

DIVORCE WITHOUT CHILDREN : What to do with these Court Forms

Here are a few tips for filling out the forms:

- Always use full legal names, not nicknames.
- Type or print neatly. If you have access to the Internet, you may be able to fill out the forms on-line at www.ptla.org.
- You must file each form with the Court. Before you do that, make at least two copies of your completed forms—one for yourself and one for your spouse. The original forms must be filed with the court. You will need to make copies somewhere (like a library). The court clerk cannot make copies for you.

STEP ONE: Filling out the forms

Divorce Complaint:

The section at the top is called the “caption.” Fill in the location of the District Court (for example: “Bangor”). The clerk will fill in the Docket Number later. You are the Plaintiff and your spouse is the Defendant. Write your full legal name in the blank before “Plaintiff.” Write your spouse’s full name in the blank before “Defendant.” If you or your spouse own or have an interest in a house or other real estate or land, check the box next to “Title to Real Estate Involved.”

Fill in the other blanks on the form. Near the end, where it says “Plaintiff Requests...” check all the boxes that apply so the Judge will know what you want the order to say. (If you’re not sure, check the box; you can drop that request later.)

Family Matter Summons and Preliminary Injunction:

You must use the original form you received from the clerk which contains the clerk’s signature and seal. (**You cannot use a photocopy.**) Fill out the caption as you did on the Complaint. Fill in the name and address of the court. Date and sign the form. Leave the spaces on the second page empty.

STEP TWO: Serve the Forms

Now you must provide copies to your spouse. This is called “serving” the court papers. Court rules say you can do this in one of two ways. You can mail the copies, asking your spouse to agree to service. Or, you can pay a sheriff to give the copies to your spouse.

Service by Mail

Mail or hand-deliver these papers to your spouse:

- Copy of **Complaint**
- Copy of **Summons and Preliminary Injunction**
- **Two copies of Acknowledgment of Receipt of Summons and Complaint** (after you have filled in the caption on both copies)
- Stamped, self-addressed envelope

The **Acknowledgment of Receipt** form asks your spouse to sign it, showing he/she got the papers. It must be returned to you within 20 days. If you receive the signed **Acknowledgment** back within 20 days, go on to Step 3. If not, then you will need to pay for service by a sheriff.

Service by Sheriff

Mail or take to your county sheriff’s office:

- Copy of **Complaint**
- The original and one copy of the **Summons and Preliminary Injunction.**

In a letter, or in person, ask the sheriff’s office to serve the papers on your spouse. Give your spouse’s home address. If you think your spouse will be hard to find at home, give your spouse’s work address. The deputy who serves the papers will complete page two of the Summons and return the original to you.

STEP THREE: Filing the papers

After you have completed service of the papers on your spouse, file the original papers with the court clerk. First, fill out the **Summary Sheet**, which has its own instructions. The clerk won’t accept your papers for filing without a completed **Summary Sheet**.

Within 20 days after serving your spouse, hand-deliver or mail to the court clerk these **original forms**:

- **Summary Sheet**
- **Complaint**
- **Summons** (with deputy’s signature if you used sheriff’s service)
- **Acknowledgment of Receipt** (if you used service by mail)

You must pay a \$60 filing fee. If you cannot afford the filing fee or sheriff’s service, you can ask the clerk for an **Application to Proceed Without Payment of Fees** and an **Indigency Affidavit**.

Fill out these forms and sign them in front of a Notary Public. Then file the forms with the clerk. A judge will review your financial information and decide whether you qualify for a fee waiver. If the waiver is denied, **you must pay the filing fee within 7 days.** If the waiver is granted, you won't have to pay certain court fees.

Financial Statement: If you and the defendant disagree about the division of property or a request for alimony, you must fill out the Financial Statement (available at the clerk's office). The original must be filed with the clerk's office. You must send or give a copy to your spouse. You must do this prior to mediation or within 60 days after the defendant files an answer, whichever is earlier. The defendant is also required to file one of these forms and give you a copy of it.

STEP FOUR: Mediation

If you and your spouse do not agree on all issues the next step is mediation.

You will need to check with the court clerk to see how to schedule your mediation and obtain a mediation date.

At the mediation, a neutral mediator will try to help the two of you understand where you agree and where you disagree. You must mediate in good faith. After the mediation, if there are still unresolved issues, you may agree to continue mediating at a later date, or proceed to a court hearing.

STEP FIVE: Court Hearing

You will need to check with the court clerk to see how to schedule your case for hearing and how to obtain a court date.

If you went to mediation and agreed on all of the issues involved in your divorce, you will still need to schedule an "uncontested hearing," in order to have the judge approve your agreement and grant the divorce.

If you are having a contested hearing on any issues, be prepared to testify and present evidence to support your positions. After hearing your case, the judge will decide the terms of your divorce.

If your spouse did not file a response to your complaint, your case can be scheduled for an "uncontested hearing." The hearing must be at least 60 days after your spouse was served with the divorce complaint. Fill out the "Federal Affidavit" form and file it with the clerk. The judge will not hear your case until this form is filed. You must sign this form in front of a Notary Public. You can find a Notary at a bank, a legal services office, through your town office, or at the clerk's office.