

SELF-REPRESENTED LITIGANT
PETITION FOR DIVORCE UNDER ARTICLE
103 |with no children|

This form is intended for litigants who:

Have no children and wish to ask the court for a divorce under
Louisiana Civil Code Article 103.

Information you will Need:

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

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.**

1. Be sure you have the correct form.
2. Read all instructions before you begin.
3. Fill in the blanks with 100% accurate information. *Any false statement made in court or written in a court document may constitute perjury.*
4. Check all options that pertain to your situation.
5. ~~If you have trouble reading, writing, or understanding what is in this motion, seek help at the 21st Judicial District Court at 20300 Government Blvd. in Livingston (for Livingston Parish); 360 Sitman Street in Greensburg (for St. Helena Parish); and 110 N. Bay Street in Amite (for Tangipahoa Parish). The offices are open 8am-4pm (closed between 12pm-1pm). For more information, including fees, you can call (225) 686-2246 (Livingston); (225) 222-4514 (Greensburg); and (985) 748-4146 (Amite).~~

INSTRUCTIONS FOR FILING PETITION FOR 103 DIVORCE WITH NO CHILDREN

These instructions are meant to guide you through the process of asking the court for a divorce under Article 103 of the Louisiana Civil Code.

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.**

YOU MUST MEET ALL OF THE FOLLOWING CONDITIONS TO USE THESE FORMS.

- You must have no children (together with your spouse) that are under 18 or disabled.
- 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 members of the United States armed forces.

You will be filing your divorce In Proper Person, 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.

HOW TO COMPLETE THE FORMS

PLEASE PRINT ALL INFORMATION CLEARLY! Make sure all of the blanks are filled in on all pages.

- A 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.
- B Bring your original **Petition for Divorce and Verification**, along with an additional photocopy, 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 the copy of the petition you brought to keep for yourself.
- C In order to proceed, your spouse needs to be given a copy of the petition. You can deliver it yourself if your spouse signs the **Acceptance of Service** **OR** you can have the Sheriff deliver (or "serve") your spouse. 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 that 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.

- D If your spouse signed the **Acceptance of Service**, you should bring the signed form ~~along with a **MOTION FOR PRELIMINARY DEFAULT**~~ to the Clerk's Office.

If your spouse has been served by the Sheriff, he/she is allowed ~~fifteen~~²¹ ~~(15)~~ days from the date he/she was served to answer the suit. After ~~15~~²¹ days, you will need to check with the Clerk's office to make sure your spouse has not filed an answer or other pleading. If your spouse has filed a motion in opposition to the divorce, these forms can no longer be used and you will need to come to Court.

If your spouse has **NOT** filed anything in response to the petition you filed, **OR** if your spouse has signed the **Acceptance of Service**, ~~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. Ask the Clerk to give you a copy stamped with the date for you to keep, and to file the original. Ask to have the other copy of the Motion for Preliminary Default, which is marked with the date that the Judge signed it, sent to you.~~

- E ~~You will receive a copy of the Preliminary Default in the mail. It should show the date the Preliminary Default was signed by the Judge. Now complete the form titled **AFFIDAVIT OF FACTS**. You must sign this form in the presence of a Notary Public. Bring the Affidavit of Facts and the **JUDGMENT OF DIVORCE** to the Clerk's office. Ask the Clerk to have a Judge sign them. Once the Judge has signed your **JUDGMENT OF DIVORCE**, the Clerk's office will send 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.~~

(Petitioner)

JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: _____

(Defendant)

PARISH, LOUISIANA

FILED: _____

DEPUTY CLERK _____

PETITION FOR DIVORCE UNDER CIVIL CODE ARTICLE 103

WITHOUT MINOR CHILDREN

The petition of _____ (print your name), a major
domiciled in _____ (Parish where you permanently reside) Parish
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 _____,
____, (date you and your spouse separated) and have continued to live separate and
apart with the intent to divorce since that time.

4.

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

5.

The defendant is not an active member of the United States armed forces.

6.

The parties did not contract a covenant marriage.

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.

Petitioner/Defendant [circle one] requests to keep the maiden name/married name [circle one] of _____ [maiden name/married name].

(Note: The wife must request or agree to any name change.)

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 be allowed to proceed *In Forma Pauperis*
- _____ 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,

(SIGNATURE)

(PRINTED FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)

CLERK OF COURT:

____ DEFENDANT TO ACCEPT SERVICE (AND SIGN "ACCEPTANCE OF SERVICE")

OR

____ PLEASE SERVE:

(DEFENDANT'S FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)

SAMPLE

(Petitioner)

VERSUS

(Defendant)

FILED: _____

JUDICIAL DISTRICT COURT

DOCKET NUMBER: _____

PARISH, LOUISIANA

DEPUTY CLERK _____

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.

AFFIANT

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

NOTARY PUBLIC

(Petitioner)

____ JUDICIAL DISTRICT COURT

VERSUS

DOCKET NUMBER: _____

(Defendant)

____ PARISH, LOUISIANA

FILED: _____

DEPUTY CLERK _____

ACCEPTANCE OF SERVICE AND WAIVER OF CITATION AND ALL DELAYS

STATE OF _____ [STATE WHERE SIGNED AND NOTARIZED]

PARISH OF _____ [PARISH WHERE SIGNED AND NOTARIZED]

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 _____" entitled

_____, v. _____ (Party Names), filed
_____ (Filing Date) with the docket number _____ (Case Number) on the
docket of _____ Court for the Parish of _____, 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 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 acknowledges that Defendant may be cast with some or all of the
court costs in this proceeding.

Respectfully submitted,

BY:

(Signature)

IN PROPER PERSON

Address

City

State

Zip

Telephone Number

SWORN TO AND SUBSCRIBED

before me, on this ____ day of _____, 20____.

NOTARY PUBLIC, No.: _____

Printed Name:

My Commission Expires:

APPENDIX 28.1B: LA. C.C.P. ART. 1702(F) DIVORCE CHECKLIST

**LOUISIANA CIVIL CODE ARTICLE 103(1) OR ARTICLE 103(5) DIVORCE
Certification for Default Judgment under Louisiana Code of Civil Procedure Article 1702(F)**

Note: Must be completed by Petitioner or his/her attorney and submitted/filed with the Judgment of Divorce.

Petitioner
Versus

Defendant

DOCKET NUMBER: _____

PARISH OF _____

A. Dates

1. Petition for Divorce: _____ Date Petition Filed
2. Parties physically separated: _____ Date of Separation
3. Service of the Petition:
 - a. If Sheriff's return is in the record, indicate date and type of service:
Personal/Domiciliary (Circle one) _____ Date of Service
If Domiciliary, then name of person served _____ and the relationship? _____
 - OR
 - b. If a Waiver of Service is filed into the record, provide date of execution and filing: _____ Date Waiver Executed
_____ Date Waiver Filed

B. Delays (choose applicable paragraph)

1. Twenty-one days elapsed since the service of citation upon the defendant. ☐ Yes ☐ No
2. A discovery request was filed with the petition and thirty days have elapsed since service of citation and service of the discovery request on the defendant. ☐ Yes ☐ No
3. The demand is for divorce under Civil Code Article 103(1) and two days, exclusive of holidays, have elapsed since the filing of a sworn affidavit by the defendant acknowledging receipt of a certified copy of the petition, waiving formal citation, service of process, all legal delays, notice of trial, and appearance at trial? ☐ Yes ☐ No

C. Pleadings

1. Is the Petition for Divorce in the record? ☐ Yes ☐ No
2. Are proper jurisdiction and venue expressly alleged in the Petition? ☐ Yes ☐ No
3. Does the petitioner's Affidavit submitted or filed with the Judgment specifically attest to the facts sufficient to obtain a divorce or will testimony be offered in lieu thereof? ☐ Yes ☐ No
4. Are the original and at least one copy of the proposed final judgment attached or filed in the record? ☐ Yes ☐ No

D. Grounds for Divorce (La. C.C. Art. 103/C.C.P. Art. 1702(F))

1. The parties have minor children, and have been living separate and apart **365 days or more** without reconciliation. ☐ Yes ☐ No
OR
2. The parties have no minor children and have been living separate and apart **180 days or more** without reconciliation. ☐ Yes ☐ No
OR
3. On ____/____/20____, after a contradictory hearing, or consent decree, a protective order or an injunction was issued during the marriage in accordance with law, against the defendant in order to protect the petitioner who seeks the divorce or a child of one of the spouses from abuse. ☐ Yes ☐ No
4. Is a certified copy of this protective order or injunction attached and introduced into evidence? ☐ Yes ☐ No

PETITIONER'S/ATTORNEY'S CERTIFICATION

I hereby certify that I have examined the record or conformed copies of all pleadings in the above-captioned case, and the information provided herein is true and correct based upon my personal knowledge, information, and belief.

Date of Record Examination

Signed by Petitioner/Attorney for Petitioner

Attorney's Bar Number

Date of Certification

Address

Telephone Number

CLERK'S CERTIFICATION

I hereby certify that I have examined the record of this case and no answer or other pleading has been filed.

Date

Signature of Minute Clerk

HEARING OFFICER RECOMMENDATION

Considering the record in this case, the submission of the petitioner/mover's counsel, it being the finding of the hearing officer that all legal requirements for granting a divorce under Louisiana Civil Code Article 103(1) or Article 103(5) have been met, **IT IS HEREBY RECOMMENDED** that the attached Judgment of Divorce be made the Order of this Court, no objection having been made by either party.

_____, Louisiana, this ____ day of _____, 20____.

Hearing Officer

Save Form

Print

(Petitioner)

VERSUS

(Defendant)

FILED: _____

JUDICIAL DISTRICT COURT

DOCKET NUMBER: _____

PARISH, LOUISIANA

DEPUTY CLERK _____

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 one hundred eighty days or more as per Civil Code Article 103(1), and that Petitioner/Defendant [circle one] keep the maiden name/married name [circle one] of _____ [maiden name/married name].

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

DISTRICT JUDGE

Judgment submitted by:

(PETITIONER SIGNATURE)

(PRINTED FULL NAME)

(STREET ADDRESS)

(CITY/STATE/ZIP CODE)

(TELEPHONE NUMBER)