

Pro Se Packet for Divorce Petition

This Guide is designed to simplify the filing process for a self represented litigant for the completion of the required forms for filing a Petition for Divorce. In addition to this guide, a Floyd County Family Law Navigator is able to offer free assistance to *pro se* litigants. The Family Law Navigator can help ensure you accurately complete this paperwork and will discuss the opportunity for free and faster options for resolving your case. Call or email Ms. Southard to set up an appointment.

Tabitha Southard
Floyd County Family Law Navigator
311 Hauss Square, Room 110
New Albany, Indiana 47150
Phone: 812-948-4729
tsouthard@floydcounty.in.gov

Initial Filing Checklist:

- ✓ Appearance
- ✓ Verified Petition for Dissolution of Marriage
- ✓ Summons
- ✓ Associated Filing Fees and Service Fees
- ✓ Verified Motion of Fee Waiver **and** Order on Fee Waiver, if needed

These Filing Forms, and any completed Secondary Filing documents that are available at that time, should be submitted to the Floyd County Clerk's Office located at 311 Hauss Square, New Albany, IN 47150.

The Divorce Case Filing Fee of \$157.00 will be due at the time of filing. The Court Cleck accepts cash, money order, credit card and debit cards. Payments by credit card require a 3% (\$4.71) convenience fee. The other party in the case must be served in order to provide legal notice of your divorce action to the other party.

Disclaimer: The services of the Floyd County Family Law Navigator are not, and shall not be construed as constituting legal advice or the provision of legal services. The Floyd County Family Law Navigator provides Pro Se Litigants assistance in the filing process for family-related legal matters. For questions regarding your legal rights or obligations, you should consult with an attorney. The Family Law Navigator is not an advocate for the outcome of your divorce and cannot speak to the judge on your behalf about your case. Such inquiries must be handled by a legal professional.

Step 1: Initial Filing Forms -These forms are required to start a Divorce Petition

1. Appearance
 - a. *Ensure the box is checked for "I request that this Court issue its Order dissolving the marriage of the parties and for all other just and proper relief until this matter is finalized..."*
2. Verified Petition for Dissolution of Marriage
 - a. If you request a Provisional Order (i.e., temporary orders issued by a judge), a Notice of Provisional Hearing will be provided to each party to address the stated issues. The court will schedule a Provisional Hearing immediately in a divorce with minor children and determine the provisional request within twenty-one days. Typical matters for Provisional Hearings relate to temporary orders on custody, parenting time, child support, possession of assets, minimum payments on pending debts, and other relevant matters, until the final order of the Decree of Dissolution of Marriage.
3. Summons
 - a. *Complete only the IN RE THE MARRIAGE OF..." and "TO RESPONDENT" on page 1.*
4. Verified Motion of Fee Waiver and Order on Fee Waiver, if needed
 - a. If you cannot pay any of the filing fees or other costs of this action because you lack sufficient income or resources, you may complete the Verified Motion of Fee Waiver for consideration by the Court. If granted, an Order for Fee Waiver will be filed.
 - b. This must be submitted to the court prior to filing a Verified Petition for Dissolution of Marriage.
 - c. Generally, decisions are made within 10 business days. If granted, the Order for Fee Waiver is valid for 60 days.

Service may be administered by Mail or by Sherriff. It is your responsibility to verify that the filing was properly served (i.e., received by the Respondent). If the filing was not properly served, it is the responsibility of the Petitioner to take action (e.g., the address was incomplete, Respondent is not at the listed address, Certified Mailing is unclaimed). You can check to see whether the Respondent was served at mycase.in.gov.

- To Serve by Mail: The Clerk's office will send Initial Filing by Certified Mail on your behalf. If accepted by the Respondent, the "green card" should show by whom, to reflect the party has been properly served. If the Respondent does not sign the green card because they are not home when the mail comes and they do not later claim the mailing from the post office, they have not been served.
- Additional Service Options:
 - Service by Sherriff: Sherriff Fee of \$28 to be paid to the Court Clerk.
 - Service by Publication option when Respondent's Address is Unknown, where the service is published in a local newspaper or advertisement that the Respondent is likely to view
 - Service by Acknowledgement may take place at the Clerk's Office. This is when the Respondent is present and signs the Summons confirming that documents were received at the time of filing or at a later time.

Additional Resources:

Form instructions and examples

Form instructions and examples are offered through the Indiana Legal Help, an online hub for resources and information for self-represented litigants. Note that the forms do not look exactly like the ones in this packet, but do provide helpful examples. Visit Indiana Legal Help -Family and Safety Page for more information: <https://www.indianalegalhelp.org/legal-topics/133>



Notary Services Available

You are welcome to use any notary service available to you. If you would like to use a notary within the court, please call Samantha Griffin at 812-948-5257, and select option 2 "criminal cases" when prompted to schedule an appointment. Leave a voicemail if Ms. Griffin is unable to answer your call.

The Center for Women and Families

If you feel unsafe in your relationship with the other party, please contact The Center for Women and Families for services and support. The center welcomes persons of all genders and gender identities. Learn more at: <https://www.thecenteronline.org/indiana/>

Legal Terms

As you complete these forms, there may be legal terms that are unclear. Below are some common definitions of terms you may see. Additional terms are available through the Indiana Judicial Branch's *Glossary of Legal Terms* found at <https://www.in.gov/courts/about/glossary/#m>.

Clerk: Court official who keeps court records, official files, and administers the oath to jurors and witnesses. Each county has a clerk and the appellate courts have a clerk.

Clerk's Record: The record maintained by the clerk of the trial court or the Administrative Agency and shall consist of the Chronological Case Summary (CCS) and all papers, pleadings, documents, orders, judgments, and other materials filed in the trial court or Administrative Agency or listed in the CCS.

Judgment: A final appealable order in a civil or criminal case.

Motion: The procedure by which a party asks the appellate court to do something or to permit one of the parties to do something. For example, a party may ask the court for an extension of time to prepare a brief.

Order: A written or oral decision by a court or administrative agency that resolves a matter and/or directs the parties to do something.

Party: One side in a lawsuit.

Petition: A formal written request made to a court.

Pro se: A Latin term to describe a person, not represented by an attorney, who is representing himself or herself in a case.

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

IN THE FLOYD SUPERIOR COURT NO. 3
CAUSE NO. 22D03-

Petitioner, V.

Respondent.

APPEARANCE

1. Party

Name: _____

2. Attorney Information: Self-Represented

3. Case Type: DR

4. Will NOT accept Fax service:

5. Name of all family members: (child/ren involved in this matter)

6. Are there related cases? Yes or No (If yes, please indicate below)

Signature: _____

Address: _____

Email Address: _____

Phone: _____

Petitioner, V.

Respondent.

VERIFIED PETITION FOR DISSOLUTION OF MARRIAGE

The Petitioner, _____, now states:

1. Petitioner and Respondent were married on _____, and separated on _____.
2. Petitioner has been a continuous resident of Floyd County for the last three (3) months.
3. 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 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 NO. 3
CAUSE NO. 22D03-

Petitioner, V.

Respondent.

SUMMONS

TO RESPONDENT: _____

Name

Address

City, State, Zip

1. You are hereby notified that you have been sued by the Petitioner for Dissolution of the 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 this 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.
5. For self-represented litigants, a Floyd County Family Law Navigator can offer free assistance with court filings and can discuss the opportunity for free/low-cost options for resolving your case quickly. To set up an appointment, call or email Ms. Tabitha Southard at 812-948-4729 or tsouthard@floydcounty.in.gov.

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

SHERIFF'S RETURN OF SERVICE OF SUMMONS

I hereby certify that I have served this Summons on the _____ day of _____, 202__

- By delivering a copy of the Summons and a copy of the Petition to the Respondent identified on the first page of Summons.
- 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.

Other Service or Remarks: _____

Sheriff

By: _____
Deputy

CLERK'S CERTIFICATE OF MAILING

I hereby certify that I have served this summons on the _ day of _____, 202__, 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: _____

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 _____

Location

Date

Signature of Respondent

 Petitioner, V.

 Respondent.

VERIFIED MOTION OF FEE WAIVER

The Petitioner now states:

I wish to file this action and I believe that I have a case with merit.

1. I cannot pay any of the filing fees or other costs of this action because I do not have sufficient income or resources.
2. I live with _____
3. Our family's income is per month. (Total from below)(Income received each month, before taxes)

| | |
|---|-----------------|
| Wages (_____ per hour x _____ hours per month) | \$ _____ |
| Unemployment Compensation | \$ _____ |
| AFDC / TANF Benefits | \$ _____ |
| SSI / SSD Benefits | \$ _____ |
| Child Support | \$ _____ |
| Other: (please describe) | \$ _____ |
| Total | \$ _____ |

4. We have \$ _____ in the bank.

5. Our expenses total per month: (Total from below)(Expenses spent each month)

| | |
|---|----------|
| Housing (Rent, Contract or Mortgage) | \$ _____ |
| Utilities (Gas, Electric, Water, Phone, etc.) | \$ _____ |
| Food | \$ _____ |
| Child Care | \$ _____ |
| Medical Bills | \$ _____ |
| Transportation | \$ _____ |
| Insurance (car, medical and/or property) | \$ _____ |

| | |
|-------------------------|----|
| Child Support | \$ |
| Other (please describe) | \$ |
| Total | \$ |

I request that this Court waive all costs of this action and allow me to proceed without the payment of any filing fees or other costs.

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

Petitioner

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

IN THE FLOYD SUPERIOR COURT NO. 3
CAUSE NO. 22D03-

Petitioner, V.

Respondent.

ORDER ON FEE WAIVER

The Petitioner has filed a Verified Motion for Fee Waiver, which the Court has read and finds should be granted.

IT IS THEREFORE ORDERED that Petitioner may file this case:

Without the pre-payment of any filing fees, costs, security, bond, or other expenses; or upon the pre-payment of \$ ____ which is a portion of the filing fee set by statute.

The Court will determine whether any or additional costs are to be paid at a preliminary or final hearing in this case.

Date: _____

Maria D. Granger, Judge

Floyd Superior Court 3