of Service", file <b>Acceptance of Service/Waiver</b> and <b>Motion for Preliminary Default</b> 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 <b>Motion for Preliminary Default.</b></p>	<p>After 30 days, you may file <b>Motion for Preliminary Default.</b></p>
<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: 0 auto;"> <p>Once "Motion for Preliminary Default" has been signed and filed, you <b>must wait THREE (3) days</b> before signing the form "Affidavit of Facts"</p> </div>		

## 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.