

Filing your case

- Complete forms called "complaint for divorce", "vital statistics", "summons", "civil cover sheet".
- Take the original plus 2 copies to the Clerk of the District Court.
- Pay the filing fee or ask for an waiver by completing an "affidavit of indigency".
- Your case is now open. You will have been assigned a case number which will remain the same throughout the case.

Serving your spouse

- For your case to move to the next step, you must provide official notice to the defendant (your spouse) that you filed for divorce. This is called "service of process".
- There are only four ways you can do this: acceptance of service, personal service, service by registered mail (if defendant lives out of state), or service by publication. Read the pro se packet instructions to learn how to do this.
- Your case will not move on if you don't serve the defendant according to the Rules of Civil Procedure. You have 90 days to serve the defendant or your case may be dismissed.

Wait for defendant

- Once the defendant (your spouse) is served, he or she has 20 days (30 days if served out of state) from the date of service to file an answer with the court.
- The Plaintiff must wait for the 20-day period to expire.
- If there is no answer, Plaintiff files for default. See Entry of Default section.
- If there is an answer , Plaintiff and Defendant will complete Initial Disclosures. See Initial Disclosures section.

Entry of Default

- Complete only if the defendant did not file an answer with the court after 20days of being served the Plaintiff will ask the Clerk of District Court to enter default.
- Complete "Affidavit for Entry of Default", "Application for Entry of Default" and heading of "Entry of Default" form. File with the court.
- The defendant will be in default and the case will proceed without him/her.

Initial Disclosures

- Complete only if the defendant answered. Both Plaintiff and Defendant should fill out the form and exchange it with each other.
- The purpose of the "initial disclosures" is to list the property and debts of the parties that need to be divided in the divorce.
- List all property worth more than \$100. You can use categories like "clothing" or "housewares" for items worth less.
- Complete the "confidential financial affidavit" if there are children. File with the Court and mail a copy to your spouse. This will be used to calculate child support.

Try to negotiate

- Most civil cases don't go to trial.
- You can reach an agreement about some aspects of your case and not others. Such as resolving property and debt division but not child custody.
- Inform the Court in writing of your agreement.

Agreement

- If you reach an agreement, file the "affidavit for divorce without appearance of parties" and have both spouses sign the "decree of divorce" before filing three copies with the court.
- You should provide self addressed stamped envelopes to the Clerk so you can receive the divorce decree in the mail after the judge signs it.
- If children are involved, also file a "confidential statement for child support", "income withholding order" and "income withholding for support:."

Trial

- If you can't reach an agreement and your spouse answered, you will have to ask for a trial date by filing a "request for setting", "order setting hearing" and "order setting divorce trial and requiring pretrial disclosures".
- Prepare "pretrial disclosures"
- Present your case at trial. Dress formally, bring witnesses and documents and speak to the judge when it is your turn and don't argue with your spouse.