# DIVORCE WITHOUT CHILDREN AND WITHOUT ASSETS
# General Instructions

---

**PLEASE READ FIRST: It is very important for you to know that when you sign a Court document, you may be helping or hurting your case. Before you sign any Court document or get involved with a Court case, it is important that you see a lawyer to make sure you are doing the right thing. Although there are risks in self-representation, should you choose to represent yourself you must be prepared. Although these forms have been prepared to help you represent yourself, you should know that certain Courts have their own procedures and may not accept every form. You may represent yourself in court, but you will have to abide by the appropriate court rules, Indiana Rules of Evidence, Indiana Rules of Trial Procedure, and any local rules. For additional information, you may refer to the Indiana Self-Service Legal Center that can be found at www.in.gov/judiciary. For legal advice about your case, you should get in touch with a lawyer.**

---

## Step 1: Who should use this packet

You should use this form if you want to divorce your spouse **AND**:

1. You have lived in Indiana for at least the past six months and in your current county for at least the past three months;
2. There are no children of the marriage (no biological or adopted children with your spouse);
3. You are not currently pregnant with your spouse's child, or your spouse is not pregnant with your child;
4. You have no assets (including 501k's, pensions, inheritances, and lawsuits), debts, or bills.
5. Neither you nor your spouse is currently in the military; and
6. Neither you nor your spouse has a lawyer.

**If either you or your spouse is in the military, there are special issues in your case that these forms do not address, and you are encouraged to seek legal advice from a lawyer. If you are currently pregnant, or if your spouse is pregnant, there are special issues in your case that these forms do not address, and you are encouraged to seek legal advice from a lawyer.**

**Due to the complex legal knowledge needed to properly handle a divorce case and present evidence in Court, this packet might not be useful to people who want to dispute certain issues of their divorce. You are strongly encouraged to seek advice from a lawyer. Your financial status might make you eligible for free legal advice. If you would like information regarding a pro bono civil legal service provider in your area, you may contact the Indiana Pro Bono Commission at 317-639-5465, 800-266-2581, probono@inbar.org, or you can find a listing of pro bono providers by county/district at http://www.in.gov/judiciary/probono/attorneys/provider.**

**If you are seeking a Protective Order, you may obtain a form from the Clerk of the Court or obtain it from the Indiana Supreme Court's website at http://www.in.gov/judiciary/forms/po.html. A Petition for a Protective Order must be filed as a separate case from this dissolution matter.**

## Step 2: What this packet contains

This packet contains forms for you to fill out and take to the Clerk of the Court. There are nine forms in this packet, but you may not need all of the forms. This packet also contains instructions. You MUST read every instruction on each form. Consult your local Court Rules for any additional forms required in your county.

## Step 3: Which forms to fill out

Read these instructions to decide which forms you need. As you read through the table below, pull out the forms that apply to you and set them aside to fill out later.

| Form | Who should use each form |
|---|---|
| 1. Appearance | Everyone |
| 2. Verified Petition for Dissolution of Marriage | Everyone |
| 3. Verified Motion for Fee Waiver and Order on Fee Waiver | Those who cannot afford to pay the divorce filing fee |
| 4. Verified Waiver of Final Hearing | Those who have reached an agreement with their spouses about **all terms** of the divorce. |
| 5. Settlement Agreement and Decree of Dissolution of Marriage | Those who have reached an agreement with their spouses about **all terms** of the divorce. |
| 6. Motion for Final Hearing | Those who have **NOT** reached an agreement with their spouses about all terms of the divorce. |
| ~~7. Notice of Final Hearing~~ | ~~Those who have **NOT** reached an agreement with their spouses about all terms of the divorce.~~ |
| 8. Decree of Dissolution of Marriage | Those who have **NOT** reached an agreement with their spouses about all terms of the divorce. |
| 9. Summons | Everyone |

*Consult your local Court Rules for any additional forms required in your county.*

## Select and Prepare the Appropriate Forms

**A.** Select #1 OR #2 below.

1) If you and the other party have reached an agreement as to all the terms of the divorce, you should fill out and file:

Form #1 Appearance form;
Form #2 Verified Petition for Dissolution of Marriage;
Form #4 Verified Waiver of Final Hearing;
Form #5 Settlement Agreement and Decree of Dissolution of Marriage; **AND**
Form #9 Summons.

**OR**

2) If you and the other parent have **NOT** reached an agreement as to all the terms of the divorce, you should fill out and file:

Form #1 Appearance form;
Form #2 Verified Petition for Dissolution of Marriage;
Form # 6 Motion for Final Hearing;
Form # 7 Notice of Final Hearing;
Form #8 Decree of Dissolution of Marriage; **AND**
Form #9 Summons.

**B.** **If you** cannot afford to pay the divorce filing fee, regardless of whether you filled out the Forms on Part A or Part B above, you should also fill out and file:

Form #3 Verified Motion for Fee Waiver and Order on Fee Waiver

**C. Fill out your Forms**

1. Set aside the forms that you need to fill out, as described in step 3.

2. Follow the instructions attached to each form to fill it out. You will need to type or print neatly in black or blue ink. Do not print on the back or sides of the forms, print only in the blanks provided.

3. ~~Make three copies each of the forms.~~

## Step 4: File your Completed Forms

1. Take the originals and copies of the above forms along with two (2) self-addressed stamped envelopes to the Clerk of the Court in the county where you (or your spouse) have lived for at least the last three months. Tell the Clerk you want to file the papers. ~~In some counties, the Court will prepare the Summons which is the paper the Court uses~~ to ~~notify your spouse that you have filed for a divorce. You may need to provide a physical description or date of birth for the Clerk to issue the Summons~~. The Clerk will provide the case number and process the forms. The Clerk will stamp the forms with a filing date and will send you a notice of when the provisional hearing will be. You must wait at least 60 days after you file the papers to finish your divorce. The waiting period is required by Indiana law.

## Step 5: Finish your divorce:

Select "A" OR "B" below.

**A.** If you and the other parent have reached an agreement as to all the terms of the divorce, including property division, division of debt, and if your spouse will sign the forms:

1. ~~Make four copies of these completed and signed forms~~:
   Form #4 Waiver of Final Hearing; AND
   Form #5 Settlement Agreement and Decree of Dissolution of Marriage.

2. Take the originals ~~and copies~~ of the above forms along with a self-addressed stamped envelope for you and one for your spouse to the Clerk of the Court . The Clerk will file-stamp the forms.
***PLEASE NOTE:*** **You must wait at least 60 (sixty) days** after you filed the initial papers for the judge to sign your divorce. The waiting period is required by Indiana law.

3. The Judge will sign the Agreed Entry and you will get divorced without a hearing. You will receive a copy of the Agreed Entry in the mail once the Judge has signed it.

4. You are divorced when the judge signs the Decree of Dissolution.

**OR**

**B.** If you and the other parent have **NOT** reached an agreement as to all the terms of the divorce, including property division, division of debts, or if your spouse will NOT sign the forms:

1. ~~Make four copies of these completed and signed forms~~:
   Form # 6 Motion for Final Hearing; AND
   ~~Form # 7 Notice of Final Hearing~~.

2. Take the originals and copies of the above forms along with a self-addressed stamped envelope for you and one for your spouse to the Clerk of the Court. The Clerk will file-stamp the forms.
   ***PLEASE NOTE:*** You must wait at least 60 (sixty) days after you filed the initial papers to finish your divorce. The waiting period is required by Indiana law.

3. ~~Mail a copy of the Motion for Final Hearing to your spouse on the same day you file it with the Clerk~~.

4. ~~You and your spouse should each receive a copy of the Notice for Final Hearing back in the mail. This will tell you the date of your final hearing~~.

5. ~~Follow the instructions for the Final Hearing.~~

## Step 6: The Final Hearing:

1. Dress nicely (no shorts, no jeans, no tank tops or muscle shirts, no sweat-suits, nothing with holes in it).
2. Be on time and be polite to the Judge. Address the judge as "Your Honor."
3. ~~Take Form #8, the *Decree of Dissolution of Marriage*~~.
4. Tell the Judge you want to present evidence, then tell the Judge the following:
   a. Your name & your spouse's name,
   b. You (or your spouse) lived in Indiana for the six months before you filed the petition,
   c. Your address,
   d. Your spouse's address,
   e. Your date of marriage,
   f. Your date of separation,

g. That there has been an "irretrievable breakdown of the marriage,"
h. That there are no minor children of the marriage and that no children of the marriage are expected,
i. If you and your spouse have agreed on any issues, tell the Court what you have agreed upon,
j. For any issues you have NOT agreed upon, tell the court how YOU would like the issue resolved. Make sure you give the Judge good reasons for why you would like the issue resolved in your way.

5. You get to talk first, because you are the one who filed for the divorce. Then, your spouse will get a chance to talk. Do not interrupt the Judge or your spouse.
6. ~~Give the Judge your *Decree of Dissolution* before you leave~~.
7. Sometimes, the Judge will make his or her decision right away. Sometimes you will have to wait for the decision to come in the mail. The Judge might sign the decree you provided or issue one of his or her own.
8. If it has been several weeks since the final hearing and you have still not received your decree in the mail, call the Court and ask for a copy.

**You are divorced when the Judge signs the decree.**

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

**Instructions for filling out the *Appearance* (Form #1)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

| | Line # | Instructions |
|---|---|---|
| | 1 | Print the name of the county where you are filing the action. In some counties, you may choose whether you want to file in Circuit Court or Superior Court. In other counties, you do not have a choice. This is determined by Local Rules. Ask your Clerk. |
| | 3 | Print the name of the county; leave the case number blank because the Clerk will assign a number. |
| | 7 | Print your full name as Petitioner. |
| | 12 | Print your spouse's full name as Respondent. |
| | 17 | Print your full name. |
| | 24 | Check "Yes" or "No" depending on whether there are other Court cases regarding you or your spouse. For each case, you should describe what kind of case it is, name the Court that the case is in, and give the case number of the case (this number should appear in the top right-hand corner of any Court documents that you have relating to that case). |
| | 26 | Sign your name. |
| | 28 | Print your name. |
| | 30 | Print your mailing address. |
| | 32 | Print your town, state, and zip code. |
| | 34 | Print your telephone number, with area code. |

**Instructions for filling out the *Verified Petition for Dissolution of Marriage* (Form #2)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

| ✓ | Line # | Instructions |
|---|---|---|
| | 1 | Print the name of the county where you are filing the action. |
| | 3 | Print the name of the county; leave the case number blank because the Clerk will assign a number. |
| | 7 | Print your full name as Petitioner. |
| | 11 | Print your spouse's full name as Respondent. |
| | 15 | Print your full name. |
| | 16 | Print the date, month, and year that you were married. |
| | 17 | Print the month and year that you separated. |
| | 18 | Print the name of the person (either you or your spouse) who has lived in the county for the last three months. In the second blank, print the name of the county. It must be the same county where you will be filing your divorce. |
| | 20 | Print the name of the person (either you or your spouse) who has lived in the state of Indiana for the last six months. |
| | 24 | If there is real estate, check (___is). If there is not real estate, check (___is not). |
| | 25-30 | If there are no debts or property to divide, check the first blank. If there is property that your spouse has that you want or debts that you owe that you think your spouse should pay, check the second blank and list the items. |
| | 32 | If you are the Wife, and if you want to use your maiden name, or a previous last name, print the maiden or previous name. If you are the Husband, you must leave this blank. |
| | 37 | Sign your name. |
| | 39 | Print your name. |
| | 41 | Print your mailing address. |
| | 43 | Print your town, state, and zip code. |
| | 45 | Print your telephone number, with area code. |

**Instructions for filling out the**
***Verified Motion for Fee Waiver and Order on Fee Waiver* (Form #3)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

Use this form **ONLY** if you cannot afford to pay the filing fee.

| ✓ | Line # | Instructions |
|---|---|---|
| | 1 | Print the name of the county where you are filing the action. |
| | 3 | Print the name of the county; leave the case number blank because the Clerk will assign a number. |
| | 6 | Print your full name as Petitioner. |
| | 9 | Print your spouse's full name as Respondent. |
| | 15 | Print the family members who live with you. |
| | 16 | Print the total from lines 18-24. |
| | 18-24 | Print all your household's income on the blanks provided. For your income, use the amount of gross income or benefits received. Add up all your income and print that amount in the blank provided. |
| | 25 | Print the amount of money you have in the bank. |
| | 26 | Print the total from lines 28-37. |
| | 28-37 | Print all the expenses that you have each month on the blanks provided. If you have expenses not listed on the form, put those amounts in the blank for **OTHER**. |
| | 42 | Sign your name. |
| | 44 | Print your name |
| | 46 | Print your mailing address. |
| | 48 | Print your town, state, and zip code. |
| | 51 | Print the name of the county where you are filing the action. |
| | 53 | Print the name of the county; leave the case number blank because the clerk will assign a number. |
| | 58 | Print your full name as Petitioner. |
| | 62 | Print your spouse's full name as Respondent. |
| | 66-83 | Leave these lines blank. |
| | 84-89 | Print your name and address on the left-hand side; print your spouse's name and address on the right-hand side. |

**Instructions for filling out the *Waiver of Final Hearing* (Form #4)**

*The instructions below correspond to the line numbers on the forms.*
*Check the box in the first column as you complete each line.*

| | Line # | Instructions |
|---|---|---|
| | 1 | Print the name of the county where you are filing the divorce . |
| | 3 | Print the name of the county; print the case number blank assigned by the clerk when filed. |
| | 7 | Print your full name as Petitioner. |
| | 12 | Print your spouse's full name as Respondent. |
| | 33 – 45 left-hand side | If you have read and agree to the terms as described in this form, sign your name, print your full name, your mailing address, your town, state and zip code, and your telephone number, with area code in the blanks provided on the left-hand side. |
| | 33 – 45 right-hand side | If your spouse has read and agrees to the terms as described in this form, have him/her sign their name, print their full name, their mailing address, their town, state and zip code, and their telephone number, with area code in the blanks provided on the right-hand side. DO NOT fill out any of these blanks for your spouse. |

**Instructions for filling out the**
***Agreement of Settlement and Decree of Dissolution of Marriage* (Form #5)**

*The instructions below correspond to the line numbers on the forms.*
*Check the box in the first column as you complete each line.*

| | Line # | Instructions |
|---|---|---|
| | 1 | Print the name of the county where you are filing the divorce . |
| | 3 | Print the name of the county; leave the case number blank because the Clerk will assign a number. |
| | 7 | Print your full name as Petitioner. |
| | 12 | Print your spouse's full name as Respondent. |
| | 22 | Print the date, month, and year that you were married. |
| | 23 | Print the month and year that you separated. |
| | 25 | In the first blank, print the name of the person (either you or your spouse) who has lived in the county for the last three months. In the second blank, print the name of the county. It must be the same county where you will be filing your divorce. |
| | 29 | Print the name of the wife in this blank ONLY if she is not pregnant. |
| | 35 – 105 | Place an "X" by each blank that applies to you and your spouse's agreement. Complete any blanks that require information. |
| | 109 | Place an "X" in this blank if the wife wants her former name restored. |
| | 110 | Print the name the wife wishes to have after the divorce is final in this blank. |
| | 112 | Place an "X" in this blank if the wife does not want her previous name restored. |
| | 122 – 124 | If you have read and agree to the terms as described in this form, sign your name and print your full name in front of a licensed notary public. |
| | 131 – 137 | The notary public who witnessed your signature on lines 122 and 124 will fill out these blanks. |
| | 140 – 142 | If your spouse has read and agrees to the terms as described in this form, have him/her sign their name and print their full name in front of a licensed notary public. |
| | 149 – 155 | The notary public who witnessed your signature on lines 214 and 216 will fill out these blanks. |
| | 160 & 162 | Leave these lines blank. The Judge will fill these blanks out. |

| | | |
|---|---|---|
| | 166 – 176 | If you have read and agree to the terms as described in this form, sign your name, print your full name, your mailing address, your town, state and zip code, and your telephone number, with area code in the blanks provided on the left-hand side. |
| | 166 – 176 | If your spouse has read and agrees to the terms as described in this form, have him/her sign their name, print their full name, their mailing address, their town, state and zip code, and their telephone number, with area code in the blanks provided on the right-hand side. DO NOT fill out any of these blanks for your spouse. |

**Instructions for filling out the *Motion for Final Hearing* (Form #6)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

| ✓ | Line # | Instructions |
|---|---|---|
| | 1 | Print the name of the county where you are filing the action. |
| | 3 | Print the name of the county; print the case number blank assigned by the clerk when filed. |
| | 7 | Print your full name as Petitioner. |
| | 12 | Print your spouse's full name as Respondent. |
| | 21 | Sign your name. |
| | 23 | Print your name. |
| | 25 | Print your mailing address. |
| | 27 | Print your town, state, and zip code. |
| | 29 | Print your telephone number, with area code. |
| | 36 | Print the date, month and year. |
| | 37 | Sign your name. |

**Instructions for filling out the *Notice of Final Hearing* (Form #7)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

| ✓ | Line # | Instructions |
|---|---|---|
| | 1 | Print the name of the county where you are filing the action. |
| | 3 | Print the name of the county; print the case number assigned by the Clerk. |
| | 7 | Print your full name as Petitioner. |
| | 12 | Print your spouse's full name as Respondent. |
| | 14-28 | Leave these lines blank. |
| | 30-34 | Print your full name and address in the first column. Print your spouse's full name and address in the second column. |

**Instructions for filling out the *Decree of Dissolution of Marriage* (Form #8)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

| ✓ | Line # | Instructions |
|---|---|---|
| | 1 | Print the name of the county where you are filing the action. |
| | 3 | Print the name of the county; print the case number assigned by the Clerk. |
| | 7 | Print your full name as Petitioner. |
| | 12 | Print your spouse's full name as Respondent. |
| | 18 | Print the date you were married. |
| | 19 | Print the date you were separated. |
| | 21-64 | Leave these lines blank. |
| | 65-69 | Print your full name and address on the left-hand column; print your spouse's full name and address on the right-hand column. |

**Instructions for filling out the *Summons* (Form #9)**

*The instructions below correspond to the line numbers on the forms. Check the box in the first column as you complete each line.*

| ✓ | Line # | Instructions |
|---|---|---|

| | | |
|---|---|---|
| | 1 | Print the name of the county where you are filing the action. |
| | 3 | Print the name of the county; print the case number assigned by the Clerk. |
| | 8 | Print your full name as Petitioner. |
| | 11 | Print your spouse's full name as Respondent. |
| | 15 | Print your spouse's full name. |
| | 16 | Print your spouse's street address. |
| | 17 | Print your spouse's city, state and zip code. |
| | 31-36 | Leave these lines blank. |
| | 39-41 | Check only one of these lines to designate how you wish for the paperwork to be served on your spouse. |
| | 42-43 | If you chose to have the paperwork served on your spouse at their place of employment, provide the employer's name and address on these lines. (Include the city, state and zip code.) |
| | 45-75 | Leave these lines blank. |