

**NOTICE TO SELF REPRESENTED PARTIES
FILING A DIVORCE CASE IN FLOYD COUNTY**

This packet was created to provide valuable information, court forms and various resources for people who represent themselves in court. Self-representation should not be taken lightly. There are many instances in which hiring an attorney is a good idea. We suggest that even if you use the forms provided in this packet, you still talk with an attorney prior to submitting them to a court.

Forms DO NOT explain the law and may not provide all of the information necessary for a court to reach a decision. You have permission to use the files, forms and information presented here for any lawful purpose. The files and forms should not be used to engage in the unauthorized practice of law.

The Court assumes no responsibilities and accepts no liability for actions taken by your use of these documents, including reliance on their contents. All files are under continual revision. If you are not using these forms right away, or if you plan to use them repeatedly, we strongly recommend that you check in on a regular basis to make sure that the files you are using are the most current.

The Clerk's Office and Court employees are prohibited by law from giving legal advice. No one in the Clerk's Office or Courts can help you complete the attached forms. When filing "Pro Se" or as a "Self Represented" party you are your own attorney. You are responsible for understanding the rules of law and completing the paperwork correctly.

TO FILE YOUR DIVORCE ACTION, YOU MUST DO THE FOLLOWING:

1. Complete the attached forms (*Summons, Appearance and Verified Petition for Dissolution of Marriage*) and **print clearly in black ink**. The *Verified Financial Disclosure Statement* (see special instructions on form cover sheet) and *Initial Order for Dissolution of Marriage with Self Represented Parties* should display the Petitioner/ Respondent names in the heading. There are other optional forms included that may pertain to your situation.

The *Initial Order for Dissolution of Marriage with Self Represented Parties* should be read completely as it contains some important guidelines.

Then return the fully completed forms to the Clerk's Office for filing.

Bring the filing fee and exact number of copies with you when you file. See options below for service of your lawsuit on the opposing party.

Service by Sheriff: Bring \$185.00, and the original document and Four (4) copies of all completed papers.

Service by Certified Mail: Bring \$157.00, plus the original document and Two (2) copies of all completed papers. Envelope addressed to Respondent.

Service by personal acknowledgement: Bring \$157.00, plus the original document and Two(2) copies of all completed papers.

The clerk will distribute service of the papers as you have requested above. The clerk will keep the original papers and return a copy to you.

Indicates a choice and if applies should be checked by you

When a Notary is required, you are required to sign in the presence of the Notary. We cannot recommend a Notary.

You are divorced when the judge signs the Decree of Dissolution. You should not get re-married until you have a copy of the Decree of Dissolution signed by the Judge.

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

IN THE FLOYD SUPERIOR COURT NO.3
22D03-

Petitioner, _____

V. **SUMMONS**

Respondent, _____

TO RESPONDENT: _____
Name

Address

City, State Zip

1. You are hereby notified that you have been sued by the Petitioner for Dissolution of Marriage in the Court indicated above.
2. If this summons is accompanied by a Notice to Appear, you should appear in Court on the date and time stated in the Order to Appear. If you do not appear, evidence may be heard in your absence and a determination made by the Court. If a Temporary Restraining Order is attached, it is effective immediately upon your receipt or knowledge of the Order.
3. If you wish to retain an attorney to represent you in this matter, it is advisable to do so before the date stated in the Notice to Appear.
4. If you take no action in this case after the receipt of the is summons, the Court can grant a Dissolution of Marriage or make a determination regarding any of the following: paternity, child custody, child support, maintenance, parenting time, property division (real or personal) and any other distribution of assets and debts.

Dated: _____

Clerk, Floyd County

The following manner of Service of Summons is hereby designated:

- Registered/Certified Mail to be sent by the Clerk
- Service by Sheriff on Individual at address shown above
- Service by Sheriff at place of employment, **(name and address of spouse's employer):**

Floyd Superior Court No. 3, 311 Hauss Square, Rm. 421 New Albany, IN 47150

812-948-5257

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

IN THE FLOYD SUPERIOR COURT NO.3

22D03-

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Floyd Superior Court No. 3, 311 Hauss Square, Rm. 421 New Albany, IN 47150 812-948-5257

SHERIFF'S RETURN OF SERVICE OF SUMMONS

I hereby certify that I have served this summons on the _____ day of _____, 20__.

- 1. By delivering a copy of the Summons and a copy of the Petition to the Respondent identified on the first page of Summons.
- 2. By leaving a copy of the Summons and a copy of the complaint at,

_____ which is the dwelling place or usual place of abode and by mailing a copy of the Summons to the Respondent at the above address.

3. Other Service or Remarks: _____

Sheriff
By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the _____ day of _____, 20__, I mailed a copy of this Summons and a copy of the petition to the Respondent identified on the first page of the Summons by Certified mail, requesting a return receipt, at the address provided by the Petitioner.

Dated: _____, 20__

Clerk, Floyd County
By: _____
Deputy

SERVICE BY ACKNOWLEDGED

A copy of the within Summons and a copy of the Petition attached thereto were received by me at _____, this _____ day of _____, 2010.

Signature of Respondent

STATE OF INDIANA

)

IN THE FLOYD SUPERIOR NO. 3

) SS:

COUNTY OF FLOYD

)

22D03-

IN RE THE MARRIAGE OF:

Petitioner,

V.

Respondent.

APPEARANCE

1. Party Name: _____

2. Attorney Information: Self-Represented

3. Case Type: DR

4. Will NOT accept FAX service.

5. Names of all family members:

child/ren are involved in this matter.

6. Are there related cases?

Case Number(s):

Signature

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

IN THE FLOYD SUPERIOR COURT NO. 3

22D03-

IN RE THE MARRIAGE OF:

Petitioner

V.

Respondent

VERIFIED PETITION FOR DISSOLUTION OF MARRIAGE

The Petitioner, _____, now states:

1. Petitioner and Respondent were married on _____, and separated on _____ (date).
2. The Petitioner has been a continuous resident of Floyd County for the last three (3) months.
3. The Petitioner has been a continuous resident of the State of Indiana for the last six (6) months.
4. There are no children of the marriage and the wife is not pregnant.
5. There are _____ children of the marriage; namely:

Name

Date of Birth

_____	_____
_____	_____
_____	_____
_____	_____

6. That _____ is the fit and proper person to have primary custody of the minor children.

7. Debts and property:

- There are no debts and/or personal property to divide.
- Petitioner wishes the Court to divide the following debts and /or personal property:

- a. _____
- b. _____
- c. _____
- d. _____

8. Neither party is a member of the military.

9. This marriage has suffered an irretrievable breakdown and should be dissolved.

10. Change of name:

- Wife would like her former name of _____ restored to her.
- Wife does not want to change her name.

I request that this Court issue its Order dissolving the marriage of the parties and for all other just and proper relief and until this matter is finalized, I request the following Provisional Orders:

- Temporary custody of the minor child(ren);
- Temporary child support for minor child(ren);
- Temporary parenting time (visitation) for the non-custodial parent;
- Temporary possession of the marital residence;
- Temporary division of debts;
- Temporary division of property
- Spousal maintenance;
- Restraining the parties from removing the child(ren) from the State without the permission of the court or all parties;
- Restraining the parties from transferring, encumbering, concealing, or in any way disposing of any of the property of the part;
- Other: _____

I affirm under the penalties of perjury that the foregoing representations are true.

Signature

STATE OF INDIANA)
)
COUNTY OF FLOYD)
IN RE: THE MARRIAGE OF

IN THE FLOYD SUPERIOR COURT 3
22D03-

Petitioner

V.

Respondent

INITIAL ORDER FOR DISSOLUTION OF MARRIAGE
WITH SELF REPRESENTED PARTIES

The court having received a Petition for Dissolution of Marriage with self represented litigants and pursuant to Indiana Code 31-15-1 et. seq. and the Local Rules of Family Practice for the Courts of the 52nd Judicial Circuit, Floyd County, Indiana, Effective January 1, 2010 now ORDERS the parties as follows:

A. WHAT SELF REPRESENTATION MEANS

1. **JUDGE AND COURTHOUSE STAFF CANNOT GIVE LEGAL ADVICE:** The judge and the courthouse staff may not help you complete your paperwork or give you legal advice. You are acting as your own attorney and must follow the same rules and procedures as an attorney.

2. **NEED ASSISTANCE OR ADVICE: Contact an attorney immediately, if:**
 If you do not have any legal knowledge, skills or experience; or
 If you need help completing forms or pleadings for your case; or
 If you have a question or need advice; or
 If you do not understand how to complete your divorce.

3. **OTHER LEGAL RESOURCES:**
 a. Indiana Supreme Court Self-Service Legal Center at:
<http://www.in.gov/judiciary/selfservice/forms.html>; or
 b. Legal Volunteers at (812) 949-2292 if you cannot afford a lawyer.

4. **“FAMILY MATTERS” VIDEO:** You should watch the “Family Matters” video which explains the divorce process for self represented litigants. The video is available on-line at <http://www.in.gov/judiciary/selfservice> or you may check out a copy on DVD in the Floyd Superior Court No. 3. You **must** return the DVD to the court within seven (7) days.

5. **YOUR CONTACT INFORMATION:** You **must** notify the court of any change in your address or telephone number while your case is pending.

B. HOW TO OBTAIN A DECREE OF DISSOLUTION OF MARRIAGE

1. **TEMPORARY RESTRAINING ORDER:** Both parties are hereby enjoined, restrained and prohibited from disposing of any marital assets of the parties until further order of the court.
2. **VERIFIED FINANCIAL DISCLOSURE STATEMENT:** Within 45 days of the filing date of the Petition for Dissolution of Marriage, you **must** do the following:
 - a. Complete the *Verified Financial Disclosure Statement* (see attached); and
 - b. Exchange the form with the opposing party.
3. **LEGAL WAITING PERIOD:** The court will not issue the decree automatically. Indiana Law requires a minimum of sixty (60) days after the petition is filed before a *Decree of Dissolution* may be issued. Failure to complete forms or to meet required deadlines may delay your case.
4. **PROVISIONAL HEARING:** A Provisional Hearing is a hearing for the court to issue temporary orders to maintain status quo. These orders will deal with the custody, care and support of your children or the marital home or other important considerations. All of the forms you may need are available in the Floyd County Clerk's Office. To request a Provisional Hearing, you must file with the court: (a) *Motion for Provisional Hearing* and (b) *Notice for Provisional Hearing*. You should include the original of each document, plus two copies of each document, plus Two (2) self-addressed stamped envelopes: one addressed to you and one addressed to your spouse or your spouse's attorney.
 - ii. The court clerk will file stamp the forms and mail a copy of the Motion for Provisional Hearing to your spouse or your spouse's attorney. You and your spouse should each receive a copy of the Notice of Provisional Hearing which will tell you your court date for the Provisional Hearing.
 - iii. You should bring with you to the Provisional Hearing the court document entitled *Temporary Order* and give to the court clerk when you arrive for you hearing.
 - iv. If you have children, you must bring with you to the Provisional Hearing a completed Child Support Obligation Worksheet included in your packet. **FAILURE TO ATTEND THE PROVISIONAL HEARING MAY RESULT IN ORDERS BEING ENTERED BY THE COURT IN YOUR ABSENCE.**
5. **SERVICE ON OPPOSING PARTY:** The party filing the divorce action, must show proof in all cases that the opposing party was properly served with Summons.
6. **FINAL HEARING:**
 - a. **IF REQUESTING A FINAL HEARING:** After (60) days have expired, the party filing the divorce action **must** file with the court a *Motion for Final Hearing* and *Notice of Final Hearing*.
 - i. You should include the original of each document, plus two copies of each document, plus Two (2) self-addressed stamped envelopes: one addressed to you and one addressed to your spouse or your spouse's attorney.

ii. The court clerk will file stamp the forms and mail a copy of the Motion for Final Hearing to your spouse or your spouse's attorney. You and your spouse should each receive a copy of the Notice of Final Hearing back in the mail which will tell you your court date for the Final Hearing.

iii. You should bring with you to the final hearing your Decree of Dissolution and give to the judge before you leave court.

iv. If you have children, you must bring with you 1) a completed Child Support Obligation Worksheet and 2) and proof of completion that you have attended the Trans Parenting Seminar or the court may not hear your case that day and your divorce will be delayed.

b. IF FINAL HEARING NOT REQUESTED (ONLY ALLOWED IF YOU AND YOUR SPOUSE AGREE ON ALL ISSUES IN YOUR CASE): After (60) days have expired, the party filing the divorce action must file with the court the following documents:

i. *Waiver of Final Hearing* signed by both parties.

ii. *Settlement Agreement for Property, Custody, Parenting Time and Child Support* signed by both parties and notarized;

iii. *Child Support Obligation Worksheet* fully completed;

iv. *Decree of Dissolution of Marriage*; and

v. You should include the original of each document, plus two copies of each document, plus Two (2) self-addressed stamped envelopes: one addressed to you and one addressed to your spouse or your spouse's attorney.

vi. The court clerk will file stamp the forms. You must mail a copy of the Waiver of Final Hearing to your spouse or to your spouse's attorney.

vii. The judge will sign the Settlement Agreement and Decree of Dissolution of Marriage and you will get divorced without a final hearing. You will receive a copy of the Settlement Agreement and Decree of Dissolution of Marriage in the mail once the judge has signed it.

7. COURT APPEARANCES:

a. You must check in with the court office upon arriving to the court prior to your hearing time, and dress nicely.

b. All court appearances are held in the Floyd Superior Court No. 3, 311 Hauss Square, Room 421, New Albany, Indiana 47150.

8. NOTICE TO PARTIES WITH CHILDREN UNDER AGE 21: If you have children born of the marriage under the age of 21, you must:

a. Trans Parenting Seminar required: You must attend and pay fee for the Mandatory Trans Parenting Seminar (see attached). Failure to register, attend and complete the seminar may result in a denial by the court to grant the divorce, a continuance of the matter until attendance is accomplished or the court may hold the party in contempt for non-compliance.

b. Child Support Worksheet Required: You must fully complete and file with the court before the Provisional and Final Hearing in your case the (1) *Indiana Child Support Guideline Worksheet* and (2) *Child Support Information* forms. You may use the on-line child support calculator at:

<http://www.in.gov/judiciary/childsupport>.

CAUTION: Incomplete or incorrect paperwork will result in your Provisional Hearing being rescheduled.

c. **Indiana Parenting Time Guidelines:** You may access the Indiana Parenting Time Guidelines on-line at: <http://www.in.gov/judiciary/rules/parenting/index.html>.

d. **Parent Cooperation Encouraged:** You are encouraged to focus on the best interest of your children and work together as you and your family move through the divorce process. It is best for parents to cooperate for the sake of their children. Children who experience constant conflict between uncooperative parents drop out of school, turn to drugs and alcohol, become juvenile delinquents and criminals, experience teen pregnancy, suffer chronic unemployment, mental health problems, consider suicide, and a dislike for themselves and their parents. Parents who cooperate are doing what is best for their children and themselves. Cooperative parents find that their lives and their children's lives are less stressful and save vast sums of money by avoiding legal fees.

e. **Mediation:** The Court may order your case to mediation at any time on the request of either party or on court's own motion. You may watch the "Alternative Dispute Resolution: Real Dialogue, Real Answers" video which explains the options available to you in resolving your case outside of court. The video may be viewed online at courts.in.gov/webcast, or you may check out a copy on DVD in the Floyd Superior Court 3.

f. **Failure to Act:** Failure to take any action in your case may result in the dismissal of your case.

SO ORDERED.

Maria D. Granger, Judge
FLOYD SUPERIOR COURT 3

DISTRIBUTION:

Petitioner
Respondent